

ACT
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THE MERCHANT SHIPPING ACT, 2003

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY

1. Commencement
2. Application
3. Interpretation

PART II – REGULATIONS FOR VESSELS OPERATING IN INLAND
WATERWAYS ETC.

4. Regulations for vessels operating in inland waterways, etc.

PART III – APPOINTMENT OF REGISTRAR, REGISTRATION OF SHIPS,
AND PROPRIETARY INTERESTS IN SHIPS

5. Registrar
6. Delegation by Registrar
7. Assistants to Registrar
8. Proper officers
9. Register of Ships
10. Port of Registry
11. Register
12. Qualifications for owning Sierra Leonean ships
13. Ships bareboat chartered-in by Sierra Leonean charterers
14. Exemptions etc.
15. Obligation to register Sierra Leonean ships
16. Application for registration
17. Declaration of ownership
18. Evidence of first registration
19. Restriction on registration
20. Removal from register
21. Restriction on deregistration of ships
22. Documents to be retained by Registrar
23. Name of ship
24. Change of name of Ship
25. Identity marks for fishing vessels
26. Offences under section 24 or 25
27. Call sign
28. Effects of failure to register
29. Ships registered under the repealed Acts
30. Period of registration
31. Renewal notices and time limit for renewal
32. Application for renewal of registration
33. Change in registered particulars of ships

34. Survey of ships
35. Tonnage regulations
36. Ships in port through stress of weather
37. Tonnage once ascertained to be tonnage of ship
38. Alterations between surveys
39. Appointment of surveyors
40. Marking of ships
41. Certificate of Registry
42. Power to make regulations in relation to Certificate of Registry
43. Issue and custody of Certificate of Registry
44. Improper use of Certificate of Registry
45. Provisional Certificate of Registry
46. Temporary pass in lieu of Certificate of Registry
47. Registration of alterations and registration anew
48. Rules for registration of alterations
49. Provisional certificate where ship is registered anew
50. Registration anew on change of ownership
51. Procedure for registration anew
52. Restriction on re-registration of abandoned ships

PART IV – TRANSFER AND TRANSMISSION

53. Transfer of ship or shares
54. Declaration of transfer
55. Registration of transfer
56. Transmission of property in a ship on death, insolvency, etc.
57. Transfer of ship or sale by order of Court
58. Power of Court to prohibit transfer

PART V – MORTGAGES

59. Mortgage of ships or shares
60. Mortgage of provisionally registered ships
61. Entry on discharge of mortgage
62. Priority of registered mortgages
63. Mortgagee not treated as owner
64. Power of sale of mortgagee
65. Mortgage not affected by bankruptcy
66. Transfer of mortgages
67. Transmission of interest in mortgage on death, bankruptcy, etc.
68. Authority to sell or mortgage out of Sierra Leone
69. General rules for certificate of sale
70. Procedure where ship under certificate of sale granted in Sierra Leone
71. Registration in Sierra Leone where ship sold under certificate of sale granted in foreign state
72. Rules as to certificate of mortgage
73. Loss of certificate of sale or mortgage
74. Revocation of Certificate of Sale or Mortgage

PART VI – MARITIME LIENS

75. Maritime liens
76. Priority of maritime liens
77. Order of priority of liens
78. Rights of ship builders and ship repairers

- 79. Characteristics of maritime liens
- 80. Claims arising from radioactive products etc.
- 81. Extinction of maritime liens
- 82. Notice of forced sale
- 83. Effect of forced sale
- 84. Disposition of proceeds of sale
- 85. Issue of certificate that a ship is free of mortgages, liens etc.
- 86. Non-application to non-commercial government vessels

PART VII – MISCELLANEOUS

- 87. Provisions relating to infancy or other incapacity
- 88. Notice of trust not received
- 89. Definition of “beneficial interest” and equities not excluded by Act
- 90. Liability of beneficial owner
- 91. Registration of ship’s managing owner or manager
- 92. Power of Registrar to dispense with declaration, etc.
- 93. Mode of declarations
- 94. Application of fees
- 95. Returns to be made by Registrar
- 96. Evidence of register, Certificate of Registry
- 97. Documents and instruments as to registration
- 98. Forgery of documents
- 99. False declaration
- 100. Liabilities of ships not recognised
- 101. Fees

PART VIII – NATIONAL CHARACTER AND FLAG

- 102. Duty to declare national character
- 103. National colours
- 104. Right to fly flag of Sierra Leone
- 105. Showing of national colours
- 106. Penalty for assuming Sierra Leonean flag
- 107. National flag on foreign ship
- 108. Penalty for concealing Sierra Leonean character or assuming foreign character

PART IX – MANNING AND CERTIFICATION

- 109. Regulations regarding manning and qualifications of persons serving in Sierra Leonean ship
- 110. Power to exempt ships from regulations
- 111. Board of inquiry
- 112. Powers of a board of inquiry
- 113. Cancellation etc. of Certificate by Administration
- 114. Revocation of certificate
- 115. Appeals against cancellation etc. of certificate
- 116. Offences
- 117. Validity of certificates issued prior to this Act.

PART X – ENGAGEMENT AND WELFARE OF SEAMEN

- 118. Application of Part X
- 119. Exemption of particular ships
- 120. Appointment and functions of registrar of seamen
- 121. Crew agreement

- 122. Contents of crew agreement
- 123. Regulations for disciplinary offences
- 124. Same offence
- 125. Procedures relating to certain crew agreements
- 126. Further provisions as to crew agreement
- 127. Stipulations not to be contrary to law of flag state
- 128. Seamen's certificate of discharge
- 129. Performance report
- 130. Discharge on change of ship registry
- 131. Employment of children, persons under sixteen years
- 132. Change of master
- 133. Regulations on conditions of service
- 134. Use of English language
- 135. Crew's knowledge of English

PART XI – WAGES

- 136. Time and manner of payment of wages, etc.
- 137. Deductions from wages
- 138. Settlement of wages
- 139. Registrar's decision on wages
- 140. Registrar may require ship's documents
- 141. Registrar may settle way disputes up to five hundred thousand leones
- 142. Court may award interest on wages due where there is no crew agreement
- 143. Allotment notes
- 144. Wages where service terminated
- 145. Protection of seaman's rights and remedies
- 146. Claims against seaman's wages for maintenance
- 147. Master's remedies for remuneration and disbursements
- 148. Wages not to depend on freight
- 149. Refusal to work
- 150. Illness caused by own default
- 151. Cost of producing conviction
- 152. Improper discharge
- 153. Protection of wages
- 154. Leave and holidays
- 155. Seaman may sue for wages
- 156. Jurisdiction of court in recovery of wages
- 157. Power to rescind contracts
- 158. Property of deceased seaman
- 159. Delivery of deceased seaman's property
- 160. Forgery of documents

PART XII – OCCUPATIONAL SAFETY

- 161. Occupational safety regulations

PART XIII – PROVISIONS AND WATER TO BE SUPPLIED

- 162. Provisions and water
- 163. Complaints as to provisions and water
- 164. Allowance for short or bad provisions
- 165. Weights and measure
- 166. Medical fitness regulations
- 167. Crew accommodation regulations
- 168. Certified cook to be carried

- 169. Medical stores regulations
- 170. Expenses for medical treatment and burial
- 171. Medical practitioner to be carried
- 172. Facilities for making complaints
- 173. Assignment and sale of salvage
- 174. Seaman's debts
- 175. Misconduct endangering ship
- 176. General offences against discipline
- 177. Desertion and absence without leave
- 178. Improper negotiation of advance note
- 179. Certificate of discharge may be withheld
- 180. Summary remedies not to affect other remedies
- 181. Deserters from ships
- 182. Proof of desertion when wages are to be forfeited
- 183. Application of forfeiture
- 184. Question of forfeiture decided in suit for wages
- 185. Deduction of fine from wages
- 186. Inciting seaman to desert and harbouring deserters
- 187. Penalty on stowaway
- 188. Trade disputes involving seamen
- 189. Offences to be entered in official log book

PART XIV – RELIEF AND REPATRIATION

- 190. Repatriation of seamen
- 191. Seamen to bear expense of repatriation in certain cases
- 192. Duty of Registrar of Seamen
- 193. Effect of workmen's compensation
- 194. Application to foreign vessels
- 195. Wages and effects of seaman left behind
- 196. Liability of master
- 197. Liability of Government
- 198. Payment to Government
- 199. Non application of Section 195
- 200. Sale of seaman's effects
- 201. Maintenance and return of seaman involuntarily terminating service
- 202. Discharge on change of ownership
- 203. Certificate when seaman is left behind
- 204. Offences
- 205. Account of wages of seaman left behind
- 206. Payment of seaman's wages to proper officers
- 207. Application of wages of seaman left behind
- 208. Relief of distressed seaman
- 209. Repayment of relief and return expenses
- 210. Forcing ashore
- 211. Proper return port
- 212. Manner of return
- 213. Return of seaman to proper port
- 214. Administration may provide temporary relief
- 215. Unauthorised presence on board ship
- 216. Seafarer's identity document
- 217. Employment record book
- 218. General regulations

PART XV – OFFICIAL LOG BOOK AND ORDINARY SHIP’S LOG BOOK

- 219. Official log book
- 220. Entries in official log book
- 221. Delivery of official log book to Executive Director
- 222. Delivery of official log book or change of ownership or employment or loss or abandonment of ships
- 223. Offences in respect of official log book
- 224. Ordinary ship’s log
- 225. Return of crew lists
- 226. Returns of births and deaths on Sierra Leonean ships
- 227. Returns of births and deaths of Sierra Leonean citizens in foreign ships
- 228. Returns to be sent to Registrar of births and deaths
- 229. Penalties imposed on master

PART XVI – PREVENTION OF COLLISION

- 230. Collision regulations
- 231. Sierra Leonean ships to observe collision regulations
- 232. Foreign ships in Sierra Leonean waters
- 233. Damage caused by non-observance of collision regulations presumption of fault
- 234. Inspection to enforce compliance with collision regulations
- 235. Duty to render assistance following collision
- 236. Obligation to notify hazards of navigation
- 237. Master to proceed moderately in danger area
- 238. Offence and penalty
- 239. Obligation to assist ships etc. in distress
- 240. Right to requisition ships when in distress
- 241. Obligation to assist persons in danger at sea
- 242. Salvage rights not affected
- 243. Regulations for signals of distress
- 244. Report of accidents to ships
- 245. Loss of Sierra Leonean ship
- 246. Record of boat drill or fire drill to be kept in official log book
- 247. Crew sufficient and efficient
- 248. Notices of mariners and navigational warnings

PART XVII – SAFETY OF LIFE AT SEA

- 249. Interpretation
- 250. List of Safety Convention countries
- 251. Application of Safety Convention
- 252. Regulations relating to safety at sea
- 253. Ships in port through stress of weather etc.
- 254. Appointment of Surveyors
- 255. Surveyor’s powers of inspection
- 256. Surveyor’s report to the Executive Director
- 257. Surveyor’s record of inspection and certificates
- 258. Survey of passenger ships
- 259. Initial survey of passenger ships
- 260. Renewal surveys of passenger ships
- 261. Additional surveys of passenger ships
- 262. Passenger ship certificate
- 263. Short voyage certificate for passenger ships
- 264. Exemption and qualified certificate for passenger ships
- 265. Validity of passenger ship short voyage certificate

266. Passenger ship certificate to be available on board
267. Penalty for carrying excess passengers
268. Surveys of life saving appliances and other equipment of cargo ships
269. Initial survey of life saving appliances and other equipment for cargo ships
270. Additional survey of life saving appliances and other equipment of cargo ships
271. Cargo ship safety equipment certificate
272. Cargo ship safety equipment exemption and qualified exemption certificate
273. Survey of radio installations of cargo ships
274. Initial survey of radio installations of cargo ships
275. Renewal and periodical surveys of radio installations of cargo ships
276. Additional survey of radio installation of cargo ships
277. Issue of cargo ship safety radio certificate
278. Cargo ship safety radio exemption and qualified cargo ship safety certificate
279. Survey of structure, machinery and equipment of cargo ships
280. Initial survey of structure, machinery and equipment of cargo ships
281. Renewal survey of structure, machinery and equipment of cargo ships
282. The intermediate survey of structure, machinery and equipment of cargo ships
283. Annual survey of structure, machinery and equipment of cargo ships
284. Additional survey of structure, machinery and equipment of cargo ships
285. Cargo ship Construction and survey regulations
286. Issue of cargo ship safety construction certificate
287. Cargo Ship Safety Exemption and Qualified Safety Construction Certificate
288. Duration and validity of Cargo Ship Safety Construction Certificate
289. Duration and validity of Passenger Ship Safety Certificate
290. Extension of duration and validity of certificates
291. Duration and validity of qualified certificates
292. Appeals against withholding of ship's certificate or detention
293. Penalty for non-compliance with conditions of exemption certificate
294. Availability of certificate on board ships
295. Surveyor to verify safety certificates and compliance with conditions of issue
296. Production of safety convention certificate
297. Miscellaneous privileges holding safety convention certificate
298. Ship not to proceed to sea without appropriate certificate
299. Detention of ship for non production of certificate
300. Ship to carry stability information
301. Penalty for forgery of Survey Report or Certificate
302. Maintenance of condition of ship, and notice of accident, defect or alterations, etc.
303. Re-survey of a ship following alterations or damages
304. Application of this part to foreign ships
305. Survey of foreign ships and issue or endorsement of Safety Convention Certificate
306. Survey of Sierra Leonean ships and issue or endorsement of Safety Convention Certificates by other Convention countries
307. Exceptions
308. Regulations for safety requirements and issue of Sierra Leonean Safety Certificate

PART XVIII – LOAD LINES

309. Interpretation
310. Application of this part
311. Countries to which the Load Line Convention applies
312. Load Line regulations
313. Issue of Load Line Certificates
314. Issue or endorsement of a certificate at the request of the Administration
315. Issue or endorsement of certificates at the request of other Government
316. Power to make exemption orders
317. Further powers to exempt ships

- 318. Issue of exemption certificate
- 319. Duration, endorsement and cancellation of load line certificates
- 320. Effect of load line certificate
- 321. Ships not to proceed to sea without Load Line Certificate
- 322. Compliance with Load Line Regulations
- 323. Submersion of load lines
- 324. Alteration or defacement of load line marks
- 325. Inspection of foreign ships regarding Load Lines
- 326. Inspection of Sierra Leone Load Line Ship
- 327. Notice to be given of alterations affecting position of ship's Load Lines
- 328. Submersion of Load Lines of foreign ships
- 329. Deck Cargo Regulations
- 330. Posting up of Load Line Certificate and entry of Load Line details in ship's log book
- 331. Contravention of Load Line regulations and detention of ships

PART XIX – CARRIAGE OF BULK CARGOES

- 332. Bulk cargo regulations
- 333. Precautions regarding grain cargoes
- 334. Offences

PART XX – DANGEROUS GOODS

- 335. Regulations as to dangerous goods
- 336. Carriage and marking of dangerous goods
- 337. Offences
- 338. Rejection and disposal of dangerous goods by ship
- 339. Forfeiture of dangerous goods

PART XXI – UNSAFE SHIPS

- 340. Unsafe ship
- 341. Sending unsafe ship to sea – an offence
- 342. Owner's obligation to crew regarding unsafe ship
- 343. Detention of unsafe ship
- 344. Method of detention of unsafe ships
- 345. Supplementary provisions relating to detention and compensation
- 346. Powers of surveyors regarding detention
- 347. Power to require complainant to give security for costs
- 348. Surveyor of ship alleged by seamen to be unsafe
- 349. Appointment of surveyors
- 350. Costs of survey

PART XII – WRECK

- 351. Interpretation
- 352. Appointment of receiver
- 353. Detention by Receiver
- 354. Indemnity of Receiver
- 355. Duty of Receiver where ship is in distress
- 356. Powers of Receiver in case of ship in distress
- 357. Power to pass over adjoining lands
- 358. Power of Receiver to use force to suppress, plunder and disorder
- 359. Examination on oath regarding ships in distress
- 360. Interfering with wrecked vessel or wreck
- 361. Notice of wreck to be given to receiver

- 362.Receiver may take possession of wreck
- 363.Notice of wreck to be given by Receiver
- 364.Delivery of wreck to owner
- 365.Immediate sale of wreck
- 366.Right to unclaimed wreck
- 367.Disposal of unclaimed wreck
- 368.Delivery of unclaimed wreck by the Receiver not to prejudice title
- 369.Breaking up and removal of wrecks
- 370.Extent of power of remover of wrecks
- 371.Dispute as to title of wreck
- 372.Removal of wrecked vessel
- 373.Prohibition on approaching dangerous wrecks
- 374.Summary procedure for concealment of wreck
- 375.Removal of Wreck by Port Authority
- 376.Wrecked goods subject to duties
- 377.Fees payable to Receiver
- 378.Recovery of fees and cost
- 379.Regulations

PART XXIII – SALVAGE

- 380.Interpretation
- 381.Non application to platforms and drilling units
- 382.Non application of foreign state-owned vessels
- 383.Salvage of life
- 384.Salvage of property
- 385.Services excluded from salvage remuneration
- 386.Conditions for salvage remuneration
- 387.Salvage contracts
- 388.Annulment or modification of contracts
- 389.Duties of salvor
- 390.Duties of owner and master
- 391.Powers of Minister
- 392.Criteria for fixing salvage award
- 393.Responsibility for payment of reward
- 394.Quantum of reward
- 395.Special compensation
- 396.Services rendered under existing contracts
- 397.Apportionment between salvors
- 398.Salvor’s misconduct
- 399.Maritime lien
- 400.Duty to provide security
- 401.Interim payment
- 402.State-owned cargoes
- 403.Determination of salvage disputes
- 404.Humanitarian cargoes
- 405.Valuation of property salvaged
- 406.Detention of property liable to salvage by Receiver
- 407.Sale by Receiver of detained property
- 408.Apportionment of salvage by a court of competent jurisdiction
- 409.Salvor’s right to interest
- 410.Application to Government
- 411.Postal article not subject to salvage
- 412.Limitation of actions
- 413.Publication of judicial and arbitral awards

PART XXIV – CARRIAGE OF PASSENGERS IN SHIPS

414.Regulations respecting carriage of passengers in ships

PART XXV – LIMITATION AND DIVISION OF LIABILITY

- 415.Interpretation
- 416.Persons entitled to limit liability
- 417.Claims subject to limitation
- 418.Liability against ships and involving limitation not admission of liability
- 419.Claims excepted from limitation
- 420.Conduct barring limitation
- 421.Counterclaims
- 422.Limits of liability calculation
- 423.Priorities
- 424.Measurement of ship’s tonnage
- 425.Limitation of liability of Port Authorities, owners of docks
- 426.Limit for passenger claims
- 427.Conversion of unit of account to Sierra Leonean currency
- 428.Aggregation of claims
- 429.Provision of security and release of ship
- 430.Distribution of the fund
- 431.Bar to other actions
- 432.Rules as to division of loss
- 433.Damages for personal injury
- 434.Definition of “freight”
- 435.Right of contribution
- 436.Limitation of actions

PART XXVI – NAVIGATIONAL AIDS

- 437.Interpretation
- 438.Application of this part
- 439.Establishment of aids to navigation
- 440.Executive Director’s permission to establish aids to navigation
- 441.Changes to aids to navigation
- 442.Functions of the administration
- 443.Control of private aids to navigation
- 444.Publication and updating of aids to navigation
- 445.Prosecution of offences
- 446.Detention of ships in certain circumstances
- 447.Requirement to pay navigation aids dues
- 448.Penalty for failure to pay navigational aids dues
- 449.Fire and lights detrimental to navigation
- 450.Power of Executive Director on failure to extinguish false and unauthorized lights
- 451.Removal of obstructions other than wrecks
- 452.Regulations on navigational aids

PART XXVII – PILOTAGE

- 453.Interpretation
- 454.Pilotage area
- 455.Pilotage Authority
- 456.Compulsory pilotage area
- 457.Ships to take licensed pilots on board
- 458.Ships to have licensed pilots on board

- 459. Pilotage licenses and pilotage exemption certificates
- 460. Suspension of pilotage license
- 461. Inquiry into incompetence
- 462. Production of pilotage license
- 463. Production of pilotage license
- 464. Unqualified persons not to act as licensed or exempt pilot
- 465. Misconduct by licensed pilots
- 466. Defence if drug taken for medical purposes
- 467. Licensed pilot not civilly liable
- 468. Presence of licensed pilot does not diminish responsibility of master
- 469. Owner and master liable for damage
- 470. Pilotage authority not liable for loss or damage
- 471. Pilotage services
- 472. Pilotage dues and charges for pilotage services
- 473. Fees for pilotage licenses and pilotage exemption certificates
- 474. Delegation of functions
- 475. Pilotage regulations
- 476. Application of this Part

PART XXVII – SHIPPING CASUALTIES, ENQUIRIES AND INVESTIGATION

- 477. Reporting of casualties and accidents
- 478. Investigation of shipping casualties
- 479. Preliminary inquiry
- 480. Formal marine inquiries
- 481. Power of a marine inquiry as to certificate
- 482. Cancellation of certificate
- 483. Limitation of powers as to certificate
- 484. Certificate issued by a foreign state
- 485. Rehearing of marine inquiry
- 486. Appeals
- 487. Regulations for marine inquiry

PART XXIX – LEGAL PROCEEDINGS – JURISDICTION

- 488. Jurisdiction in case of offences
- 489. Jurisdiction in case of offences on board ship
- 490. Offences at foreign ports
- 491. Application of fines
- 492. Conviction under other law
- 493. Jurisdiction in collision and other cases
- 494. Action in rem

PART XXX – DETENTION AND DISTRESS ON SHIP FOR DAMAGE CAUSED

- 495. Power to detain foreign ship
- 496. Enforcing detention of ship
- 497. Notice to consular office on detention of foreign ship
- 498. Distress on ship
- 499. Inquiries into deaths of crew members and others
- 500. Ship may be seized and sold if penalty not paid
- 501. Conveyance of offenders and witnesses to Sierra Leone

PART XXXI – PROSECUTION AND COMPOUNDING OF OFFENCES

- 502. Liability of ship owners
- 503. Offences by bodies of persons, servants and agents
- 504. Fines
- 505. Prosecution of offences
- 506. Compounding of offences
- 507. Depositions received when witnesses cannot be produced
- 508. Proof of attestation not required
- 509. Proceedings on forfeiture of ship
- 510. Proof of documents
- 511. Admissibility of documents in evidence
- 512. Service of documents
- 513. All officers etc. to be public officers
- 514. Protection of public officers
- 515. Notices etc. to be in writing
- 516. Averment

PART XXXII – MISCELLANEOUS

- 517. Definition of “authorized officer”
- 518. Power of authorized officers to board ships
- 519. Power to require production of documents
- 520. Inspection of ships
- 521. Report of Surveyor to the Executive Director
- 522. Powers of Surveyor
- 523. Returns of Surveyors
- 524. Receipt of fee – an offence
- 525. Obstruction of Surveyor
- 526. Powers of the Minister to prescribe form
- 527. Offences in respect of use of forms
- 528. General power to make regulations
- 529. Delegation by the Minister
- 530. State owned ship not subject to certain proceedings
- 531. Fees and fine etc.
- 532. Application of conventions in Sierra Leone

Part XXXIII – REPEALS AND SAVINGS

- 533. Repeals and savings
- 534. Modification of existing laws

SIGNED this 10th day of June, 2003

ALHAJI AHMAD TEJAN KABBAH,
President.

No. 3



2003

Short title.

The Merchant Shipping Act, 2003

Being an Act to consolidate with amendments the laws relating to the registration of ships, the regulation of shipping, the maintenance of safety at sea and the marine environment and to provide for other related matters.

Date of commencement.

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ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Commencement.

1. This Act shall come into operation on a date to be fixed by the Minister by order in a statutory instrument.

Application.

2. (1) This Act shall apply to—

- a) Sierra Leonean ships wherever they may be; and
- b) Non Sierra Leonean ships while in a port or place in or within the territorial and other waters under the jurisdiction of Sierra Leone and to masters and seamen employed therein.

(2) In this section “non Sierra Leonean ships” means ships which are not registered in Sierra Leone.

(3) This Act shall not apply to—

- a) Ships and aircraft of the Sierra Leone Armed Forces; and
- b) Ships and aircraft of any foreign visiting Armed Forces.

Interpretation.

3. In this Act, unless the context otherwise requires—

Act No. 11 of 2000

“Administration” means the Sierra Leone Maritime Administration set up by the Sierra Leone Maritime Administration Act 2000;

“apprentice” means a trainee officer and includes a cadet;

“bankruptcy” includes insolvency and any other process leading to the liquidation of assets;

“assessor” means a person appointed under section 478 to hold a marine inquiry;

“Assistant to the Registrar” means a person appointed by the Registrar under section 7 to be his assistant;

“boarding ground” means a place at which the master of a ship is required to present the ship for the purposes of embarking or disembarking a pilot;

“cargo” includes livestock;

“cargo ship” means a ship which is not a passenger ship or fishing vessel;

“Certificate of Competency” means a certificate issued to a seaman which entitles the seaman to serve in the capacity or grade stated in the certificate;

“compulsory pilotage area” means the whole or part of a pilotage area in respect of which a declaration has been under section 456;

“consular officer” means a person discharging the duties of consular office or on behalf of the Government of Sierra Leone and when used in relation to a country other than Sierra Leone means an officer recognized by the Government of Sierra Leone as the consular officer of that country;

“crew” in relation to a ship includes seamen and apprentices;

“deposition” includes summary of evidence;

“crew agreement” means an agreement entered into under section 121;

Act No. 12 of 1994

“medical practitioner” means a person registered as such under the Medical Practitioners and Dental Surgeons Act, 1994;

“Employment Record Book” means an Employment Record Book issued under section 217;

“equipment” in relation to a ship includes everything or every article belonging to or used in connection with or necessary for the navigation and safety of a ship;

Act No. 11 of 2000

“Executive Director” means the Executive Director appointed under section 14 of the Sierra Leone Maritime Administration Act, 2000;

“exempt pilot” means a person holding a current pilotage exemption certificate that entitles him to be in navigational command of a particular ship, or of a ship within a particular class of ship, in the pilotage area in respect of which it is issued;

“fisheries vessel” has the same meaning as in the Fisheries (Management and Development) Act, 1994; or

“foreign ship” means a ship which is not a Sierra Leonean ship;

“Government ship” means a ship—

- a) That belongs to the State or to an authority or instrumentality of the State; or
- b) That is held by a person on behalf, or for the benefit of, the State

But does not include a ship belonging to the Armed Forces of Sierra Leone;

“grain” includes millet, wheat, maize, oats, rye, barley, rice, pulses and seeds;

“internal waters” means all waters landward of the territorial sea baselines of Sierra Leone and which are navigable;

“international voyage” means a voyage from a port in one country to a port in another country;

“length” in relation to a ship, means the distance measured from the fore part of the stem to the aft side of the head of the stem part in a direct line over the fore and after line or, in a ship not having a stem part to the foreside of the rudder stock at the point where the rudder stock passes out of the hull;

“licensed pilot” means a person holding a valid pilotage license that entitles him to be in pilotage charge of a ship in the pilotage area in respect of which it is issued;

“machinery” includes propulsion systems, steering systems, pressurized containers and pumping systems, windlasses, electrical systems and all similar apparatus required for, or affecting, the safety or operation of a ship or the safety of the personnel on board a ship

“managing owner” in relation to a ship, includes any person not being an agent in whom the owner of such ship has vested authority to manage and operate the ship;

“master” in relation to a ship, means every person (except a pilot) lawfully having for the time being, command or charge of any s hip and in relation to a fishing vessel means the skipper;

“merchant ship” means any ship other than a fishing vessel or ship which forms part of the Armed Forces of Sierra Leone;

“Minister” means the Minister for the time being responsible for transport matters;

“mortgage” means the instrument creating a security under section 59;

“National Flag” means the National Flag of Sierra Leone;

“officer” in relation to ship’s officers, includes a master and a deck, engineer or radio officer;

“official log book” in relation to a ship, means the official log book kept under section 219;

“owner” in relationship to a ship, includes a demise or bareboat charterer and a managing owner;

“passenger” means any person carried on board a ship except—

- a) The master, a member of the crew or a person employed or engaged in any capacity on board the ship or the business of the ship assigned on the ship’s articles of agreement as such person;
- b) A child under one year of age;
- c) A person carried on the ship under an obligation imposed upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the owner, nor charterer, if any, could not prevent or forestall; or
- d) Supernumerary;

“passenger ship” means a ship which is constructed or which is habitually or on any particular occasion used for carrying more than 12 passengers on international voyage;

“person qualified to own a Sierra Leonean ship” has the meaning assigned to it in section 12;

“pilot” in relation to a ship, means a person not belonging to the ship who has the lawful conduct of the ship;

“pilotage area” means a port or place declared as a pilotage area under section 454;

“pilotage authority” the pilotage authority is appointed by the Minister under section 455;

“pilotage exemption certificate” means a pilotage exemption certificate issued under section 460;

“pilotage license” means a pilotage license issued under section 460;

“pleasure craft” means a vessel that is exclusively used for pleasure;

“port of registry” in relation to any ship, means the port where she is for the time being registered;

“proper officer”, in relation to any function or activity under this Act, means a person authorized to perform that function or activity and may include a “consular officer”;

“public office” includes an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of monies provided by Parliament and an office in a public corporation established entirely out of public funds or monies provided by Parliament;

“Registrar” means the Registrar of ships referred to in section 5;

“Registrar of Seamen” means the registrar of seamen appointed by the Executive Director under section 120;

“Registrar of Ships” means a registrar of Sierra Leonean ships in his capacity as registrar or functions of his being discharged by that person or authority;

“register” means the register of Sierra Leonean ships maintained for Sierra Leone;

“regulations” means regulations made under this Act;

“seaman” includes any person (except master and pilots) employed or engaged in any capacity on board any ship;

“seafarer” includes a master, officer and any other category of crew;

“ship” includes every description of vessel used in navigation;

“surveyor” means a surveyor of ships a classification society or organization appointed by the Minister under this Act to carry out surveys and inspection of ships and issue safety convention certificate;

“Sierra Leonean ship” means a ship which is—

- a) registered in Sierra Leone or
- b) exempted from this act from registration;

“Sierra Leone waters” includes internal waters, inland waters and the territorial sea of Sierra Leone;

“tackle” means, in relation to a vessel, the tackle, machinery, gear, apparatus and appliances used on board a ship for the loading and unloading of the vessel;

“vessel” includes every description of water craft used or capable of being used as a means of transportation on water;

“wages” means remuneration to crew for the work done as agreed between the crew and vessel owner or managing owner and it includes emoluments;

“wreck” includes;

- a) flotsam, jetsam, lagan and derelict found in the water or on the shores of Sierra Leone;
- b) cargo, stores, tackle or equipment;
- c) the personal property of shipwrecked persons;
- d) any wrecked or any part of a wrecked aircraft or cargo;

PART II – REGULATIONS FOR VESSELS OPERATING IN INLAND WATERWAYS ETC.

Regulations for vessels operating in inland waterways, etc.

4. The Administration may, by statutory instrument, make regulations in respect of vessels operating in inland waterways including near coastal voyages.

(2) Without prejudice to the generality of subsection (1), the regulations made under this section, may relate to—

- a) safety of navigation;
- b) the safety of vessels;
- c) sale of alcohol on board such vessels;
- d) the passenger list;
- e) cargo that may be carried and the method of storing cargo;
- f) the safety equipment to be carried aboard vessels;
- g) sanitary requirements, ventilation, lighting access, shelter, screens, cooking and toilet facilities for deck and unberthed passengers;
- h) fees to be charged for any licenses;
- i) the qualifications of seaman on board vessels;
- j) the maintenance of good order on board vessels;
- k) penalty for damaging navigational aid;
- l) notification by master of a sunken vessel to the Administration;
- m) lights to be carried and exhibited and the steering and sailing rules to be observed;
- n) the duties of masters of vessels carrying explosives and dangerous cargoes;
- o) the licensing, supervision and regulation of boats and boatmen plying for hire and for securing the orderly conduct of such boatmen;
- p) surveys and inspections.

PART III – APPOINTMENT OF REGISTRAR, REGISTRATION OF SHIPS, AND PROPRIETARY INTERESTS IN SHIPS

Registrar.

5. (1) There shall be a Registrar of ships, who shall be the Executive Director.

(2) The Registrar, an assistant to the Registrar or a delegate of the Registrar shall not be liable for any act done by him in good faith or without negligence under, or for the purposes of this Act.

Delegation by

6. Subject to this Act, the Registrar may, by writing under his hand, delegate to a person such of his powers and

- Registrar. functions under this Act as he deems appropriate.
- Assistants to Registrar. **7.** The Registrar may in respect of the port of registry and each branch by office thereof, by writing under his hand, appoint as many persons to assist him as in his opinion are required for the purposes of this Act.
- Proper officers. **8.** (1) The Minister may, by Government Notice, appoint a person to be a proper officer for the purposes of this act.
- (2) The Minister may, by Government Notice, determine that a specified class of persons is a class of persons for the purposes of this section, and a person included in the class of persons shall be deemed to have been appointed a proper officer for the purposes of this Act.
- Register of Ships. **9.** (1) The Registrar shall cause to be kept at the port of registry and any branch office thereof a register to be known as the Register of Ships.
- (2) The Register of Ships shall contain particulars of all ships registered under this Act and any other entries as may be required under this Act to be entered in the register.
- (3) Any person may, upon the payment of the prescribed fee, inspect the register at any time during the hours of official attendance by the Registrar.
- Port of Registry. **10.** (1) The Minister shall by Government Notice—
- a) appoint a port in Sierra Leone as a port of registry for registration of Sierra Leonean ships;
 - b) determine branch offices of the port of registry in other countries for the registration of Sierra Leonean ships.
- Separation of registers. **11.** (1) Without prejudice to Section 91, the Registrar shall keep such register as he considers necessary including the following—
- a) a register for merchant ships;
 - b) a register for fishing vessels;
- (2) The Registrar shall submit a copy of the register for fishing vessels kept under paragraph (b) of subsection (1) to the Director of Fisheries.
- (3) Entries in the register under subsection (1) shall be made in accordance with the following provisions—
- a) the property in a ship shall be divided into sixty-four shares;
 - b) subject to this Part with respect to joint owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship, but this provision shall not affect the beneficial title of any number of individuals or of any corporation represented by or claiming under or through any registered owner or joint owner;
 - c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship, but any number of persons not exceeding five may be registered as joint owners of a ship of any share or shares therein;
 - d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered and shall not be entitled to dispose in severalty of any interest in a ship or any share therein in respect of which they are registered;
 - e) a body corporate may be registered as owner by its corporate name.
- (4) As soon as the requirements of this Act preliminary to registration of a ship have been complied with, the Registrar shall enter in the register the following particulars respecting the ship—

- a) the name of the ship and the previous name and registry, if any;
- b) details contained in the tonnage certificate;
- c) the particulars respecting its origin as stated in the declaration of ownership;
- d) the name, address, occupation and nationality of its owner and what share in the ship is held by each owner;
- e) the port of registry and official number or identity marks;
- f) the international call sign of the ship, where one is assigned;
- g) the name of the builder, place and year of the build of the ship;
- h) description of the main technical characteristics of the ship;
- i) details with respect to any mortgages.

(5) The Registrar shall not register a ship purchased or otherwise acquired from a non-citizen or corporation where a bill of sale or other document under or by virtue of which the ship became vested in the applicant for registration contains any provision, express, implied or constructive, restricting the use of the vessel or imputing any measure of continued control thereof by the government of a foreign country.

(6) Only those individual owners, joint owners and corporations recorded as owners in the register shall be regarded as owners of the ship or part thereof.

(7) The Registrar shall keep a record in the manner approved by the Minister of—

- a) the date of deletion or suspension of the previous registration of the ship;
- b) the name, address, nationality and other details as appropriate; and
- c) other charges, if necessary.

Qualifications for
owning Sierra
Leonean ships.

12. The following are qualified to be owners of Sierra Leonean ships which are to be registered under this Act—

- a) citizens of Sierra Leone;
- b) companies incorporated in Sierra Leone;
- c) foreign individuals or companies in joint venture relationship with Sierra Leone nationals or companies;
- d) companies incorporated offshore with a branch office or an agent in Sierra Leone; and
- e) nationals of any State.

Ships bareboat
chartered-in by Sierra
Leonean charterers.

13. (1) This section applies to any ship which –

- a) is registered under the law of a country other than Sierra Leone (the country of original registration);
- b) is chartered on bareboat charter terms to a charterer who is a person qualified to own a Sierra Leonean ship;
- c) is so chartered in circumstances where conditions for registration prescribed under section 16 as read with the requisite modifications are satisfied as respects the charterer and the ship.

(2) The “requisite modifications” referred to in paragraph (c) of subsection (1) mean the substitution for any requirement to be satisfied by or as respects the owner of a ship of a corresponding requirement to be satisfied by or as respects the charterer and the ship.

(3) A ship to which this section applies is entitled to be registered if an application for registration is duly made.

(4) Subject to this Act, the registration of a ship made by virtue of this section shall remain in force until the end of the charter period.

(5) During the period for which a ship is registered by virtue of this section—

- a) the ship shall as a Sierra Leonean ship, be entitled to fly the Sierra Leonean flag;
- b) this Act shall apply to the ship as a Sierra Leonean ship;

- c) any other enactment applicable to Sierra Leone ships or ships registered under this Act shall apply to the ship as a Sierra Leonean ship.

Exemptions etc. from registration.

14. (1) A ship is exempt from registration where it is—

- a) an air cushioned vehicle not engaged in trade;
- b) less than twenty metres in overall length;
- c) in the opinion of the Registrar, of traditional build.

(2) Notwithstanding subsection (1), an exempt ship may be registered in accordance with this Part.

Obligation to register Sierra Leonean ships.

15. Subject to section 14, every Sierra Leonean ship and every Sierra Leonean Government ship shall be registered under this Act.

Application for registration.

16. (1) An application for registration of a ship shall be made in the prescribed form and—

- a) in the case of individuals, by the person requiring to be registered as owner, or by one or more of the persons so requiring, if more than one; or by his or their agent;
- b) in the case of bodies corporate by the bodies corporate or their agent.

(2) An agent shall be authorized in writing and where the principal is—

- a) an individual the authorisation shall be under the hand of the individual;
- b) a body corporate the authorisation shall be under the common seal of the body.

(3) The Registrar may demand proof of ownership to his satisfaction before registering a ship.

Declaration of ownership.

17. (1) A person shall not be registered as owner of a Sierra Leonean ship or of having a share therein until such person, or in the case of a body corporate, the person authorized under section 93 to make declarations on its behalf, has made and signed a declaration of ownership in the prescribed form referring to the ship as described in the tonnage certificate and containing the following particular—

- a) his full name and address;
- b) a statement of the time when and the place where the ship was built or where the ship was built outside Sierra Leone and the time and place of the building are not known, a statement to that effect, and in addition, in the case of a ship previously registered outside Sierra Leone, a statement of the name by which she was so registered;
- c) a statement of the number of shares and the owners of those shares in the ship in respect of which such person or body corporate, as the case may be, is entitled to be registered.

Evidence of first registration.

18. (1) On the first registration of a ship, the following evidence shall be produced in addition to the declaration of ownership—

- a) in the case of a ship built in Sierra Leone, a builder's certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship as estimated by him and of the name of the person, if any, on whose account the ship was built and, if there has been any sale, the bill of sale under which the ship or a share therein has become vested in the applicant for registration;
- b) in the case of a foreign built ship, the same evidence as in the case of a ship built in Sierra Leone unless the declarant who makes the declaration of ownership declares that the time and place of the building of the ship are unknown to him or that the builder's certificate cannot be produced, in which case there shall be registered only the bill of sale under which the ownership of the ship became vested in the applicant for registration; and

c) in the case of a ship condemned by the competent authority, the official copy of the condemnation.

(2) In the case of every ship built in Sierra Leone the builder shall, if requested to do so, deliver to the owner a signed certificate containing the particulars specified in paragraph (a) of subsection (1).

(3) A builder who fails to comply with subsection (1) or (2) or wilfully makes a statement in a certificate given thereunder which is false commits an offence and shall be liable on conviction to a fine not exceeding five million leones, or to a term of imprisonment not exceeding six months or to both.

Restriction on registration.

19. A ship which is or has been registered in another country shall not be eligible for registration under this act unless—

- a) a certificate has been issued to the effect that the ship has been deregistered;
- b) a certificate has been issued to the effect that the ship will be deregistered on the day that the new registration is effected;
- c) that the ship's foreign registration has been cancelled or will be cancelled on the day that the new registration is effected;
- d) no mortgages are outstanding against the ship; or
- e) where there are mortgages, outstanding against the ship the mortgagee have consented in writing to the deregistration or cancellation of the ship's foreign registration.

Removal from register.

20. (1) The Registrar may, subject to service of notice, terminate a ship's registration in the following circumstances—

- a) on application by the owner;
- b) on the ship being destroyed by shipwreck, demolition, fire, sinking or in any other manner;
- c) if taken into account any requirements of this Act (including any regulations made under it) relating to the condition of the ship or its equipment so far as relevant to its safety or any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered;
- d) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of six months or more;
- e) when a fishing vessel which requires a license to fish but at the time of registration did not have such a license and has not acquired such a license within six months of the issue of its certificate of registration;
- f) when a penalty imposed on the owner of the ship in respect of a contravention of any provision of this Act has remained unpaid for a period of more than three months and no appeal against that penalty is pending;
- g) when any summons for any such contravention has been duly served on the owner of a ship, but the owner has failed to appear at the time or place appointed for the trial of the information or complaint in question and a period of not less than three months has elapsed since that time.

(2) When the Registrar terminates registration under paragraph (a) or (b) he shall—

- a) forthwith issue a closure transcript to the owner of the ship, and
- b) notify any mortgagees of the closure of the registration;

(3) On receipt of the closure transcript, the owner shall immediately surrender the ship's certificate of registry for cancellation.

Restriction on deregistration of ships.

21. The registrar shall not permit the deregistration of a ship without the consent in writing of all registered mortgagees of the ship registered under this Act.

Documents to be retained by Registrar.

22. On the registration of a ship, the Registrar shall retain in his possession—

- a) a copy of the tonnage certificate;

- b) the builder's certificate, if available;
- c) the bill of sale of the ship previously made;
- d) the copy of condemnation (if any);
- e) all declarations of ownership;
- f) application for registration; and
- g) the certificate of deregistration, if any.

Name of ships.

- 23.** (1) A merchant ship registered in the register for merchant ships shall have a name, and two or more merchant ships shall not bear the same name.
- (2) A Sierra Leonean ship shall not be described by any name other than that by which it is for the time being registered.
- (3) The Registrar may refuse registering of a ship by a name by which it is proposed to register that ship where it is—
- a) already the name of a registered Sierra Leonean ship; or
 - b) a name so similar to that of a registered Sierra Leonean ship as is calculated or likely to deceive or to offend the public interest.
- (4) Where the Registrar refuses to register a ship by the name that is proposed, the ship shall not be registered unless the name is changed.
- (5) A person who acts or allows any other person under his control to act in contravention of this section or omits to do or allows any other person under his control to omit to do anything required by this section commits an offence and shall on conviction be liable to a fine not exceeding five million leones.
- (6) In addition to the fine under subsection (5), a ship to which the offence relates may be detained until the provisions of this section are complied with.

Change of name of Ship.

- 24.** (1) A change may not be made to the name of a Sierra Leonean ship without the previous consent in writing of the Registrar.
- (2) An application for a change of name shall be made in the prescribed form.
- (3) The Registrar may not grant permission to change the name of a Sierra Leonean ship, unless he is satisfied that all the registered mortgagees thereof have been notified of the proposed change of name.
- (4) An approval for a change of name shall be granted by the Registrar in accordance with the regulations made for the purpose and a change of name of a ship in the register shall be carried out in the manner prescribed by such regulations.

Identity marks for fishing vessels.

- 25.** (1) On registration of a fishing vessel, the Registrar shall allocate to it a combination and sequence of letters and numerals hereinafter called "identity mark" which he shall cause to be entered in the register.
- (2) The same identity mark of a registered fishing vessel shall not be allocated to any other fishing vessel.
- (3) A registered fishing vessel shall display the identity mark allocated to under this section on each side of its bow and show its port of registry on the stern.
- (4) The skipper and owner of a fishing vessel which displays an identity mark not allocated to it under this section commits an offence.

Offences under section

- 26.** A person who contravenes or permits any other person under his control to contravene section 24 or 25 commits

- 24 or 25. an offence and shall on summary conviction be liable to a fine not exceeding million leones.
- Call sign. **27.** A merchant ship or a fishing vessel which is equipped either with a wireless radio transmitting station or with a radio installation shall also have an internationally registered code designation, that is to say internationally designated call letters or numbers as appropriate to the flag state of registration assigned to the ship.
- Effects of failure to register. **28.** A ship required by this Act to be registered:—
a) shall not be recognized as a Sierra Leonean ship; and
b) is not entitled to rights and privileges accorded to Sierra Leonean ships under this Act:
unless it so registered.
- Ships registered under the repealed Acts. **29.** (1) A ship which immediately before the coming into operation of this Act was registered under the Acts revealed under section 532 shall be deemed to be deregistered three months after the commencement of this Act.
(2) Any ship deregistered under subsection (1) shall be registered under this Act.
- Period of registration. **30.** The registration of a ship shall, unless terminated under this Act, be valid for a period of five years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with section 32.
- Renewal notices and time limit for renewal. **31.** (1) Three months before the expiry of the registration period, the Registrar shall issue to the owner of the ship a renewal notice.
(2) Application for renewal of registration may be made during the last three months of the current registration period.
- Application for renewal of registration. **32.** (1) An application for renewal of registration shall be in the prescribed form and shall be accompanied by—
a) a declaration of eligibility; and
b) a declaration that there have been no changes to any registered details of the ship that have been notified to the Registrar.
(2) Where no application for renewal is made. The Registrar shall notify each and every mortgagee of the expiration of the ship's registration.
- Change in registered particulars of ships **33.** (1) Where there is a change—
a) in the registered particulars of a ship other than a change in the tonnage of the ship; or
b) in the name or address of the owner entered in the Register (not being a change of ownership),
application shall be made as soon as practicable to the Registrar for the change to be recorded in the Register.
(2) An application for the registration of any change under subsection (1) shall be in writing and shall be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar.
(3) On recording the change in the registered particulars, the Registrar shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.
- Survey of ships. **34.** (1) Every ship shall before registration, be surveyed by a surveyor of ship and her tonnage ascertained in accordance with the tonnage regulations made under this Act.
(2) The surveyor shall issue a tonnage certificate specifying the ship's tonnage and build in accordance with regulations made under this Act and such other particulars descriptive of the identity of the ship as may for the time

being be required by the Registrar.

(3) The tonnage certificate shall be delivered to the Registrar before the ship is registered.

Tonnage regulations.

35. (1) The Minister, on the advice of the Administration, may by statutory instrument make regulation (hereinafter referred to as “tonnage regulations”) to—

- a) provide for the measurement and survey of ships by a surveyor;
- b) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;
- c) make any provisions of the regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the regulations;
- d) provide for the issue of an International Tonnage Certificate (1969) by a foreign contracting Government at the request of the Government of Sierra Leone;
- e) provide for cancellation and delivery up of any certificate which has lost its validity to the Administration;
- f) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and provide for making the master and the owner each liable to a fine not exceeding five million leones when such prohibition or restriction is contravened;
- g) provide for inspection of ships registered in a country where the International Convention on Tonnage Measurement of Ships (1969) is in force when in a port of Sierra Leone;
- h) provide for acceptance by the Administration of certificates issued under the authority of a contracting Government of the Convention referred to in Paragraph (g);
- i) make failure to deliver up a certificate under paragraph (h) an offence;
- j) provide for the form of tonnage certificates;
- k) provide for determination and issue of Sierra Leone Tonnage Certificate in respect of non Sierra Leone Tonnage Measurement Convention ships.

(2) In the tonnage regulations, provision may be made

- a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can safely be loaded;
- b) for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it; and
- c) where the lower tonnage has been assigned to it as an alternative, for indicating on the ship the depth to which the ship may be loaded for the owner tonnage to be applicable.

(3) In making the tonnage regulations, the Minister, on the advice of the Administration, shall incorporate the provisions of the International Convention on Tonnage Measurement of Ships, including any amendments made thereto.

Ships in port through stress of weather.

36. Tonnage regulations shall not apply to a ship which is in a Sierra Leone port on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure which the owner or master could not forestall.

Tonnage once ascertained to be tonnage of ship.

37. (1) Where the tonnage of a ship has been ascertained in accordance with the tonnage regulations and such tonnage has been assigned to that ship, the tonnage shall be registered and shall thereafter be deemed to be the tonnage of that ship.

(2) The tonnage of a ship ascertained under subsection (1) shall be entered in every subsequent registration of the ship unless—

- a) an alteration is made in the form or capacity of the ship or

b) it is discovered that the tonnage of the ship has been erroneously computed,

and in either of these cases the ship shall be remeasured and her tonnage ascertained and registered in accordance with the tonnage regulations.

Alterations between surveys.

38. (1) Where any alterations or reconstruction of a Sierra Leonean ship is made that could affect the ship's classification, measurement, tonnage or load line, the owner or master of the ship shall, within 30 days after the completion of the alteration or reconstruction, advise the Registrar of the alteration or reconstruction and give him details thereof.

(2) An owner or master who fails to comply with subsection (1) shall commit an offence and shall on conviction be liable to a fine not exceeding five million leones.

Appointment of surveyors.

39. (1) The Administration may appoint duly qualified persons within or outside Sierra Leone as surveyors to survey and measure ships under and for the purposes of this Act.

(2) The Minister, on the advice of the Administration, may by Government Notice nominate within or outside Sierra Leone a classification society or organization for the purpose of surveying ships.

(3) A classification society or organisation so nominated may appoint competent persons to survey and measure ships.

Marking of ships.

40. (1) A ship shall, before being registered in Sierra Leone, be marked permanently and conspicuously in accordance with regulations made under this Act.

(2) Where the Registrar is satisfied that a ship is insufficiently or inaccurately marked, he may suspend the Certificate of Registry of the ship or in the absence of such certificate he may detain the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

Certificate of Registry.

41. (1) A Certificate of Registry shall be in such form as may be Prescribed.

(2) The Certificate of Registry shall include—

- a) the name of the owner of the ship, his occupation and address and where there are more than one, the proportions in which they are interested in the ship;
- b) the date and place where the ship was built; and
- c) the details given in the tonnage certificate.

Power to make regulations in relation to Certificate of Registry.

42. The Minister, on the advice of the Administration, may by statutory instrument make regulations relating to—

- a) the grant of a new Certificate of Registry;
- b) the loss of a Certificate of Registry;
- c) the endorsement of the change of ownership on a Certificate of Registry; and
- d) the delivery up of a Certificate of Registry of a ship that is lost or broken up or has been removed from the register or has ceased to be a Sierra Leonean ship.

Issue and custody of Certificate of Registry.

43. (1) The Certificate of Registry shall—

- a) be kept on board the ship;
- b) be used only for the lawful navigation of the ship;
- c) not be subject to retention by reason of any title, lien, charge or other interest of any owner, mortgagee or other person.

(2) No person who has in his possession, or under his control the Certificate of Registry of a ship shall refuse or omit, without reasonable cause, to deliver the certificate on demand to the person entitled to the custody thereof for the purposes of lawful navigation of the ship or to any registrar, surveyor, customs officer or other person entitled by law to require its delivery.

(3) A person who contravenes subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(4) Where in any proceedings in respect of an offence under this section, the court is satisfied that the Certificate is lost, the Court shall so advise the Registrar in writing.

Improper use of
Certificate of Registry.

44. (1) The master or owner of a Sierra Leonean ship, who uses or attempts to use, for the purposes of navigation of such ship, a Certificate of Registry not legally granted in respect of the ship is, commits an offence and shall be on conviction be liable to a fine not exceeding five million leones or to imprisonment for a term not exceeding one year, or to both.

(2) A ship to which an offence under subsection (1) relates is liable to forfeiture.

Provisional Certificate
of Registry.

45. (1) Where an owner of a ship intends to apply to have the ship registered as a Sierra Leonean ship but there is no Registrar immediately available, a proper officer or other appropriate authority designated to act on behalf of the Registrar grant to its owner or master, on his application, which shall include a statutory declaration, a Provisional Certificate stating—

- a) the name of the ship;
- b) the date and place of its purchase and the name of its purchasers;
- c) the name of its master;
- d) the best particulars respecting its tonnage, the time and the place of its construction which he is able to obtain,

and shall forward a copy of the Certificate at the first convenient opportunity to the Registrar.

(2) The statutory declaration referred to in subsection (1) shall include—

- a) a declaration as to ownership; and
- b) a declaration that the foreign registry, if any, of the ship has been closed.

(3) A Provisional Certificate under this section shall have the effect of a Certificate of Registry, until the expiration of 3 months after the date of its issue, or until the arrival of the ship at a port in Sierra Leone or a permanent certificate of registry issued, whichever happens first and on either of these events happening the provisional Certificate shall cease to have effect.

(4) The master or owner of a ship in respect of which a Provisional Certificate is granted under this section shall within 10 days of the ship's first arrival at a port in Sierra Leone deliver the Certificate to the Registrar.

(5) A master or owner who fails to comply with subsection (4) commits offence and shall be liable on conviction to a fine not exceeding five million leones.

Temporary pass in lieu
of Certificate of
Registry.

46. (1) Where it appears to the Minister that by reason of special circumstances it is desirable that permission be granted to a ship to pass, without being previously registered, from any port in Sierra Leone to any port within or outside Sierra Leone, the Minister may, in any case in which the ship belongs to a country whose laws provide for the issue of a temporary pass, direct the Registrar to grant a pass and that pass for the time and within the geographical limits mentioned in the pass shall have the same effect as a Certificate of Registry.

Registration of alterations and registration anew.

(2) When so directed under subsection (1) the Registrar shall grant the pass.

47. (1) When a Sierra Leonean ship is so altered as not to correspond with the particulars relating to its tonnage or description in the register, notification of the alteration shall be given within 30 days after the completion of the alteration to the Registrar and the notice shall be accompanied by a tonnage certificate stating the particulars of the alteration.

(2) Upon receipt of notice of alteration of a Sierra Leonean ship under subsection (1), the Registrar shall either cause the alteration to be registered or direct that the ship be registered anew.

(3) Where there is failure to comply with the requirements of subsection (1) or with the direction under subsection (2), the Registrar may suspend the Certificate of Registry of the ship in respect of which the failure occurs.

(3) Where there is failure to comply with the requirements of subsection (1) or with the direction under subsection (2), the Registrar may suspend the Certificate of Registry of the ship in respect of which the failure occurs.

(4) An owner of a ship that has been altered, who fails to register the ship anew or to register the alteration commits an offence and is liable on summary conviction to a fine not exceeding three million leones.

Rules for registration of alterations.

48. (1) For the purposes of the registration of an alteration in ship, the ship's Certificate shall be produced to the Registrar within 30 days after the alteration, and he shall either—

- a) retain the Certificate and grant a new Certificate of Registry containing description of the ship as altered; or
- b) endorse and sign on the existing certificate a memorandum of the alteration.

(2) The particulars of the alteration and the fact that a new Certificate having been granted or an endorsement having been made shall be entered by the Registrar in the Register.

Provisional certificate where ship is registered anew.

49. (1) Where a Sierra Leonean ship is outside Sierra Leone and consequent upon notification is to be registered anew, a proper officer shall—

- a) grant to the master or owner on his application, either a Provisional Certificate describing the ship as altered; or
- b) provisionally endorse the particulars of the alteration on the existing certificate.

(2) Where the proper officer grants a Provisional Certificate or provisionally endorses a certificate under this section, he shall add to the Certificate or endorsement, a statement that the additional or endorsement is made provisionally.

(3) The master or owner of a ship in respect of which a Provisional Certificate is granted or a Certificate is endorsed under this section shall, within 10 days of the ship's arrival thereafter at a port in Sierra Leone deliver that Certificate to the Registrar.

(4) A master who fails to comply with subsection (3) is commits an offence and shall on conviction be liable to a fine not exceeding five million leones.

(5) Where a ship in respect of which a Provisional Certificate is granted or a Certificate is endorsed under this section arrives at a port in Sierra Leone, application for registration of that ship anew shall be made to the Registrar within 7 days and the other requirements requisite for registration shall be complied with.

(6) An owner of a ship to which subsection (5) relates who fails to comply with that subsection commits an offence and shall be liable on conviction to a fine not exceeding five million leones and in addition fine of five hundred thousand leones for each day that the offence continues.

Registration anew on change of ownership.

50. Where the ownership of a Sierra Leonean ship is changed, the Registrar may, on the application of the owner of the ship, direct that the ship be registered anew although registration anew is not required under this Act.

Procedure for registration anew.

51. (1) Where a ship is to be registered anew, the Registrar shall proceed as in the case of first registration and on the receipt of the existing Certificate of Registry and upon compliance with the other prerequisites to registration (or such of them as the Registrar may consider material) he shall make such new registration and grant a certificate accordingly.

(2) Where a ship is registered anew, her former registry shall be considered closed, except so far as relates to any unsatisfied mortgage entered on it, but the names of all persons on the former register appearing to be interested in the ship as owners or mortgagees or other interest in the ship registered anew shall be entered on the new register and the new registration shall not in any way affect the rights of those persons.

Restriction on re-registration of abandoned ships.

52. Where a ship has ceased to be registered as a ship by reason of having been wrecked or abandoned or for any reason other than capture by the enemy, the ship shall not be re-registered until such ship has, at the expense of the applicant for registration been surveyed by a surveyor and certified by him to be seaworthy.

PART IV – TRANSFER AND TRANSMISSION

Transfer of ship or shares

53. (1) A transfer of ownership of a registered ship or a share therein when disposed of to a person qualified to own a Sierra Leonean ship, shall be made by a bill of sale.

(2) The bill of sale referred to in subsection (1) shall contain such description of the ship as is contained in the tonnage certificate or some other description sufficient to identify the ship to the satisfaction of the Registrar.

(3) The bill of sale shall be in the prescribed form and shall be executed by the transferor in the presence of a witness.

Declaration of transfer

54. When a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until, or in the case of a body corporate, the person authorized by this Act to make declarations on behalf of the body corporate, has made and signed a declaration referring to the ship and containing a statement of the qualifications of the transferee to own a Sierra Leonean ship, or where the transferee is a body corporate, of such circumstances of the constitution and business thereof as prove it to be qualified to own a Sierra Leonean ship.

Registration of transfer

55. (1) A bill of sale for the transfer of ownership of a registered ship or a share therein, when duly executed, shall be produced to the Registrar at the port of registry of the ship with the declaration of transfer, and the Registrar shall thereupon enter in the register the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact that entry has been made, with the day and hour of entry.

(2) Bills of sale of a ship or share therein shall be entered in the register in order of their production to the Registrar.

Transmission of property in a ship on death, insolvency, etc.

56. (1) Where the property in a registered ship or a share therein is transmitted to a person qualified to own a Sierra Leonean ship on the death or insolvency of a registered owner, or by any lawful means other than transfer under this Act—

- a) that person shall authenticate the transmission by making or signing a declaration (in this Part referred to as a “declaration of transmission”), identifying the ship and containing several statements required to be contained in a declaration of transfer and also a statement of the manner in which and the person to whom the property has been transmitted;
- b) where the transmission is consequent on insolvency, the declaration of transmission shall be accompanied by such evidence as is for the time being admissible in a court of competent jurisdiction as proof of title of the persons claiming under insolvency; and
- c) where the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract therefrom.

(2) The Registrar, on receipt of the declaration of transmission so accompanied shall enter in the register the name of the person entitled under the transmission as owner of the ship or of the share of the property which has been transmitted, and where there is more than one such person, he shall enter the names of those persons, however numerous, and shall for the purposes of this Part with respect to the number of persons entitled to be registered as owners be considered as one person.

Transfer of ship or sale
by order of Court

57. (1) Where the High Court orders a sale of a ship or any share therein, whether under this Part or otherwise, the order of the Court shall contain a declaration vesting in some person named by the Court, the right to transfer that ship or share.

(2) The person named by the court under subsection (1) is entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner.

(3) The Registrar shall obey the requisition of the person named by the Court under subsection (1) in respect of such transfer to the same extent as if such person were the registered owner.

(4) A proper officer, on recording such notice shall inform the Registrar by whom the certificate was granted whether any previous exercise of the power to which the certificate refers has taken place.

Power of Court to
prohibit transfer

58. The High Court may, if thinks fit so to do, without prejudice to the exercise of any other power of the Court, on application of any interested person, make an order prohibiting for the time specified in the order, any dealing with a ship or a share therein and the Court may make the order on any terms or conditions it thinks fit, or may refuse to make the order or may discharge the order when made, with or without costs and generally may not in the case as the justice of the case requires and every Registrar without being made a party to the proceedings shall on being served with an order or official copy thereof obey the order.

PART V – MORTGAGES

Mortgage of ships or
shares.

59. (1) A registered ship or a share in it may be used as security for the repayment of a loan or the discharge of any other obligation.

(2) The instrument creating any such security referred to as a “mortgage” shall be in a form prescribed by regulations.

(3) Where a mortgage executed in accordance with subsection (2) is produced to the Registrar at the ship’s port of registry he shall record it in the register.

(4) Mortgages shall be registered in the order in which they are produced to the Registrar for the purposes of registration and the Registrar shall notify each mortgagee that the mortgages has been registered by him stating the day and hour of that registration.

(5) The transfer of a mortgage or its transmission shall not affect the order of priority of the mortgage.

Mortgage of
provisionally
registered ships.

60. (1) Where a ship is provisionally registered, a mortgage executed outside Sierra Leone may be produced to a consular officer who shall notify the Registrar of the production of the mortgage and the name of the parties thereto with the amount secured and the mortgage shall as soon as possible be produced to the Registrar to be registered.

(2) Where the Registrar has received notice of the provisional registration of a ship and the production of a mortgage relating to the ship, the mortgage shall be deemed to be registered and its priority shall be preserved from the time of receipt by the Registrar of the notice of mortgage, or from the time of receipt of the mortgage whichever first happens and the Registrar shall make an appropriate entry in the Register.

(3) Subsection (4) of section 59 shall apply to mortgages under this section as it applies to mortgages under that

section, but the day and hour of registration shall not derogate from any priority preserved under subsection (2).

(4) On the final registration of a ship provisionally registered under this section the priority of any mortgage recorded under this section shall be preserved notwithstanding that such provisional registration may have ceased to have effect before the final registration.

Entry on discharge of mortgage

61. Where a registered mortgage is discharged, the Registrar shall on production of the mortgage with the receipt for the mortgage money endorsed thereon duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged and on that entry being made, the estate, if any, which passed to the mortgagee shall vest in the person in whom, having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been created.

Priority of registered mortgages.

62. Where two or more mortgages are registered in respect of the same ship or share, the priority of mortgagees between themselves shall be determined by the order in which the mortgages were registered (and not by reference to any other matter).

Mortgagee not treated as owner.

63. A mortgagee shall not, by reason of the mortgage, be deemed to be the owner of a ship or share therein, nor shall the mortgagor be deemed to have ceased to be the owner thereof save as may be necessary for making a mortgaged ship or share therein available as a security for the mortgage debt.

Power of sale of mortgagee.

64. (1) Subject to subsection (3) every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money, but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of the High Court, sell the ship or share without the concurrence of every prior mortgagee.

(2) A mortgagee referred to in subsection (1) shall be entitled to enforce his mortgage by action in rem in admiralty whenever any sum secured by the mortgage is unpaid when due or otherwise, in accordance with the terms of any deed or instrument collateral to the mortgage.

(3) A registered mortgagee of a Sierra Leone Government ship shall not, without first obtaining an order from the High Court, dispose of the ship or any share in it in respect of which he is registered or give receipts for the purchase money.

Mortgage not affected by bankruptcy.

65. A registered mortgage of a ship or a share in it shall not be affected by any bankruptcy of the mortgagor and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the mortgagor or any trustee or assignee on their behalf.

Transfer of mortgages.

66. (1) A registered mortgage of a ship or share in it may be transferred to any person.

(2) The instrument effecting the transfer shall be in the prescribed form.

(3) The Registrar shall, on the production of such instrument record by it entering in the register the name of the transferee as mortgagee of the ship or share in it and shall by a memorandum signed by him testify in the instrument of transfer that it has been recorded by him stating the day and hour of the record.

Transmission of interest in mortgage on death, bankruptcy, etc.

67. Where the interest of a mortgagee in a ship or share in it is transmitted on his death or bankruptcy, or by any lawful means, other than by a transfer under this Act, the transmission shall be—

- a) authenticated by declaration of the person to whom the interest is transmitted, containing a statement of the manner in which, and the person to whom the property has been transmitted; and
- b) accompanied by the like evidence as is by this Part required in the case of a transmission of the ownership of a ship or share in it.

(2) The Registrar shall, on receipt of the declaration and the production of the evidence referred to in subsection (1) enter the name of the person entitled under the transmission in the register as the mortgagee of the ship or share in it.

Authority to sell or mortgage out of Sierra Leone.

68. (1) Where a registered owner of a Sierra Leonean ship or share in it is desirous of disposing by way of sale or mortgage that ship or share at any place out of Sierra Leone he apply in writing to the Registrar.

(2) In such application, there shall be set forth the following particulars—

- a) the name and address of the person by whom the power mentioned in the certificate of sale or mortgage is to be exercised together with;
 - i. in the case of a sale, the minimum price at which the sale is to be made if it is intended to fix any such minimum; or
 - ii. in the case of a mortgage, the maximum amount thereof, if it is intended to fix any such maximum;
- b) the place where the power is to be exercised, or if no place is specified, a declaration that the power may be exercised anywhere, subject to this Act;
- c) the limit of time within which the power may be exercised.

(3) Subject to subsection (1) of section 69 in the case of an application to dispose of a ship by way of sale, the Registrar shall enable any such applicant to dispose of the ship or share in the manner provided for in subsection (2).

(4) On receiving an application under this section, the Registrar shall enter in the register a statement of the particulars set forth in the application and shall grant to the applicant a Certificate of Sale or a Certificate of Mortgage as the case may require.

(5) A Certificate of Sale and a Certificate of Mortgage—

- a) shall each be in the prescribed form;
- b) shall not authorize any sale or mortgage to be made in Sierra Leone or by any person not named in the certificate;
- c) shall contain a statement of the particulars set forth in the application and also a statement of any registered mortgages and certificates of any registered mortgages and certificate of sale or mortgage affecting the ship or share in it in respect of which the certificate is given.

General rules for certificate of sale.

69. (1) A Certificate of Sale shall not be granted except for the sale of an entire ship, and such a certificate shall not be granted under this Part, except upon the application made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees.

(2) The power conferred by a Certificate of Sale shall be exercised in conformity with the directions contained therein.

(3) An agreement for sale entered into in good faith in the exercise of the power conferred by any Certificate of Sale to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying at any time between the giving of the power and completion of sale.

(4) Where any Certificate of Sale contains a specification of the place at which, and a limit of time not exceeding 12 months within which the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given.

Procedure where ship under certificate of sale granted in Sierra Leone.

70. (1) Where a Sierra Leonean ship is sold, in the exercise of a Power conferred by a Certificate of Sale granted under this Part to persons qualified to own a Sierra Leonean ship—

- a) a transfer of the ship shall be made by bill of sale in the manner provided by this Part, and the bill of sale, when duly executed, and the certificate of sale shall be produced to a proper officer at the place at which the ship is sold and that officer shall thereupon endorse and sign on the certificate of sale, a statement of fact of

the ship having been sold, and shall forthwith notify the Registrar.

- b) The ship may be registered anew in the manner provided by this Act;
- c) The Registrar, upon receipt of the Certificate of Sale and the ship's Certificate of Registry from a proper officer, each of these Certificates having endorsed thereupon an entry of the fact of the sale having taken place, shall thereupon enter the sale of the ship in the register.

(2) Where no agreement is entered into in the exercise of powers conferred by a Certificate of Sale granted under this Part that Certificate shall be delivered to the Registrar and the Registrar shall thereupon cancel the Certificate, and shall enter the fact of the cancellation in the register and every Certificate so cancelled shall be void.

Registration in Sierra Leone where ship sold under certificate of sale granted in foreign state.

71. (1) Where a ship registered in a foreign country is sold in exercise of a power conferred by a Certificate of Sale granted under the law of that country to persons qualified to own a Sierra Leone ship, that ship may be registered in Sierra Leone in accordance with this section.

(2) Application for registration anew shall be made to the Registrar and there shall be produced to the Registrar a bill of sale by which the ship is transferred, the Certificate of Sale and the Certificate of Registry of the ship;

(3) The Registrar, on registering the ship anew shall—

- a) retain the Certificates of Sale and Registry, and shall endorse on each of these Certificates an entry of the fact of a sale having taken place and shall forward these certificates, so endorsed to the Registrar of the ship's former registry;
- b) enter in the register such particulars as are by this Act required to be entered therein in the case of first registration of a ship in Sierra Leone and also a statement of any registered mortgages or certificate of mortgages enumerated on the Certificate of Sale.

Rules as to certificate of mortgage.

72. The following rules shall be observed as to Certificates of Mortgages—

- a) the power shall be exercised in conformity with the directions contained in the certificates;
- b) a mortgage executed thereunder shall be registered by the endorsement of record thereof on the certificate by the proper officer at the place at which the mortgage is executed;
- c) a mortgage executed in good faith thereunder shall not be impeached by reason of the person whom the power was given dying at any time between the giving of the power and the execution of the mortgage;
- d) where the certificate contains a specification of the place at which, and a limit of time not exceeding 12 months within which, the power is to be exercised, a mortgage in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given;
- e) every mortgage which is so registered as provided in this section on the Certificate shall have priority over all mortgages of the same ship or share created subsequent to the date of the entry of the Certificate in the register and where there are more mortgages than one so registered the respective mortgagee claiming thereunder shall notwithstanding any express, implied or constructive notice be entitled to priority before the other according to the date and time each mortgage is registered on the certificate and not according to the date of the mortgage.
- f) subsection to section, rules, a mortgagee whose mortgage is registered on the Certificate shall have the same rights and powers and be subject to the same liabilities as he would have had, and been subject to, if his mortgage had been registered in the register instead of the certificate;
- g) the discharge of a mortgage so registered on the certificate may be endorsed on the certificate by the Registrar or proper officer on the production of such evidence as is by this Act, required to be produced to the Registrar for the entry of the discharge of a mortgage in the register, and, on that endorsement being made, the interest, if any, which passed the mortgage shall vest in the same person or persons in whom it would, having regard to the intervening acts or circumstances, if any, have vested if the mortgage had not been made.
- h) on the delivery of any Certificate of Mortgage to the Registrar by whom it was granted, he shall, after recording in the register, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the Certificate and enter the fact of the cancellation in the register and every certificate so

cancelled shall be void.

Loss of certificate of sale or mortgage.

73. Where it is shown to the satisfaction of the Registrar:—

- a) a Certificate of Sale or Mortgage is:
 - i. lost or destroyed; or
 - ii. so damaged as to be useless; and
- b) the powers thereby given:
 - i. have never been exercised; or
 - ii. if they have been exercised on proof of the several matters or things that have been done, the Registrar may, as circumstances require;
- c) issue a new certificate
- d) direct such entries to be made in the register
- e) direct such other things to be done, as might have been made or done if the loss or destruction had not taken place.

Revocation of Certificate of Sale or Mortgage.

74. (1) The owner of a Sierra Leone ship or a share therein in of respect of which a certificate of sale or mortgage has been granted specifying, the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the Registrar by whom the Certificate was granted to give notice to the proper officer at every such place that the certificate is revoked.

(2) After the authorization under subsection (1) notice shall be given accordingly and recorded by the proper officer receiving it, and after it is recorded, the Certificate shall be deemed to be revoked in respect of any sale or mortgage to be thereafter made at that place.

(3) After it has been recorded, the notice shall be exhibited to every person applying for the purpose of effecting or obtaining a transfer or mortgage under the certificate.

PART VI – MARITIME LIENS

Maritime liens.

75. Subject to this Act, each of the following claims against an owner, demise charterer, manager or operator of a vessel shall be secured by maritime lien on the vessel:

- a) claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;
- b) claims in respect of loss of life or personal injury occurring whether on land or on water in direct connection with the operation of the vessel;
- c) claims for reward for the salvage of the vessel;
- d) claims for port, canal and other waterway dues and pilotage dues;
- e) claims based on tort arising out of physical loss or damage caused by the operation of the vessel other than loss of or damage to cargo, containers and passengers' effects carried on the vessel.

Priority of maritime liens.

76. The maritime liens set out in section 75 shall take priority over registered mortgages which comply with the following conditions except as provided in subsections (5) and (6) of section 83—

- a) where the mortgages have been effected and registered in accordance with the law of the state in which the vessel is registered;
- b) the register and any instruments required to be deposited with the Registrar in accordance with the law of

the state in which the vessel is registered shall be open to public inspection and extracts from the register and copies of any such instrument are obtainable from the Registrar;

- c) where the register or any instruments referred to in subparagraph (b) specifies at least the name and address of the person in whose favour the mortgage has been effected or that it has been issued to bearer and the maximum amount secured if that is the requirement of the law of the state of registration; or
- d) if the amount is specified in the instrument creating the mortgage and the date and other particulars which according to the law of the state of registration, determine the ranking to other registered mortgages.

Order of priority of liens.

77. (1) The maritime liens set out in section shall rank in the order listed, except that maritime liens securing claims for reward of salvage of the vessel shall take priority over all other maritime liens which have attached to the vessel prior to the time when the operations giving rise to the said liens were performed.

(2) The maritime liens set out in paragraphs (a), (b), (d) and (e) of section 75 shall rank *pari passu* as among themselves.

(3) The maritime liens securing claims for reward for the salvage of a vessel shall rank in the inverse order of the time when the claims secured thereby accrued and such claims shall be deemed to have accrued on the date on which each salvage operation was terminated.

Rights of ship builders and ship repairers.

78. Where a preferential right arises pursuant to the provisions of the law relating to bankruptcy or insolvency in respect of a ship in the possession

- a) a ship builder, in order to secure claims for the building of the ship or
- b) a ship repairer in order to secure claims for the repair of the ship effected during such possession;

such rights shall be postponed to all the maritime liens set out in section 75 but may take precedence over any mortgage or other preferential rights registered under this Part so long as the ship is in the possession of the ship builder or ship repairer, as the case may be.

Characteristics of maritime liens.

79. Subject to section 76, the maritime liens follow the vessel notwithstanding any change of ownership or of registration or Flag.

Claims arising from radioactive products etc.

80. No maritime lien shall attach to a vessel to secure claims set out in paragraphs (b) and (e) of section 75 which arise out of or results from—

- a) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimants pursuant to international conventions or laws of Sierra Leone providing for strict liability and compulsory insurance or other means of securing the claims; or
- b) the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste.

Extinction of maritime liens.

81. (1) The maritime liens set out in section 75 shall be extinguished after a period of two years unless prior to the expiry of such period the vessel has been arrested or seized and such arrest or seizure has led to a forced sale.

(2) The two years period referred to in subsection (1) shall commence—

- a) with respect to the maritime lien set out in paragraph (a) section 75 upon the claimant's discharge from the vessel;
- b) with respect to the maritime liens set out in section 75 paragraph (b) to (e) where the claims secured thereby arise and shall not be subject to suspension or interruption, provided, however that the time shall not run during the period that the arrest or seizure of the vessel is not permitted by law.

Notice of forced sale.

82. (1) Prior to the forced sale of a vessel in Sierra Leone, the Administration shall ensure that notice in accordance

with this Act is served on—

- a) the authority in charge of the register in the state of registration;
- b) all holders of registered mortgages which have not been issued to bearer;
- c) all holders of registered mortgages issued to bearer and all holders of maritime liens; and
- d) the registered owner of the vessel.

(2) The notice shall be provided at least 30 days prior to the forced sale and shall contain either—

- a) the time and place of the forced sale and such particulars concerning the proceedings leading to the forced sale as the Administration shall determine is sufficient to protect the interests of persons entitled to notice;
- b) where the time and place of the forced sale cannot be determined with certainty the appropriate time and anticipated place of the forced sale and such particulars concerning the forced sale as the Administration shall determine is sufficient to protect the interests of persons entitled to notice; or
- c) where notice is provided in accordance with paragraph (b), additional notice of the actual time and place of the forced sale shall be provided when known, but in any event not less than 7 days prior to the forced sale.

(3) The notice specified in subsection (2) shall be in writing and may be given by registered mail or by any electronic or other appropriate means which confirm the receipt, by persons as specified in subsection (1), if known.

(4) In addition, the notice shall be given by press announcement in the state where the forced sale is conducted and if considered appropriate by the Administration in other publications.

Effect of forced sale.

83. (1) In the event of forced sale of the vessel in Sierra Leone, all registered mortgages except those assumed by the purchaser with the consent of the holders and all liens and other encumbrances of whatsoever nature shall cease to attach to the vessel except that—

- a) at the time of the sale, the vessel is within the jurisdiction of Sierra Leone; and
- b) the sale has been effected in accordance with this Act and in particular section 82.

(2) The costs and expenses arising out of the arrest or seizure and subsequent sale of the vessel shall be paid first out of the proceeds of sale. Such costs and expenses include, *inter alia*, the costs for the upkeep of the vessel and the crew as well as wages and other sums and costs referred to in section 75 paragraph (a) of incurred from the time of arrest or seizure.

(3) The balance of proceeds shall be distributed to the extent necessary to satisfy the respective claims in accordance with the provisions of this Act.

(4) Upon satisfaction of all claimants, the residue of the proceeds, if any, shall be paid to the owner and it shall be freely transferable;

(5) In the event of a forced sale of a stranded or sunken vessel following its removal by a public authority in the interest of safe navigation or the protection of the marine environment, the costs of such removal shall be paid out of the proceeds of the sale before all other claims secured by maritime lien on the vessel.

(6) Where at the time of the forced sale the vessel is in the possession of a ship builder or of a ship repairer who under this Act enjoys a right of retention, such ship builder or ship repairer shall surrender possession of the vessel to the purchaser, but shall be entitled to obtain satisfaction of his claim out of the proceeds of sale after the satisfaction of the claims of holders of maritime liens mentioned in section 75.

(7) The Administration shall ensure that any proceeds of a forced sale are actually available and freely transferable.

Disposition of proceeds of sale.

84. The costs awarded by the Court and arising out of the arrest and subsequent sale of a ship shall be paid first out of

the proceeds of the sale, and the balance of such proceeds shall be distributed among—

- a) holders of maritime liens under section 75
- b) holders of preferential rights under section 78
- c) holders of mortgages and other preferential rights registered under this Part to the extent necessary to satisfy their claims.

Issue of certificate that a ship is free of mortgages, liens etc.

85. (1) When a vessel registered in a state which is a party to the International Convention on Liens and Mortgages 1993, has been the subject of a forced sale in any state which is a party to the said Convention, the Administration shall, at the request of the purchaser issue a certificate to the effect that the vessel is free from all registered mortgages except those assumed by the purchaser, and of all liens encumbrances provided that the requirements set out in subsection (1) of section have been complied with.

(2) Upon the production of the certificate, the Registrar shall be bound:—

- a) delete all registered mortgages except those assumed by the purchaser;
- b) register the vessel in the name of the purchaser; and
- c) issue a certificate of deregistration for the purposes of new registration, as the case may be.

Non-application to non-commercial government vessels.

86. The provisions of sections 75 to 85 shall not create any rights or enable any rights to be enforced against, any vessel owned or operated by a state used only on government non-commercial service.

PART VII – MISCELLANEOUS

Provisions relating to infancy or other incapacity.

87. (1) Where by reason of the infancy, unsoundness of mind or any other cause, a person interested in a ship or a share therein is incapable of making a declaration or doing anything required or permitted by this Act to be made or done in connection with registration of the ship or share, the guardian or committee, if any, of that person or if there is none a person appointed on application made on behalf of such person to a court may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapacitated person.

(2) An act done in accordance with subsection (1) in the name, and on behalf of an incapacitated person shall be as effectual as if done by the infant, person of unsound mind or incapacitated.

Notice of trust not received.

88. No notice of any trust, express, implied or constructive shall be entered in the register or be receivable by the Registrar, and, subject to any rights and powers appearing by the register to be vested in any other person, the registered owner of a ship or a share therein shall have power absolutely to dispose of the ship or share in the manner provided for in this Act and to give effectual receipts for any money paid or advanced by way of consideration.

definition of “beneficial interest” and equities not excluded by Act.

89. In this Part, “beneficial interest” includes interests arising under contract and other equitable interests and accordingly without prejudice:—

- a) to the provisions of this Act for preventing notice of trust from being entered in the register or received by the Registrar;
- b) powers of disposition and giving of receipts conferred by this Act on registered owners and mortgages,

interests arising under contract or other equitable interest may be enforced by or against owners and mortgages of ships in respect of their interests therein in the same manner as in respect of any other personal property.

Liability of beneficial owner.

90. A person who has a beneficial interest, otherwise than by way of mortgage in a ship or share in a ship registered in the name of another person as owner, shall as well as the registered owner be subject to all pecuniary penalties imposed by this or any other enactment on the owners of ships or share therein so however that proceedings may be taken for the enforcement of any such penalties against both or either of the person and the registered owner, with or without joining any of them.

Registration of ship's managing owner or manager.

91. (1) The name and address of the managing owner or manger for the time being of every ship registered in Sierra Leone shall be registered with the Registrar.

(2) Where there is no managing owner or manager, there shall be registered the name of such other person to whom the management of the ship is entrusted by or on behalf of the owner and any person whose name is so registered shall, for the purpose of this Act be under the same obligations and subject to the same liabilities, as if he were the managing owner.

(3) Where default is made in complying with this section, the owner shall be guilty of an offence or if there are more owners than one, each owner shall be guilty of an offence in proportion to his interest in the ship, to a fine not exceeding, in the aggregate five million Leones each time the ship leaves a port in Sierra Leone.

Power of Registrar to dispense with declaration, etc.

92. Where, under this Part—

- a) a person is required to make a declaration on behalf of himself or another body corporate, or any evidence is required to be produced to the Registrar, and
- b) it is shown to the satisfaction of the Registrar that from any reasonable cause the person is unable to make a declaration or that evidence cannot be produced,

the Registrar may, with the approval of the Minister and on the production of such other evidence, and subject to such terms as he may think fit dispense with the declaration or evidence.

Mode of declarations.

93. (1) A declaration required to be made under this Part shall be made before a Registrar, a proper officer or any other person authorised by law to administer oaths.

(2) A declaration required to be made under this Part may be made on behalf of a body corporate by the Secretary or any other officer of the body corporate authorized by it for the purpose.

Application of fees.

94. All fees authorized to be taken under this Part shall, except where otherwise provided in this Act, be applied in the payment of the general expenses of carrying into effect, the provisions of this Part.

Returns to be made by Registrar.

95. The Registrar shall transmit to the Minister returns in such form and at such times as the Minister may direct, of all registrations, transfers, transmission, mortgages and other dealings with ships which have been registered by him in his capacity as Registrar and such other particulars as may be directed by the Minister.

Evidence of register, Certificate of Registry.

96. (1) A person may, on application to the Registrar during the hours of his official attendance and on payment of the prescribed fees, inspect the register.

(2) The following documents shall be admissible in evidence in the manner provided by this Act, namely:

- a) any register under this Part on its production from the custody of the Registrar or other person having lawful custody thereof;
- b) certificate of Registry under this Act purporting to be signed by the Registrar or other proper officer;
- c) an endorsement on a Certificate of Registry, purporting to be signed by the Registrar or other proper officer;
- d) every declaration made in pursuance of this Part in respect of Sierra Leone ship.

(3) A copy or transcript of the register of Sierra Leone ships kept by the Administration shall be admissible in evidence and shall have the same effect to all as the original register of which it is a copy or transcript.

Documents and instruments as to registration.

97. (1) The following instruments and documents shall be in the form prescribed by the Minister—

- a) declaration of ownership by an individual owner;
- b) declaration of ownership on behalf of a body corporate as owner;

- c) certificate of registry;
- d) provisional certificate;
- e) declaration of ownership by an individual transferee;
- f) declaration of ownership on behalf of a body corporate as transferee;
- g) declaration of ownership taken by transmission;
- h) deletion of certificate from the previous registry.

(2) The Minister may, from time to time, make such alterations in the form so prescribed as he may consider necessary, and shall by notice in the Gazette give due notice of his intention to alter such form.

(3) A Registrar shall not be required, without the special direction of the Minister to receive and enter in the register any bill of sale, mortgage or other instrument for the disposal or transfer of any ship or share therein or any interest therein which is made in any form other than that for the time being required under this Part, or which contains any particulars other than those contained in such form.

(4) The Minister may, in carrying into effect this Part, give such instructions to his officers regarding—

- a) the manner of making entries in the register;
- b) the execution and attestation of powers of attorney;
- c) any evidence required for identifying any person;
- d) referring to himself of any question involving doubt or difficulty; and
- e) any act or thing to be done in pursuance of this Part;

as it thinks fit.

(5) The Minister shall by statutory instrument prescribe the fee payable in respect of registration transfer including transmission, new registration, mortgage and transfer of mortgage.

Forgery of documents.

98. Any person, who forges, fraudulently alters or assists in forging or fraudulently altering or procures to be forged or fraudulently altered, any register, builder's certificate, tonnage certificate, certificate of registry, declaration, bill of sale or instrument of mortgage under this Part or any entry or endorsement required by this Part to be made in or on any of these documents, commits an offence and shall be liable on conviction to a fine not exceeding four million Leones or imprisonment for a term not exceeding three years or to both.

False declaration.

99. (1) Any person who, in the case of any declaration made in the presence of or produced to a Registrar under this Part or in any document or other evidence produced to such Registrar—

- a) wilfully makes or assists in making or procures to be made any false statement concerning the title to or ownership of, an interest existing in any ship, or share in a ship;
- b) utters, produces or makes use of any declaration or document containing any false statement knowing it to be false,

commits an offence and shall be liable on conviction to a fine not exceeding four million leones or to imprisonment for a term not exceeding three years or to both.

Liabilities of ships not recognised.

100. Where a Sierra Leone ship is by this Act required to be registered, then such a ship, if not so registered shall not be entitled to any benefits, privileges or advantages usually enjoyed by Sierra Leonean ships but as regards the payment of dues, the liability to fines and forfeitures and the punishment of offences committed on board such ship or by any person belonging to such ship, she shall be dealt with in the same manner in all respects as if she were a recognized Sierra Leone ship.

Fees.

101. The Minister shall, from time to time, by statutory instrument, prescribe the fee payable in respect of registration, transfer, including transmission, new registration, mortgage and transfer of mortgage.

PART VIII – NATIONAL CHARACTER AND FLAG

Duty to declare national character.

102. (1) An officer of customs shall not grant clearance to any ship until the master of the ship has declared to that officer the name of the nation to which he claims the ship belongs, and that officer shall thereupon write such name on the clearance.

(2) Where a ship attempts to proceed to sea without such clearance, she may be detained until the declaration is made.

National colours.

103. The national flag of Sierra Leone is hereby declared to be the proper national colours for all Sierra Leone ships.

Right to fly flag of Sierra Leone.

104. (1) A ship registered in accordance with this Act is entitled to fly the national flag of Sierra Leone.

(2) Nothing in this section shall be construed to prohibit ships which are exempt from registration under this Act from using in Sierra Leone waters the national colours of Sierra Leone.

Showing of national colours.

105. (1) A Sierra Leone ship shall hoist the proper national colours on a signal being made to her from any ship or aircraft belonging to the Sierra Leone Armed Forces;

- a) on entering or leaving any Sierra Leone or foreign port;
- b) when passing a warship of any navy;
- c) while in a Sierra Leone port from sunrise to sunset.

(2) The master of a ship who fails to comply with subsection (1) is guilty of an offence and shall be liable on summary conviction to a fine of three million leones.

(3) Where there is hoisted on board any Sierra Leone ship any colours or pendant usually worn by ships of Sierra Leone navy, or the national colours of any other country, the master of the ship or the owner thereof if he is on board the ship, and every other person hoisting the pendant or colours is guilty of an offence and shall on summary conviction be liable to a fine of five million leones.

Penalty for assuming Sierra Leonean flag.

106. (1) Where a person uses the national colours of Sierra Leone and assumes the Sierra Leone national character on board a ship which is not a Sierra Leone ship, for the purposes of making the ship appear to be a Sierra Leone ship, the ship shall be subject to forfeiture under this act, unless the assumption has been made for the purpose of escaping capture by an enemy or by foreign ship of war in the exercise of some belligerent act.

(2) In any proceeding for enforcing such forfeiture in subsection. The burden of proving the title to use Sierra Leone flag and assume a Sierra Leone national character shall lie upon the person using or assuming the same.

National flag on foreign ship.

107. (1) A person, who uses or permits any person to use Sierra Leone colours on board a foreign ship for the purpose of making that ship appear to be a Sierra Leone ship, commits an offence and shall be liable on conviction to a fine not exceeding three million leones or to imprisonment for a term not exceeding three years, or to both.

Penalty for concealing Sierra Leonean character or assuming foreign character.

108. (1) The master or owner of a Sierra Leonean ship who—

- a) does anything or permits anything to be done;
- b) carries or permits to be carried any paper document, with intent to deceive a person referred to in paragraph (c) commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones or to imprisonment for a term not exceeding two years or to both;
- c) conceals the Sierra Leone character of the ship from any person entitled by the law of Sierra Leone to enquire into it; or
- d) assumes a foreign character; or

(2) A ship in relation to which an offence is committed under subsection (1) is liable to forfeiture.

PART IX – MANNING AND CERTIFICATION

Regulations regarding manning and qualifications of persons serving in Sierra Leonean ship.

109. (1) The Minister, on the advice of the Administration, may, by statutory instrument, make such regulations as he considers necessary or expedient to provide for the manning requirements for Sierra Leone ships and the qualifications of officers and seamen of such ships and for matters connected therewith, and without prejudice to generality of such powers, make regulations—

- a) determine the categories of Sierra Leone ships by reference to their tonnage capacity, the nature of their cargo, the trading areas or voyages in which they are engaged;
- b) respecting the manning requirements in relation to such classes or description of ships as may be prescribed, and in particular requiring ship to carry such number of qualified officers of any description, seamen or qualified seamen of any description as may be specified;
- c) requiring that in any case a ship shall be under the charge of a properly certificated master and that watches at sea and in port are always kept by appropriately qualified officers;
- d) providing for medical standards to be attained by persons serving on board Sierra Leone ships;
- e) requiring officers, seamen and other persons performing prescribed functions in relation to the operation and maintenance of Sierra Leone ships to be holders of certificate of competency appropriate to the capacity in which they serve;
- f) providing for the grant, revocation, extension, revalidation, dispensation, suspension, endorsement and recognition of certificates;
- g) providing for the responsibilities of companies in the engagement of officers and seamen;
- h) relating to the holding and conduct of examinations for such certificates, qualifications of candidates for such examinations and the qualifications of the examiners and the appointment, removal, reappointment and the remuneration of such examiners, the fees for such examinations and all such matters as the Administration thinks necessary or expedient for the purpose of such examinations;
- i) providing for the programmes of training and the curricula of study to be followed in the training of seafarers;
- j) providing for the establishment, maintenance and operation of schools for the training of persons for certification as seafarers and designating from time to time institutions as recognized or affiliated places of training;
- k) prescribing the manner in which enquiries may be instituted before a board of enquiry appointed under section 112, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings.

(2) In making regulations under this section, the Minister shall have due regard to the provisions of:—

- a) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, together with such amendments thereof; and
- b) relevant Conventions of International Labour Organisation.

Power to exempt ships from regulations.

110. The Minister, on the advice of the Administration, may exempt any ship or class of ships from the requirements of any regulations made under section 109 and such exemption given under this section may be confined to a particular period or to one or more particular voyages.

Board of inquiry.

111. Where there has been an allegation that a seaman:—

- a) is suffering from any habit or mental or physical condition rendering him unfit to be a seaman;
- b) is guilty of dishonesty, incompetence or misconduct in the performance of his functions as a seaman;
- c) procured his certificate of competence as a result of any misleading, false or fraudulent misrepresentation,

the Administration may appoint a Board of Enquiry of three persons who are suitably qualified to enquire into the allegation and report its findings in writing to the Administration together with recommendations for action by the Administration.

Powers of a board of inquiry.

112. A Board of Enquiry appointed under section 111 shall have all the powers of a person holding an enquiry under section 481.

Cancellation etc. of Certificate by Administration.

113. The Administration acting on the recommendation made by the Board of Enquiry pursuant to section 112 or by the Minister consequent on the conviction of the seaman for an offence may by instrument in writing, cancel or suspend a certificate issued under section 110 and order that it be surrendered at such place or within such time as it directs.

Revocation of certificate.

114. The Administration may, with respect to a certificate approved under section 109, by instrument in writing, withdraw the approval either indefinitely or for such period as it may specify in such instrument, where a recommendation to that effect is made by a Board of Inquiry under section 111 or by the Minister consequent on the conviction of a seafarer for an offence.

Appeals against cancellation etc. of certificate.

115. (1) A person, who is aggrieved by an order of the Administration under section 113 or 114 cancelling or suspending a certificate or withdrawing an approval under this Act, may appeal to the High Court against such order within such time and in such manner as may be prescribed.

(2) The High Court may—

- a) dismiss the appeal and confirm the order;
- b) allow the appeal and set aside the order;
- c) vary the order as it thinks fit;
- d) where the matter has been enquired into pursuant to section 111 allow the appeal and direct that the matter be reheard by another Board of Enquiry appointed under that section.

Offences.

116. (1) Any person who:—

- a) serves as a seaman on board a Sierra Leone ship without being a holder of a valid certificate appropriate to the capacity in which he is engaged to serve; or
- b) either on his own account or acting in the capacity of an agent, engages any person as a seaman without taking all the necessary steps to ascertain whether such a person is a holder of valid certificate appropriate to the category in which he is engaged to serve,

commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones or to imprisonment for a term not exceeding two years or to both.

(2) For the purpose of subsection (1) (b), where it is established that a seaman is engaged to serve in any capacity without being a holder of a valid certificate appropriate to that capacity, the onus shall be on the person who engaged that seaman to prove that he had taken all necessary steps to ascertain that the seaman was at the time when he was engaged the holder of a valid certificate appropriate to the capacity in which he was engaged to serve.

(3) A person who:—

- a) makes or procures or assists in making any false representation for the purpose of obtaining for himself, or for any other person any certificate or any certified copy thereof:—
- b) forges, assists in forging or procures for forging such certificate or copy;
- c) fraudulently alters or assists in the fraudulent alteration, of such certificate or copy, or procures it to be fraudulently altered;
- d) fraudulently makes use of any certificate or a copy that is forged, altered, cancelled or suspended or to which he is not entitled; or
- e) fraudulently lends his certificate to, or allows it to be used by, any other person; or
- f) makes or has in his possession any document so closely resembling such certificate as to be calculated to device,

commits an offence and shall on conviction be liable to a fine not exceeding five million leones or imprisonment for a term not exceeding two years or to both.

(4) Any person who:—

- a) not being a holder of a valid certificate; or
- b) during a period in which his certificate is suspended or approval thereof is withdrawn, takes or uses any title, addition or description implying or calculated to lead persons to believe that he is entitled to serve as a seaman on a Sierra Leone ship commits an offence and shall be liable on conviction to a fine not exceeding five million leones or to imprisonment for a term not exceeding one year, or to both.

(5) A seaman who, without reasonable cause, fails to comply with a direction of the Administration

Validity of certificates issued prior to this Act.

117. The provisions of this Act shall not affect the validity of a certificate issued prior to the date of coming into operation of this Act by the Ministry responsible for marine transport matters or any other body under the repealed acts and the holder of such a certificate shall, while the certificate remains valid, be regarded as a person holding a certificate of competency under this Act.

Part X – ENGAGEMENT AND WELFARE OF SEAMEN

Application of Part X.

118. (1) This Part, unless a contrary intention appears, applies to a ship registered under this Act.

(2) This Part does not apply to a—

- a) vessel trading or operating solely within the inland waters of Sierra Leone;
- b) an air cushioned vessel;
- c) a pleasure craft;
- d) a vessel which in the opinion of the Registrar is of traditional build;
- e) ships of war; and
- f) Government vessels not engaged in trade.

Exemption of particular ships.

119. The Minister may, by statutory instrument and subject to such conditions (if any) as he thinks fit, exempt a particular ship or a particular class or description of ships from all or any requirement of this Part.

Appointment and functions of registrar of seamen.

120. (1) There shall be appointed by the Executive Director a Registrar of Seamen.

(2) The functions of the Registrar of Seamen shall be:—

- a) to monitor and audit the conduct of all business in connection with the engagement and discharge of all persons who serve on board Sierra Leonean ships and all seamen being citizens of Sierra Leone who serve on foreign ships;
- b) to afford facilities for engaging and discharging seamen by maintaining registers of the names and conduct of:—
 - i. seamen who apply to him for engagement;
 - ii. seamen shipped or discharged by him;
 - iii. seamen who produce continuous discharge certificates in proof of service in foreign or Sierra Leonean ships;
 - iv. seamen who serve on Sierra Leonean ships;
- c) to cause copies of the certificates referred to in paragraph (b)(iii) to be kept at his office; and
- d) to perform such other duties relating to seamen, apprentices and ships in pursuance of this or any other enactment relating to shipping entrusted to him.

(3) The Executive Director may appoint such persons as he thinks fit as Assistant Registrars of Seamen who shall perform their duties under the direction of the Registrar of Seamen.

(4) No person shall engage or recruit a Sierra Leonean seaman for employment on board a Sierra Leonean or foreign ship without first obtaining a license in the prescribed form, from the Administration authorizing such person to engage or recruit a Sierra Leonean seaman for service.

(5) Any person who contravenes subsection (4) commits an offence and shall be liable on conviction to a fine not exceeding ten million leones or to imprisonment for a term not exceeding three years or both.

Crew agreement.

121. (1) The owner of a Sierra Leonean ship or a person duly authorized by him shall enter into a crew agreement in accordance with this Act with every seaman whom he engages and carries to sea as one of his crew.

(2) The master of a ship other than a Sierra Leonean ship shall enter into a crew agreement in accordance with this Act with every seaman who he engages in Sierra Leone and carries to sea from Sierra Leone as one of his crew.

Contents of crew agreement.

122. (1) A crew agreement shall be—

- a) in the prescribed form;
- b) dated at the time of the first signature thereof;
- c) signed by the owner of the ship or a person duly authorized by the owner, before the seaman signs his name;
- d) in the case of a non Sierra Leonean ship signed by the master, before the seaman signs his name.

(2) The crew agreement shall state the rights and obligations of the parties including the following particulars:

- a) the name, age and birthplace of the seaman;
- b) the place and date of agreement;
- c) the name of the ship or ships which the seaman is to serve;
- d) the number of crew on board;
- e) the voyage or voyages to be undertaken (if known);
- f) the capacity in which the seafarer is employed;
- g) the place and date of commencement of service;
- h) the scale of provisions to be supplied to the seaman;
- i) the amount of wages which each seaman is to receive;
- j) the time that it is to expire after arrival at the port of discharge before the seaman is discharged;
- k) any regulations as to conduct on board and as to fines, and other lawful punishment for misconduct which have been made by the Minister which the parties agree to adopt;
- l) a list of persons under the age of 18 years and their dates of births.

(3) A crew agreement shall be so drawn up as to admit of such stipulations to be adopted at the will of a master and seaman in each case, whether respecting the advance and allotment of wages or otherwise as are not contrary to law.

(4) A crew agreement made to employ a seaman under this section shall be terminated by:—

- a) by mutual consent of the parties thereto;
- b) by the death of seaman;
- c) by the wreck, loss or total unseaworthiness of the ship;
- d) by the dismissal of the seaman;
- e) where the agreement relates to employment for a particular period, on the expiration of that period and if the period expires during a voyage, on the arrival of the ship at the next port of call after the expiry of the period.

Regulations for disciplinary offences.

123. For the purpose of maintaining discipline on board a Sierra Leone ship, the Minister may by Statutory Instrument make regulations for—

- a) specifying misconduct on board as a disciplinary offence and enabling the master or such an officer as may be designated by the master to impose fines on seamen committing disciplinary offences;

- b) procedure for the hearing of appeals against fines for disciplinary offences;
- c) the setting up of a disciplinary committee of persons employed in the ship and for the exercise by all powers of the master in dealing with disciplinary matters;
- d) the payment of fines for disciplinary offences;
- e) any misconduct on the part of the master or any member of the crew.

Same offence.

124. Where any conduct is both a disciplinary offence and an offence against any of the provisions of this Act, and it has been dealt with as a disciplinary offence it shall not be dealt with as an offence against that provision.

Procedures relating to certain crew agreements.

125. The following provisions shall have effect with respect to a crew agreement made in the case of a ship trading in and beyond the waters of Sierra Leone—

- a) the agreement shall, subject to the provisions of the Act as to substitute, be signed by each seaman;
- b) the master shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the agreement before he signs it and shall attest each signature;
- c) when the crew is first engaged, the agreement shall be signed in triplicate, a copy of the agreement shall be sent to the Administration, a copy shall be forwarded to the owner and the other shall be retained by the master and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequent to the first departure of the ship;
- d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services were within 24 hours of the ship proceeding to sea, lost by death, desertion or other unforeseen cause, the master shall before the ship proceeds to sea if practicable, and if not, as soon as possible thereafter, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign it in the presence of a witness and the witness shall attest the signature;
- e) an agreement may be made for a voyage or, if the voyage of the ship averages less than six months in duration, may be made to extend over two or more voyages and an agreement made to extend over two or more voyages is in this Act referred to as a “running agreement”;
- f) a running agreement shall not extend beyond 12 months’ period of time next following the date of the making of the agreement or the first arrival of the ship at her port of destination after the termination period;
- g) on every return to the port where the crew was engaged before the final termination of a running agreement, the master shall make on the agreement, an endorsement as to the engagement or discharge of seamen, either than no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all these made have been made as required by law and where the master wilfully makes a false statement in any such endorsement he is guilty of an offence;
- h) the triplicate crew agreement retained by the owner on the first engagement of crew shall be kept by the owner for a period of seven years after the expiration of the agreement and shall be produced on demand therefore by a proper officer;
- i) except as provided in section 139 a crew agreement shall not purport to deprive any court of its jurisdiction to hear and determine disputes respecting the agreement.

Further provisions as to crew agreement.

126. (1) The master shall, at the commencement of every voyage or engagement, cause a legible copy of the crew agreement with signatures to be displayed in some part of the ship which is accessible to the crew.

(2) Every erasure, amendment or alteration in any crew agreement, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship shall be without effect unless proved to have been made with the consent of all persons interested in the erasure, amendment or alteration.

(3) In any proceedings, a seaman may introduce evidence to prove the contents of any crew agreement or otherwise to support his case without producing or giving notice to produce the agreement or copy thereof.

(4) A person who fraudulently alters, makes any false entry in, or delivers a false copy of, any crew agreement commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Stipulations not to be contrary to law of flag

127. In no case shall stipulations adopted by the parties to a crew agreement be contrary to the laws of the flag state of the ship in matters relating to wages and conditions of employment of seamen and master on board ships.

state.

Seamen's certificate of discharge.

128. (1) Subject to section 179, the master shall sign and give to a seaman discharged from his ship either on his discharge or on payment of his wages, a Certificate of Discharge in an approved form specifying the period of this service and the time and place of the discharge.

(2) A Certificate of Discharge under subsection (1) shall not contain any statement as to the wages or the quality of work of the discharged seaman.

(3) The master shall, upon the discharge of every certificated officer whose Certificate of Competency had been delivered to and retained by him, return the Certificate to the officer.

Performance report.

129. (1) When a seaman is discharged from a Sierra Leone ship, the master of the ship shall make and sign a report in the prescribed form in this section called a "performance report" in which the master shall report on the conduct, ability and sobriety of the seaman who is being discharged.

(2) The master before whom the discharge of a seaman is being made shall, subject to section 179 and if the seaman so desires give the seaman a copy of the performance report on him.

(3) A person who:—

- a) makes a false report of performance knowing it to be false;
- b) forges or fraudulently alters a certificate of discharge or performance report or copy of a performance report;
- c) fraudulently uses any certificate of discharge or performance report, that is forged or altered or that does not belong to him, commits an offence and is liable on conviction to a fine not exceeding three million leones or to a term of imprisonment not exceeding twelve months or to both.

Discharge on change of ship registry.

130. Where a Sierra Leonean ship ceases to be registered as such a seaman employed in the ship shall be discharged from the ship, unless he consents in writing to continue his employment on the ship and, in such case the provisions of this Part relating to the payment of a seaman's wages and the powers of proper officers to decide disputes about wages shall apply in relation to his wages as if the ship had remained registered in Sierra Leone.

Employment of children, persons under sixteen years.

131. (1) No person under the age of 16 years shall be employed in a Sierra Leone ship except—

- a) upon work approved by the Administration on board a school ship or training ship;
- b) where the Executive Director certifies that he is satisfied, having due regard to the health and physical condition of the person and to the prospective and immediate benefit to him of the employment, that the employment will be beneficial to him.

(2) Subject to subsection (1), no person under the age of 16 years shall be employed in any capacity in any Sierra Leonean ship.

Change of master.

132. (1) Where, during the progress of a voyage of a ship, the master is removed, superseded or for any other reason ceases to have command or charge of the ship, and is succeeded by some other person, he shall deliver to his successor the certificate of registry and various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and where he fails without reasonable cause to do so, he is guilty of an offence.

(2) The successor to a master shall, immediately on assuming the command of a ship, enter in the official log book, a list of documents so delivered to him.

Regulations on conditions of service.

133. (1) The Minister may by statutory instrument make such regulations as he considers necessary or expedient to provide for—

- a) the conditions of service of persons serving in Sierra Leonean ships and of Sierra Leone nationals serving on foreign ships; and
- b) matters connected therewith, and in particular relating to—
 - i. apprentice to the sea service;
 - ii. engagement by foreign ships of Sierra Leone nationals;
 - iii. the implementation of any international convention relating to employment, welfare, security or certification or status of seafarers;
 - iv. avoidance of agreements made contrary to such regulations;
 - v. wages in general, and the rights related thereto of persons employed in Sierra Leonean ships, health and welfare of seafarers and apprentices employed in ships;
 - vi. the accommodation to be provided for seafarers and apprentices on board ships, the locations and standards of accommodating and all questions relating to accommodating seafarers and apprentices on board; and
- c) the employment of persons under 16 years.

(2) In making the regulations under subsection (1), the Minister shall have due regard to the following Conventions and Recommendations of the International Labour Organisation set out in the First Schedule—

- a) Merchant Shipping (Minimum Standards) Convention 1976 (No. 147)
- b) Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention 1976
- c) Seafarers' Hours of Work and the Manning of Ships Convention 1996 (No. 180)
- d) Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation 1996 (No. 187)
- e) Medical Examination (Seafarers) Convention 1946 (No. 73)
- f) Accommodation of Crews Convention Revised 1949 (No. 92)
- g) Accommodation of Crew (Supplementary Provisions) Convention 1970 (No. 133)
- h) Recruitment and Placement of Seafarers Convention 1996 (No. 1979)

Use of English language.

134. (1) Except where otherwise provided in this Act, all correspondence, documents, forms or other writings shall be in the English language, and in the case of crew agreement, official log book and muster rolls, in a prescribed form, except that another language version of any document may be appended to the English language version thereof.

(2) All written signs displayed on board a Sierra Leonean ship shall be in the English language.

Crew's knowledge of English.

135. (1) Where in the opinion of the Executive Director the crew of a Sierra Leonean ship consists of or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of the English language and the absence of adequate arrangement for transmitting orders in a language of which they have sufficient knowledge, the Executive Director shall inform the master of his opinion and the ship shall not proceed to sea until the Executive Director is satisfied that the situation has been rectified.

(2) If a ship goes to sea or attempts to proceed to sea in contravention of this section both the owner and the master commits an offence and are liable on summary conviction to a fine not exceeding three million leones.

PART XI – WAGES

Time and manner of payment of wages, etc.

136. (1) The master or owner of a Sierra Leonean ship shall pay to each seaman belonging to that ship his wages, if demanded—

- a) within two days after the arrival of the ship at the port where the crew is to be discharged; or
- b) upon the seaman's discharge, whichever first happens.

(2) The master of a Sierra Leonean ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act, a full and true account of the seaman's wages and of all deductions to be made

therefrom for any reasons whatever.

(3) The account referred to in subsection (2) shall be delivered to the seaman not less than 24 hours before his discharge or paying off.

(4) The master or owner of a Sierra Leonean ship who fails to comply with subsection (1), (2) and (3) commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Deductions from wages.

137. (1) A deduction from wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 205 except in respect of a matter happening after the delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made in a book kept for that purpose and shall if required produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Settlement of wages.

138. (1) When a seaman is discharged, and the settlement of his wages completed, he shall sign a release in an approved form, of all claims in respect of the past voyage or engagement, and the release shall be signed by the master or owner of the ship.

(2) The release, so signed and attested under subsection (1), shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

Registrar's decision on wages.

139. (1) Whenever the nature and the amount involved in dispute, between a master or owner and any of his crew is raised before the Registrar of Seamen and both parties agree in writing to submit the dispute to him, the Registrar shall hear and decide the question so submitted.

(2) A decision made under subsection (1) by the Registrar of seamen shall be conclusive as to the rights of the parties, and shall be admissible in evidence in the manner provided in this Act.

Registrar may require ship's documents.

140. (1) In any proceedings under this Act before the Registrar of Seamen relating to the wages, claims or discharge of a seaman, the Registrar of Seamen may—

- a) require the owner or agent of the owner or the master or any mate or other member of the crew—
 - i. to produce any log books or other documents in his possession or control relating to a matter in question in the proceedings; or
 - ii. to attend and be examined; and
- b) administer oaths.

(2) In any proceedings under this Act before the Registrar of Seamen relating to wages, claims or disputes or discharge of a seaman, all travelling and other expenses incurred by the Registrar of Seamen shall be met by the owner of master of the ship.

Registrar may settle way disputes up to five hundred thousand leones.

141. Where before the Registrar of Seamen or a proper officer a question as to wages is raised between the master or owner of a ship and a seaman, and the amount does not exceed five hundred thousand leones, the Registrar or a proper officer may, on the application of either party, decide the question and the decision shall be final, but if the Registrar or a proper officer is of the opinion that the question is one which ought to be decided by a court, he may refuse to decide it.

Court may award interest on wages due where there is no crew agreement.

142. In any proceedings by the master of a ship or a person employed in a ship otherwise than under a crew agreement for the recovery of any sum due him as wages, the court may, unless it appears to it that the delay in paying the sum was due to:

- a) a mistake;
- b) a reasonable dispute as to liability;
- c) the act or default of the person claiming the amount; or
- d) any other cause, not being the wrongful act or default of the person liable to make the payment or their servants or agents, order them to pay, in addition to the sum due, interest on it at the rate of 20 percent per annum or such lower rate as the court may specify, for the period beginning seven days after the sum became due and ending when the sum is paid.

Allotment notes.

143. (1) Subject to this section, a seaman may, by means of an allotment note issued in accordance with regulations allot to any person or persons part of the wages to which he will become entitled in the course of his employment in a Sierra Leone ship.

(2) The Minister may by statutory instrument make regulations—

- a) relating to the limitations to which a seaman's right to make an allotment are subject;
- b) prescribing the form of allotment notes; and
- c) relating to the right of a person named in an allotment note to sue in his own name.

Wages where service terminated.

144. (1) A seaman whose service terminates before the date contemplated in the crew agreement by reason of his being left ashore at a place abroad because of his unfitness or inability to proceed on a voyage, is entitled to wages until he returns to the proper return port.

(2) Subject to subsection 93), a seaman whose service terminates before the date contemplated in the crew agreement by reason of the loss or foundering of the ship on which he is employed, is entitled at that date in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service.

(3) Subsection (2) does not apply where the seaman obtains other suitable employment during the period of two months from the date of termination of the service.

Protection of seaman's rights and remedies.

145. (1) A seaman's lien on a ship, remedies for recovery of wages, right to wages in case of wreck or loss of the seaman's ship and any right he may have or obtain in the nature of salvage shall not be capable of being renounced by any agreement.

(2) A stipulation in any agreement inconsistent with subsection (1) or any other provision of this Act shall be void.

(3) Subsection (1) does not affect any term of an agreement made with the seaman belonging to a ship which is to be employed on salvage service which relates to the remuneration to be paid to them for salvage services rendered by that ship.

Claims against seaman's wages for maintenance.

146. (1) Where, during a seaman's employment in a ship, expenses are incurred by a public officer for the benefit of any of his dependants and the expenses are of a kind specified in the regulations made under section 133 and such further conditions as may be so specified are satisfied, the public officer may by notice in writing require the persons employing the seaman—

- a) to retain for a period specified in the notice such proportion of his net wages as may be so specified;
- b) to give to the public officer notice in writing of the seaman's discharge from the ship, and the persons employing the seaman shall comply with the notice and give notice in writing of its contents to the seaman.

(2) For the purposes of this section

- a) the following persons, and no others shall be taken to be a seaman's dependants—
 - i. his spouse; and

- ii. any person under the age of 13 years for whose maintenance he is statutorily responsible; and
 - b) expenses incurred for the benefit of any person include, in addition to any payment made to him or his behalf, expenses incurred for providing him with accommodation or care or for exercising supervision over him, but no expenses shall be specified in the regulations unless they are such that a competent court has power under any enactment in force in Sierra Leone to order the making of payment in respect thereof.
- (3) No more than the following proportion of a seaman's net wages shall be retained under subsection (1) whether in pursuance of one or more notices
- a) one-half, where the notice or notices relates to one dependant only, and
 - b) two-thirds, where the notice or notices relate to two or more dependants.
- (4) Where a public officer has served a notice under this section on persons employing a seaman, a competent court may, on the application of the officer, make an order for the payment to the officer such sum, not exceeding the proportion of the seaman's wages which these persons were required by virtue of this section to retain as the court having regard to the expenses incurred by them and the seaman's means, thinks fit.
- (5) Any sums paid out of a seaman's wages in pursuance of an order under this section shall be deemed to be paid to him in respect of his wages, and the service, on the persons who employed the seaman, of such an order or of an order dismissing an application for such an order shall terminate the period for which they were required to retain the wages.
- (6) An application for an order under this section for the payment any sum by the persons who employed a seaman shall be deemed, for the purposes of any proceedings, to be an application for an order against the seaman, but the order when served on those persons, shall have the effect of an order against them and may be enforced accordingly.
- (7) A notice or order under this section may be served by a registered post
- (8) The Minister may by statutory instrument make regulations prescribing—
- a) the expenses in respect of which a notice may be served by a public officer under subsection (1);
 - b) any conditions that must be satisfied if such a notice is to be served;
 - c) the period that may be specified in such a notice being a period beginning with the service of the notice and ending a specified number of days after the seaman's discharge from the ship;
 - d) the form of such notice and that to be contained in it;
 - e) the amount to be deducted from a seaman's wages in computing his net wages for the purpose of this section, and the amount specified under this paragraph may include amounts allotted by allotment notes issued under section 143.

Master's remedies for remuneration and disbursements.

147. (1) The master of a Sierra Leonean ship shall have the same rights, liens and remedies for the recovery of his wages as a seaman has for his wages under this Act or any other law.

(2) The master of a Sierra Leonean ship and every person lawfully acting as master of a ship by reason of the death or incapacity from illness of the master of the ship has the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) Where, in any proceedings regarding the claim of a master in respect of wages or of the disbursement or liabilities mentioned in subsection (2) any rights of set off or counter-claim is set up, the court may enter into and counter-judicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceedings and may direct payment of any balance found to be due.

Wages not to depend on freight.

148. (1) The right to wages shall not depend on the earning of freight and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the wages notwithstanding that the freight has not been earned, but in the event of wreck or loss of a ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim for wages.

(2) Where a seaman or apprentice who would but for death be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in the same way as the wages of a seaman who dies during a voyage.

Refusal to work.

149. A seaman shall not be entitled to wages for any time during which:—

- a) he refuses or neglects to work when required, whether before or after the time fixed by the agreement for him to begin work; or
- b) for any period during which he is lawfully imprisoned for any offence committed by him, unless the court hearing the case otherwise directs.

Illness caused by own default.

150. (1) Where a seaman is, by reason of illness incapable of performing his duty and it is proved that the illness has been caused by his own act or default, or is a sickness or infirmity wilfully concealed at the time of engagement, he shall not be entitled to wages for the period during which he is, by reason of the illness, incapable of performing his duty.

(2) Subsection (1) does not affect the rights of a seaman to payment or other benefits to which he may be entitled under any law providing for compensation for injured or sick workers.

Cost of producing conviction.

151. When in any proceeding relating to a seaman's wages it is shown that the seaman has, in the course of the voyage, been convicted of an offence and punished by imprisonment or a fine, the court hearing the case may direct any part of the wages due to the seaman, not exceeding one month's wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Improper discharge.

152. Where a seaman who has signed a crew agreement is discharged otherwise than in accordance with the terms of the agreement:

- a) before the commencement of the voyage;
- b) before one month's wages are earned;

without fault and without consent, he is entitled to receive from the master or owner in addition to any wages he might have earned, due compensation for the damage caused to him by the discharge, not exceeding two month's wages and he may recover that compensation as if it were wages duly earned.

Protection of wages.

153. (1) The following provisions apply to wages due or accruing to a seaman:—

- a) subsection to section 146, wages are not subject to any attachment by any court;
- b) an assignment or sale of wages before they are due does not bind the person making it;
- c) no power of attorney or authority for the receipt of wages is irrevocable; and
- d) a payment of wages is valid in law notwithstanding that the wages have been sold, assigned, attached or encumbered.

(2) Nothing in subsection (1) affects the provisions of this Act with respect to allotment notes.

(3) Nothing in this section applies to any disposition relating to the application of wages—

- a) in the payment of contributions to a fund declared by regulations to be a fund to which this section applies;
- b) in the payment of contributions in respect of the membership of a body declared by regulations to be a body

to which this section applies.

Leave and holidays.

154. (1) A person is entitled after 12 months of continuous service on a Sierra Leone ship, or for the same employer, to an annual leave with pay, or to a proportionate part of the annual leave with pay, the duration of which shall be—

- a) in the case of officers 21 days; and
- b) in the case of ratings 21 days.

(2) For the purpose of calculating the time at which annual leave is due—

- a) periods between consecutive crew agreement shall be included in the reckoning of the continuous service referred to in subsection (1);
- b) short interruptions of service not due to the act of fault of the employee and not exceeding a total of six weeks in any 12 months do not break the continuity of the periods of service that precede and follow them; and
- c) continuity of service is not interrupted by any change in the management or ownership of the ships in which the person concerned has served.

(3) The following shall not be included in calculating annual leave with pay—

- a) interruptions of service due to sickness or injury; and
- b) public holidays.

Seaman may sue for wages.

155. (1) Subject to section 146, a seaman or a person authorized on his behalf may as soon as any wages due to him become payable, sue for them in a court having jurisdiction in the place at which his service has terminated or at which he has been discharged, or at which any master or owner or other person upon whom the claim is made resides.

(2) A court may, upon complaint on oath made to it for the purposes of proceedings under this section summon the master or owner or other person to appear before the court to answer the complaint.

(3) Upon the appearance of the master or owner or other person, the court may—

- a) examine upon oath the parties and their respective witnesses regarding the complaint and the amount of wages due;
- b) make such order for the payment of any wages found due as appears reasonable and just.

(4) Where a master or owner or other person does not appear, the court, on due proof that the master or owner or other person was duly summoned, may—

- a) examine on oath the complainant and his witness regarding the complaint and the amount of wages due; and
- b) may make such order for the payment of any wages due as appears reasonable and just.

(5) Where an order under this section for the payment of the wages is not obeyed within two working days after the making thereof, the Court may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made together with all the charges and expenses incurred in connection with the distress and levy and the enforcement of the order.

(6) Where sufficient distress cannot be found the court may cause the amount of wages, charges and other expenses to be levied on the ship in respect of which the wages were earned or on the tackle and apparel thereof, save that if the ship is not within jurisdiction of the court no levy may be on the ship but the court may cause the person upon whom the order for payment is made to be arrested and committed to prison for a term not exceeding three months.

Jurisdiction of court in recovery of wages.

156. A court may hear or determine any action by or on behalf of any seaman or apprentice for the recovery of wages, where—

- a) the owner of the ship is bankrupt;
- b) the ship is under arrest or is sold by the authority of the court.

Power to rescind contracts.

157. (1) Where proceedings are instituted in a court in relation to a dispute between the owner or master of a ship and a seaman, arising out or incidental to their relationship as such, or is instituted for the purposes of this section, the court may, if, having regard to all the circumstances it thinks fit to do so, rescind any contract between the owner or master and the seaman or any contract or articles of apprenticeship upon such terms as the court thinks just.

(2) The jurisdiction of a court under subsection (1) is in addition to any other jurisdiction that the court can exercise independently of this section.

Property of deceased seaman.

158. (1) Where a seaman belonging to a Sierra Leonean ship dies during a voyage, the master of the ship shall take charge of any money or effects belonging to the deceased seaman that are on board the ship.

(2) The master shall enter in the official log book—

- a) a statement of the money and a description of the effects; and
- b) a statement of wages due to the deceased and the amount of deductions if any, to be made from the wages and the balance of the wages due.

(3) The entry under subsection (2) shall be signed by the master and attested by a mate or some other member of the crew.

(4) The master of the ship shall, without delay furnish the Registrar of Seamen with a statement of the property of the deceased seaman.

(5) The money, effects and balance of wages mentioned in subsection (1) and (2) are in this Act referred to as the “property of a deceased seaman”.

Delivery of deceased seaman’s property.

159. (1) Subject to subsection (2) the property of a deceased seaman shall be delivered, by the master of a ship by the most practicable means to the personal representatives of the deceased, or if there is no personal representative, the master shall deliver the property to the proper officer or Registrar of Seamen as the case may be, for disposal—

- a) in accordance with the law determining the distribution or succession of personal property of deceased persons of that place in which the deceased was last resident; or
- b) in accordance with the order of a court having jurisdiction to determine the distribution of property of the deceased.

(2) A master may deduct from the property of the seaman any expenses properly incurred in compliance with subsection (1).

(3) After complying with subsection (1) the master shall deliver a statement of account to a proper office respecting the property of the seaman.

Forgery of documents.

160. A person, who for the purpose of obtaining, either for himself or for any other person, any property of a deceased seaman—

- a) forges or fraudulently alters any document purporting to show or assist in showing any right to that property;
- b) makes use of any document that has been forged or fraudulently altered as described in paragraph (a);

- c) gives or assists in giving or procures to be given any false evidence knowing the same to be false;
- d) makes any false representation knowing the same to be false;
- e) assists in procuring any false evidence or representation to be given or made knowing same to be false,

is guilty of an offence.

Part XII – OCCUPATIONAL SAFETY

Occupational safety regulations.

161. (1) The Minister may, by statutory instrument, make regulations for securing as far as practicable, safe working and safe means of access for masters and seamen employed in a Sierra Leonean ship, and requiring the reporting of injuries sustained by them.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may—

- a) require the maintenance, inspection and testing of any equipment and impose conditions on its use;
- b) require, prohibit or regulate the use of protective clothing or equipment;
- c) limit the hours of employment of a seaman in any specified operation or in any specified circumstances;
- d) make provision for the discharge, by a person appointed from among persons employed in a ship, of functions in connection with the arrangements to be made under the regulations.
- e) In making regulations under this section, the Minister shall have due regard to the Prevention of Accidents (Seafarers) Convention 1970 (No. 134) of the International Labour Organisation or any amendments thereof.

Part XIII – PROVISIONS AND WATER TO BE SUPPLIED

Provisions and water.

162. (1) The Minister may by statutory instruments make regulations requiring such provisions and water to be provided for seamen employed in Sierra Leonean ships or any class of ships as may be specified in the regulations.

(2) The Minister may exempt any ship from any requirement of regulations made under this section, either generally or in respect of a particular voyage.

(3) Where the provisions of any regulations made under this section are not complied with in the case of a ship, the master or owner commits an offence and is liable on conviction to a fine not exceeding five million leones, unless he proves that the failure to comply was not due to his neglect or default.

(4) Where a person authorized to inspect the provisions and water to be supplied to the seaman employed in a Sierra Leonean ship is not satisfied that they are in accordance with regulations made under this section, the ship, if in Sierra Leone, may be detained.

Complaints as to provisions and water.

163. (1) Where three or more members of the crew of a Sierra Leonean ship consider that the provisions or water provided for the use of the crew are, at any time, of bad quality or deficient in quantity they may complain to the Registrar of Seamen or the proper officer, who may either examine the provisions or water complained of, or cause them to be examined.

(2) Where the person making an examination under this section finds that the provisions or water are of bad quality or deficient in quantity, he shall communicate that fact in writing to the master of the ship and where the master does not thereupon provide provisions or water fit for human consumption he commits an offence.

(3) The person making the examination shall enter a statement of the result of the examination in the official log book and send a report to the Registrar of Seamen, and that report shall be admissible in evidence.

(4) Where the person making the examination certifies in his statement that there was no reasonable ground for complaint, each of the complainants is liable to forfeit to the owner a sum not exceeding one week's wages.

Allowance for short or bad provisions.

164. (1) Where during the voyage of a Sierra Leonean ship, the allowance of provisions provided for a seaman is less than that prescribed or any of those provisions are of bad quality, the seaman shall receive by way of compensation for the deficiency or bad quality, for so long as it lasts, such amounts as may be prescribed to be paid to him in addition to and to be recoverable as wages.

(2) Where the deficiency occurred because the provisions were not supplied in proper quantities and proper equivalent substitutes were not supplied in lieu thereof, those circumstances shall be taken into consideration for the purposes of subsection (1) and the compensation reduced or denied accordingly.

Weights and measure.

165. (1) The master of a Sierra Leonean ship in which provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the general provisions, and the master shall allow the weights and measures to be used in the presence of a witness at the time of distribution of the provisions and articles whenever any dispute arises about the quantities.

(2) A master who fails without reasonable cause to comply with subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding three million leones.

Medical fitness regulations.

166. (1) The Minister may by Statutory Instrument make regulations as appear to him to be necessary for conducting medical examination of all persons seeking employment in any capacity on board ships and the issue of medical certificates in respect of such person.

(2) In making regulations under subsection (1), the Minister shall have regard to Medical Examination (Seafarers) Convention 1946 (No. 79) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW) as amended.

Crew accommodation regulations.

167. (1) The Minister may, by statutory instrument, make regulations with respect to the crew accommodation to be provided in Sierra Leonean ships.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may in particular—

- a) prescribe the minimum space per person which shall be provided by way of sleeping accommodation for seamen and maximum number of persons by whom a specified part of such sleeping accommodation may be used;
- b) prescribe the equipment to be provided for the sleeping accommodation, mess rooms, sanitary accommodation and galleys in a ship;
- c) regulate the spaces in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;
- d) provide for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- e) prescribe the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship;
- f) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorize the surveyor to inspect any such works;
- g) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed;
- h) provide for the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining tonnage.

(3) Regulations made under this section may exempt any particular ship or any class of ship from any requirements of the regulations.

(4) Regulations made under this section may require the master of a ship or any officer authorized by him for the purpose to carry out such inspections of the crew accommodation as may be prescribed.

(5) Where the provisions of any regulations made under this section are contravened in the case of a ship, the owner or master commits an offence and the ship, if in Sierra Leone, may be detained.

(6) In this section, “crew accommodation” includes sleeping accommodation, mess rooms, sanitary accommodation provided for the use of seamen, but does not include any accommodation which is also used by, or provided for the use of passengers.

(7) In making regulations under this section, the Minister shall have due regard to the requirements of Accommodation of Crews Convention (Revised) 1949 (No. 92) and the Accommodation of Crews (Supplementary Provisions) Convention 1970 (No. 133) of the International Labour Organisation.

Certified cook to be carried.

168. (1) A Sierra Leonean ship exceeding 1,000 gross tons trading from and beyond the waters of Sierra Leone shall carry on board a duly certificated ship’s cook.

(2) Where, in the opinion of the Executive Director, there is an inadequate supply of certificated ship’s cooks he may exempt a particular ship from the requirements of subsection (1) for a specified period.

Medical stores regulations.

169. (1) The Minister may, by statutory instrument make regulations requiring Sierra Leonean ships to carry such medicines, medical stores, appliances and books containing instructions and advice as may be specified in the regulations.

(2) The owner and master of a ship shall ensure that the ship carries medicines, medical stores, appliances and books in accordance with the scales laid down under regulations made under subsection (1).

(3) Where a surveyor or other officer of the Administration is of the opinion that the medical stores, appliances and books on a Sierra Leonean ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or agent of the ship and the ship may be detained if the deficiency is not remedied to the satisfaction of the surveyor.

Expenses for medical treatment and burial.

170. (1) Where the master of, or a seaman belonging to, a Sierra Leonean ship receives any surgical or medical treatment as cannot be postponed without impairing the efficiency of the master or seaman, reasonable expenses thereof shall be borne by his employer.

(2) Where a master or seaman dies or is buried or cremated outside his country of residence, the expenses of his burial or cremation shall be borne by his employer.

Medical practitioner to be carried.

171. (1) A Sierra Leonean ship trading from and beyond Sierra Leone waters that proceeds from a port with not less than 100 persons on board shall carry on board as part of her complement a duly qualified medical practitioner.

(2) The owner of a Sierra Leonean ship which is in contravention of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Facilities for making complaints.

172. (1) Where a seaman while on board a Sierra Leonean ship informs the master of the ship that he wishes to make a complaint to the Registrar of Seamen or a judicial officer or to the proper officer against the master or any of the crew, the master shall as soon as the service of the ship permits, allow the complainant to go ashore so that he can make his complaint—

- a) where the ship is then at a place where there is a proper officer or Registrar of Seamen; or
- b) if the ship is not at a place where there is a proper officer or a Registrar of Seamen then upon her arrival at such a place.

(2) A master of a ship who fails, without reasonable cause, to comply with this section commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Assignment and sale of salvage.

173. Subject to this Act, an assignment or sale of salvage payable to a seaman that is made before salvage accrues does not bind the person making the assignment or sale and a power of attorney or authority for the receipt of any such salvage may be revoked regardless of its terms.

Seaman's debts.

174. A debt exceeding a prescribed percentage of a seaman's total earnings as indicated in the crew agreement if incurred by a seaman after he is engaged to serve is not recoverable until the service agreed for is concluded.

Misconduct endangering ship.

175. (1) This section applies—

- a) to the master of, or any seaman employed in a Sierra Leonean ship; and
- b) to the master of, or any seaman employed in a ship which—
 - i. is registered under the law of any country outside Sierra Leone;
 - ii. is in a port in Sierra Leone or within Sierra Leonean waters while proceeding to or from such port;

(2) Any master of or any seaman employed in a Sierra Leonean ship

- a) does any act tending to cause immediate loss, or destruction of, or serious damage to the ship, or endanger immediately the life and limb of a person belonging to or on board the ship; or
- b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage or for preserving any person belonging to or on board the ship from immediate danger to life and limb,

commits an offence and shall be liable on summary conviction, to a fine not exceeding ten million leones or to imprisonment for a term not exceeding three years or to both.

General offences against discipline.

176. (1) A seaman or apprentice lawfully engaged on a Sierra Leonean ship who commits any of the following offences shall be liable to be punished summarily in the manner following, that is to say—

- a) if he leaves the ship without leave after her arrival at a port, and before the ship is placed in security he shall be liable to forfeit out of his wages a sum not exceeding one week's pay;
- b) if he is guilty of disobedience to any lawful command, he shall be liable to imprisonment for a term not exceeding one month and in addition to forfeit at the discretion of the court, out of his wages a sum not exceeding two days' pay;
- c) if he is guilty of continued disobedience to any lawful command, or continued neglect of duty he shall be liable to imprisonment for a term not exceeding three months, and in addition to forfeit at the discretion of the court, for every 24 hours of disobedience or neglect, either a sum not exceeding two days' pay or any expenses properly incurred in hiring a substitute.
- d) if he assaults the master, crew or any person on board the ship, he shall be liable to imprisonment for a term not exceeding 12 months;
- e) if he conspires with any member of the crew to disobey any lawful command, or neglect duty, or to impede the navigation of the ship or the progress of the voyage he shall be liable to imprisonment for a term not exceeding three months;
- f) if he damages his ship, or misappropriates or converts to his own use cash monies or commits criminal breach of trust in respect of or damages any of her stores or cargo he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and in addition at the discretion of the court, imprisonment for a term not exceeding 12 months;
- g) if he is convicted of any act of smuggling including drugs whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to the master or owner a sum sufficient to reimburse the loss or damage and the whole or a proportionate part of his wages may be retained in satisfaction or on account, of that liability, without prejudice to any further remedy.

(2) A seaman or an apprentice shall not be guilty of an offence under subsection (1) by reason only of refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master

and the Ports Authority at a port in Sierra Leone.

(3) A forfeit or other payment imposed in respect of an offence under subsection (1) shall not exceed one half of one month's salary in any one month and shall leave the seaman a sum which is sufficient for his maintenance and that of his dependants.

Desertion and absence without leave.

177. (1) A seaman, lawfully engaged, or an apprentice belonging to a Sierra Leonean ship, who deserts from his ship commits an offence and shall be liable on conviction to imprisonment for a term not exceeding three months.

(2) A seaman, lawfully engaged or an apprentice belonging to a Sierra Leonean ship who—

- a) neglects or refuses without reasonable cause to join his ship or to proceed to sea or his ship;
- b) is absent without leave at any time within the period of 24 hours immediately before the ship sails for a port either at the commencement or during the progress of a voyage;
- c) is absent at any time without leave and without sufficient reason from his ship or his duty;

shall forfeit out of his pay—

- i. two days' pay; or
- ii. for every period of 24 hours absence a sum not exceeding six days' pay; or expenses incurred in hiring a substitute, whichever is the greater amount.

Improper negotiation of advance note.

178. (1) A seaman belonging to a Sierra Leonean ship being lawfully engaged who—

- a) has received under his agreement an advance note;
- b) after negotiating his advance note or through misconduct fails to join his ship or deserts therefrom after the note becomes payable,

commits an offence and shall be liable on conviction to a fine not exceeding three million leones or to imprisonment for a term not exceeding two months or to both.

(2) In addition to penalty under subsection (1), the advance shall become payable to the master of the ship or a person authorized by him.

(3) This section shall not limit or otherwise prejudice any remedy, by suit or otherwise—

- a) of any person in respect of the negotiation of the advance note; or
- b) which an owner or master would otherwise have for breach of contract.

Certificate of discharge may be withheld.

179. (1) Where it is shown to the satisfaction of the Registrar of Seamen that a seaman lawfully engaged and belonging to a Sierra Leone ship has through misconduct failed to join his ship the Registrar may direct that the seaman's certificate of discharge shall be withheld for such period as he thinks fit.

(2) While the seaman's certificate of discharge is withheld under subsection (1), a person having the custody of the document may, notwithstanding anything in this Act or any other law refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or performance.

Summary remedies not to affect other remedies.

180. Nothing in sections 177 and 178 shall take away or limit any remedy by action or by summary proceedings before a court which an owner or master would, but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections but an owner or master shall not be compensated more than once in respect of the same damage.

Deserters from ships.

181. (1) Where it appears to the Administration that due facilities will be given by the government of a foreign

country for apprehending and recovering a seaman who deserts in that country from a Sierra Leone ship, the Administration may declare that this section shall apply in the case of such foreign country subject to any limitations, conditions and qualifications as the Administration may impose.

(2) Where a seaman or apprentice deserts in Sierra Leone a ship registered in a country to which this section applies, the master of the ship may apply to a court for assistance in apprehending the deserter, and the court and its officers shall give all assistance within their power, and for that purpose the court may, on information given on oath, issue a warrant for the deserter to be conveyed on board the ship or delivered to the master, or mate of the ship or to the owner of the ship or his agent to be so conveyed.

Proof of desertion when wages are to be forfeited.

182. Whenever a question arises as to whether the wages of a seaman or apprentice are forfeited under this Part for desertion from a Sierra Leone ship, it shall be sufficient for the person attempting to enforce the forfeiture to show that—

- a) the seaman or apprentice was duly engaged in or belonged to the ship;
- b) he left the ship before the completion of the voyage or engagement;
- c) an entry of his desertion was duly made in the official log book, and the desertion shall thereupon be deemed to be proved so far as it relates to any forfeiture of wages under this Part, unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving the ship.

Application of forfeiture.

183. (1) Where any wages or effects are forfeited under this Part for desertion from a ship, the effects may be sold, and the wages or effects or the money arising from the sale of the effects shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship and any balance remaining shall be paid to the Registrar of Seamen.

(2) Where any wages are forfeited under this Part for any cause other than desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be in favour of the master or owner by whom the wages are payable.

Question of forfeiture decided in suit for wages.

184. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice under this Part may be determined in any proceedings instituted with respect to those wages notwithstanding that the seaman or apprentice has not been prosecuted for the offence that same rise to the question.

Deduction of fine from wages.

185. (1) A fine imposed on a seaman for any act of misconduct for which his agreement imposes the fine, shall be subject to the following—

- a) on the offender being discharged, and the offence and the entry in the official log book required by this Act to be made in respect thereof being proved to the satisfaction of the Registrar of Seamen or proper officer, the master or owner shall deduct the fine from the wages of the offender, and the fine so deducted shall be paid to the proper officer;
- b) an act or misconduct for which a fine is imposed and paid by or deducted from the wages of the seaman shall not be otherwise punished under this Act.

(2) A master or owner who fails to comply with paragraph (a) of subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Inciting seaman to desert and harbouring deserters.

186. Any person, who by any means whatever incites a seaman or an apprentice to neglect or refuse to join or proceed to sea in his ship, or to desert his ship or otherwise to absent himself from duty commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Penalty on stowaway.

187. (1) Any person who secretes himself on a ship or in cargo which is subsequently loaded on the ship without the consent of the ship owner or the master or any other responsible person and who is detected on board after the ship has departed from a port commits an offence and shall be liable to a fine not exceeding one million leones or to

imprisonment for a term not exceeding three months or to both.

(2) A person who referred to in subsection (1), so long as he remains in the ship, shall be deemed to belong to the ship, and to be subject to the same fines and punishments for offences as if he were a member of the crew and had signed a crew agreement.

Trade disputes involving seamen.

188. (1) Any enactment concerning trade unions shall, so far as it relates to the immunity of persons from legal proceedings for acts committed in contemplation or furtherance of a trade dispute, apply to seamen as it applies to other persons.

(2) Notwithstanding anything in any agreement, a seaman employed in a Sierra Leonean ship may terminate his employment in that ship by leaving the ship in contemplation or furtherance of a trade dispute after giving to the master not less than forty eight hours notice of his intention to do so.

(3) A seaman shall not be compelled, unless the notice is withdrawn to go to sea within forty-eight hours after the giving of notice but such a notice shall be of no effect unless at the same time it is given the ship is in Sierra Leone and securely moored in a safe berth.

(4) In this section, “trade dispute” means any dispute between employers and seamen or between seamen and seamen which is connected with the employment or with the conditions of labour, or any person.

Offences to be entered in official log book.

189. Where on or in respect of a Sierra Leonean ship an offence is committed under section 177 or 178 an act of misconduct is log committed for which the agreement of the person committing it provides for a fine, and it is intended to enforce the fine—

- a) an entry of the offence or act shall be made in the official log book and signed by the master and witnessed by an officer or a member of the crew;
- b) the offender, if still in the ship shall, before the next subsequent arrival of the ship at any port, or if it is at the time in port, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit;
- c) a statement of a copy of the entry was so furnished or that the entry was so read over, and in either case the reply, if any, then made by the offender, shall likewise be entered and signed in the manner aforesaid;
- d) in any subsequent legal proceedings, the entries made under this section, shall, if practicable, be produced or proved, and if they are not, the court hearing the case may, in its discretion refuse to receive evidence of the offence or act of misconduct.

PART XIV – RELIEF AND REPATRIATION

Repatriation of seamen.

190. (1) Except as otherwise provided in this Act, it is an implied term of every agreement entered into for the employment of a seaman in a Sierra Leonean ship that, where the agreement terminates at a port other than the port of engagement, the seaman shall be returned to a proper return port at the expense of the master or owner of the ship.

(2) The owner, master or agent of the ship shall make such arrangements as are necessary to defray all expenses incurred for the return of a seaman pursuant to subsection (1).

(3) The responsibility of the owner, master or agent under this section includes an obligation—

- a) to pay the cost of maintenance and medical treatment that is necessary for the seaman until his arrival at the proper return port;
- b) to ensure that the seaman does not become a charge upon the State.

(4) Subsection (1) applies whether an agreement terminations—

- a) by effluxion of time;
- b) by act of the parties;
- c) by shipwreck;
- d) by the sale of the ship; or

by the inability of the seaman to proceed in a ship by reason of sickness or injury.

Seamen to bear expense of repatriation in certain cases.

191. (1) A seaman who has been left behind or discharged from ship as a result of his—

- a) desertion;
- b) imprisonment;
- c) inability to proceed to his ship because of all illness or infirmity that was concealed at the time of his engagement,

is not entitled to be returned at the expense of the master or owner of the ship.

(2) The owner, master or agent of the ship from which a seaman, mentioned in subsection (1) has been left behind or discharged, shall make all arrangements necessary to defray all the expenses incurred for the return of the seaman to a proper return port as if the seaman was entitled thereto.

(3) An owner, master or agent may be reimbursed for any other expenses incurred pursuant to subsection (2) out of any wages owing to the seaman at the time he left the ship or where this is insufficient the owner, master or agent may be reimbursed by ordinary process of law.

(4) Notwithstanding subsection (1) or (3), the owner, master or agent shall ensure that the seaman does not become a charge upon the State.

Duty of Registrar of Seamen.

192. (1) Where a seaman is to be left behind or discharged from his ship at a port other than his port of engagement the Registrar of Seamen or proper officer may demand from the owner, master or agent, whether principal or agent a guarantee for the proper discharge of any obligations imposed by section 190 or 191.

(2) Where the guarantee required under this section is refused, the Registrar of Seamen or the proper officer may withhold his consent to the discharge of the seaman concerned.

Effect of workmen's compensation.

193. Where a seaman is eligible to receive and receives medical aid or periodical payment at the expense of his employer under the terms of any enactment providing for compensation to injured or sick workers the receipt thereof—

- a) removes any rights of the seaman to receive maintenance under section 190 to the extent he receives medical aid;
- b) removes any right of the seaman to receive maintenance under section 190 to the extent and for so long as he receives periodical payments.

Application to foreign vessels.

194. Sections 190 to 193 apply in respect of a foreign vessel that engages a seaman or apprentice in Sierra Leone and “owner” in such a case includes any person appointed or nominated by the owner, or the charterer if the vessel is on demise charter, to act as his agent and who was acting at the time the seaman or apprentice was engaged.

Wages and effects of seaman left behind.

195. (1) Where a seaman belonging to a Sierra Leonean ship is left at a place other than a proper return port, the master of the ship shall, subject to this section and as soon as practicable, enter in the official log book a statement of effects left on board by the seaman and an account of the wages due to him at the time where he was left behind.

(2) On termination of the voyage during which the seaman was left behind, the master shall furnish to the Registrar

of Seamen or the proper officer, within 48 hours after the arrival of the ship at the port at which the voyage terminates, a delivery and retention accounts.

(3) The master shall, if required by the Registrar of Seamen or proper officer, furnish such vouchers as may be reasonably required to verify the delivery and retention accounts.

(4) The master of a ship shall deliver to the Registrar of Seamen or proper officer if he will receive them, the effects of a seaman as shown in a delivery account and, subject to any reimbursement allowed under subsection (5) the amount due on account of wages as shown in that account and the Registrar of Seamen or proper officer shall give to the master a receipt for any effects so delivered.

(5) The master of a ship is entitled to retain out of the wages any sums in a retention account that appear to the Registrar of Seamen or the proper officer to be owing and payable to the master of the ship, and for that purpose the Registrar of Seamen or proper officer shall allow those sums to be retained by the master out of the amount due on account of wages shown in the delivery account and, so far as that amount is not sufficient to be raised and paid to the master out of his effects.

(6) Before allowing any sum to be retained or to be raised and paid, the Registrar of Seamen or the proper officer may require that evidence be provided by statutory declaration or otherwise that the sums are owing or payable to the master of the ship.

(7) The Registrar of Seamen or the proper officer shall deliver the remainder of the wages and effects to such person at such time and in such manner as may be prescribed, and shall render such accounts in respect thereof as the Executive Director may direct.

(8) In this section—

“delivery account” means an account of the effects and wages of a seaman left behind or owing at the time a seaman leaves or is discharged from the ship;

“retention account” means an account of any expense caused to the master or owner of a ship by the absence of a seaman from the ship due to his desertion, neglect to join his ship or conduct constituting an offence under section 176 or 177 including in the case of a seaman who is not entitled to be repatriated at the expense of the master or owner of the ship, any provision made for the return of a seaman to a proper return port.

Liability of master.

196. The master of a Sierra Leonean ship is not liable for any loss of effects or for any damage to the effects of a seaman left behind or discharged at a port other than his proper return port, if the master proves to the proper officer that the loss or damage occurred without his neglect or consent after the seaman left his ship.

Liability of Government.

197. (1) The Government of Sierra Leone is not liable with respect to anything done under section 195 except that where after the wages or effects of a seaman have been dealt with under section 195 and legal proceedings are not taken by the seaman against the owner, master or agent of the ship in respect of these wages, the Executive Director shall, where notice is given to him of the proceedings and a reasonable opportunity afforded him of appearing, comply with any order the court made as respect the wages or effects so far as he can do so out of the wages and effects remitted to him in respect of the voyage of the ship.

(2) The Executive Director is entitled to appear and be heard in any proceedings referred to in subsection (1).

(3) The Executive Director may, if an so far as he thinks fit, meet any claim by a seaman against the owner, aster or agent of the ship in respect of any wages or effects dealt with under section 195 although legal proceedings are not actually taken in respect thereof, where the Executive Director has given notice to the master or owner of the ship and the master or owner of the ship has not given written notice of objection within 10 days of the notice being given, any expenses incurred by the Executive Director under this subsection is recoverable by the Government as a

civil debt.

(4) For the purpose of this section, any legal proceedings taken or any claim made by a person in whose favour any allotment note has been made are to be treated as proceedings taken or claims made by a seaman.

Payment to Government.

198. (1) Any sums remitted under section 195 or arising from the sale of effects under that section and not disposed of in accordance with the section, shall be retained by the Government.

(2) The master of a ship who, without reasonable cause contravenes subsection (1) of section 195 commits an offence without prejudice to any other liability which the ship might be subject to.

Non application of Section 195.

199. Section 195 does not apply in the case of an absent seaman where—

- a) the master of a ship satisfies the Registrar of Seamen that none of the effects of the seaman have to his knowledge been left on board the ship and that he has paid all the wages due to the seaman;
- b) the amount of wages earned by the seaman, after taking into account any deduction made in respect of allotments or advances for which provision is made by the crew agreement appears from the agreement to be less than fifty thousand leones.
- c) the master of the ship satisfies the Registrar of Seamen or proper officer that the net amount due to the seaman on account of wages, after taking into account any deductions lawfully made in respect of allotments, advances or otherwise is less than fifty thousand leones.
- d) that the question of forfeiture of the wages and the effects of the seaman has been dealt with in proceeding lawfully instituted before the termination of the voyage or within 48 hours of the arrival of the ship at the port at which the voyage terminates.

Sale of seaman's effects.

200. (1) The effects of a seaman described in section 194 may be sold by the Registrar of Seamen or proper officer in such manner as he thinks fit when they are delivered to him unless the Executive Director directs otherwise.

(2) Where the effects are not sold pursuant to subsection (1), they may be sold by the Executive Director as and when he thinks fit unless they are delivered to the seaman.

(3) For the purpose of section 195 “effects” includes the proceeds of any sale of the effects of a seaman.

Maintenance and return of seaman involuntarily terminating service.

201. (1) Where, during the currency of his crew agreement the service of a seaman belonging to a Sierra Leonean ship terminates otherwise than by the consent of the seaman, the master of the ship shall—

- a) give the seaman certificate of discharge required under this Act;
- b) pay to the seaman the wages to which he is entitled;
- c) make adequate provision in accordance with this Act for the maintenance and return of the seaman to the proper return port;
- d) record details of these provisions in the official log book

(2) Where a master fails without reasonable cause to comply with subsection (1), the expenses of maintenance and the journey to the proper return port—

- a) where defrayed by the seaman, are recoverable as wages due to him;
- b) where defrayed by the Registrar of Seamen or proper officer or any other person, are a charge upon the ship to which the seaman belonged.

(3) A charge upon a ship under paragraph (b) of subsection (2) may also be recovered—

- a) from the person who is the owner of the ship for the time being;
- b) where the ship has been lost, from the person who was the owner at the time of loss;

- c) where the ship has been transferred to some person, from the owner for the time being;
- d) from the person who was the owner of the ship at the time of the transfer, at the suit of the Registrar of Seamen or the proper officer or other person defraying the expenses where the expenses have been defrayed out of public money, as a debt to the state, by ordinary process of law and in the manner in which wages is recoverable by a seaman.

Discharge on change of ownership.

202. (1) Where a Sierra Leonean ship is transferred or disposed of a seaman belonging to that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seaman is discharged under this section the provisions of this Act relating to the certificate of discharge and the return of the seaman to a proper return port apply as if his service had terminated otherwise than by his consent to be discharged during the currency of the agreement.

Certificate when seaman is left behind.

203. (1) Subject to subsection (2), the master of a Sierra Leonean ship shall not leave a seaman behind at any foreign port or place.

(2) Subsection (1) does not apply where the seaman is discharged in accordance with this Act unless—

- a) the master has had the certificate of the Registrar of Seamen or the proper officer endorsed on the crew agreement certifying the cause of the seaman being left behind; and
- b) the cause is unfitness or inability to proceed to sea, desertion, disappearance or otherwise.

(3) The Registrar of Seamen or the proper officer to whom an application is made for a certificate under this section may examine the grounds on which a seaman is to be left behind and, for that purpose, may, if he thinks fit, administer oaths and grant or refuse the certificate as he thinks just, but a certificate may not be unreasonably withheld.

Offences.

204. (1) The master of a ship, who fails to comply with section 201, 202 or 203, without limiting his liability under any other provisions of this Act, commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(2) In a prosecution for an offence under subsection (1), the onus of proving that the certificate was obtained or could not be obtained with reasonable delay to the ship or was unreasonably withheld is upon the master of the ship.

Account of wages of seaman left behind.

205. (1) Where the master of a Sierra Leonean ship leaves a seaman behind at any foreign port or place on the ground of his unfitness or inability to proceed to sea, the master shall deliver to the person signing the certificate required by section 203—

- a) a full and true account of the wages due to the seaman; and
- b) where the person is a proper officer, the master shall deliver the account in duplicate.

(2) A master who fails without reasonable cause to deliver the account required under subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Payment of seaman's wages to proper officers.

206. (1) The master shall pay to the proper officer the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if such officer will receive the wages.

(2) Where a payment is made under this section, the proper officer, if satisfied with the account, shall furnish a receipt for the payment.

(3) A payment under this section shall be made whenever practicable in cash and where not so practicable by bank draft.

(4) A master who fails without reasonable cause to pay wages as provided by this section commits an offence and

shall be liable on conviction to a fine not exceeding three million leones.

Application of wages of seaman left behind.

207. Where the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea are paid to and accepted by the Registrar of Seamen or proper officer, that officer shall deal with them in the following manner—

- a) where the seaman subsequently obtains employment at or leaves the port at which the payment has been made, the officer shall obtain out of the money any expenses such as owner or master is by this Act required to defray and pay the remainder to the seaman and deliver to him an account of the money received and expended on his behalf;
- b) where the seaman dies before the ship leaves the port, the officer shall deal with the money as part of the property of the deceased seaman;
- c) where the seaman is sent to the proper return port at the public expense under this Act, the officer shall account for the money to the Executive Director, and after retaining any expenses duly incurred in respect of the seaman except such expenses as the owner, master or agent of the ship is required by this Act to defray, the money shall be dealt with as wages of the seaman.

Relief of distressed seaman.

208. Where a seaman—

- a) is found in any place outside Sierra Leone after having been shipwrecked from a Sierra Leonean ship; or
- b) by reason of having been discharged, or left behind from Sierra Leonean ship in any place outside Sierra Leone or in distress in that place, the Registrar of Seamen or proper officer may provide relief to that seaman in accordance with this Act.

(2) For the purpose of subsection (1) relief is provided to the seaman when provision is made—

- a) for the return of the seaman at the expense of the Government of Sierra Leone to the proper return port and also for his necessary clothing and maintenance until his departure for such port;
- b) in the case of death, for burial expenses; and
- c) in the case of a shipwrecked seaman, for the repayment of any expenses incurred in his conveyance to port after the shipwreck and his maintenance while being so conveyed.

(3) A seaman for whom relief is provided under paragraph (a) of subsection (1) is included within the expression of “distressed seaman” in this act.

Repayment of relief and return expenses.

209. (1) Where any expenses are incurred by a consular officer on behalf of the Government of Sierra Leone under section 208 or are incurred by the Government of a foreign country and are repaid to such foreign country by the Government of Sierra Leone, the Administration may pay to the consular officer or foreign government the amount of the expenses out of any monies available for the purpose or out of any money appropriated for that purpose by Parliament.

(2) All monies paid by the Administration under subsection (1) together with the wages, if any, due to a distressed seaman, is a charge upon the ship to which the seaman belonged, and is a debt due to the Government of Sierra Leone—

- a) from the owner, master or agent of the ship at the time of the loss;
- b) where the ship has been transferred either from the owner for the time being, or from the person who was the owner of the ship at the time of the transfer; and
- c) where the ship is a foreign ship, also from the person who engaged the seaman for service in the ship.

(3) A debt under this section, in addition to any fines and consular fees incurred, may be recovered by the Administration on behalf of the Government of Sierra Leone by ordinary process of law in the manner in which wages are recoverable by the seaman.

(4) In any proceedings for recovery of a debt under this section, the production of an official account of the expenses incurred in accordance with this Act and proof of payment of the expenses by or on behalf of the Government of Sierra Leone is *prima facie* proof that the expenses were incurred or repaid under this Act by or on behalf of the Government.

Forcing ashore.

210. Any person who, being the master of a Sierra Leone ship—

- a) wrongfully forces a seaman ashore and leaves him behind;
- b) otherwise causes a seaman to be wrongfully left behind at any place,

commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Proper return port.

211. For the purposes of this Part, a proper return port is either—

- a) the port at which a seaman was shipped or engaged;
- b) the place stipulated by collective agreement;
- c) a port in the country of the seaman's residence; or
- d) such other place as agreed between the seaman and the owner or master at the time of the engagement.

Manner of return.

212. (1) A seaman may be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of the seaman by—

- a) providing him with a suitable employment on board a ship that is proceeding to a proper return port and that is in need of men to make up its complement; or
- b) providing him with passage in any ship or aircraft or in other public transport and by providing for his maintenance during the journey.

(3) Where the master of a ship is required under this Part to provide for the return of a discharged seaman to a proper return port, the master, instead of providing the seaman's passage or expenses for his journey, may deposit with a proper officer such sum as the proper officer considers sufficient to defray the expenses of the return of the seaman to a proper return port.

(5) A seaman, who is repatriated as a member of a crew, is entitled to the appropriate remuneration for work done during the voyage.

Return of seaman to proper port.

213. (1) When any question arises as to what return port a seaman is to be sent, or as to the route by which he should be sent, the question shall be decided by the Registrar of Seamen or proper officer.

(2) In deciding the question of a seaman's return port, the Registrar of Seamen or the proper officer shall have regard—

- a) to the convenience of the seaman and to the expense involved; and
- b) to the fact that a ship is in need of men to make up its complement and is about to proceed to a proper return port or to a port in the vicinity thereof if such is the case.

(3) Nothing in this section relieves the owner from the obligation and expenses of returning the seaman to his proper return port.

Administration may provide temporary relief.

214. (1) The Administration may, whenever it considers necessary, spend money on the temporary relief in such manner as it thinks advisable of, a ship-wrecked, destitute or otherwise distressed seaman—

- a) not otherwise entitled to relief under this Act or under the laws of the country to which his ship belongs; or

- b) who is a citizen of Sierra Leone employed on a foreign vessel and discharged or left behind in a foreign country.

(2) Any expenses incurred for a shipwrecked, destitute or otherwise distressed seaman under this section shall be repaid to the Administration by the owner, master or agent of the vessel to which the distressed seaman belonged and may be recovered by the Administration on behalf of the country in the same manner as expenses incurred outside Sierra Leone for distressed seaman of Sierra Leonean ships are recoverable.

Unauthorised presence on board ship.

215. Where a ship registered in Sierra Leone or in any other country is in a port in Sierra Leone, a person who being neither a public officer nor authorized by law to do so:

- a) goes on board the ship without the consent of the master thereof or any other person authorized to give consent; or
- b) remains on board the ship after being requested to leave by the master, an officer of the Administration, a police or an officer of customs,

commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Seafarer's identity document.

216. (1) The Registrar of Seamen may issue to a citizen of Sierra Leone a document to be known as "Seafarer's Identity Document" in a prescribed form.

(2) The "Seafarer's Identity Document" shall only be issued to persons who have undertaken a course prescribed by the Administration in an institution which is recognized by it.

(3) A person to whom a Seafarer's Identity Document has been issued who refuses or fails without reasonable cause—

- a) to keep the document securely; or
- b) to produce it when required to such persons and in such circumstances as prescribed,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Employment record book.

217. (1) The Registrar of Seamen may issue to a seaman a book to be known as the Employment Record Book.

(2) An Employment Record Book shall be in the prescribed form.

(3) An Employment Record Book may be issued to a seaman who has duly completed a course prescribed by the Administration in an institution which is recognized by it.

General regulations.

218. The Minister may by statutory instrument make regulations to provide for—

- a) the circumstances, manner and form in which the Registrar of Seamen shall issue and record a Seafarer's Identity Document;
- b) the circumstances and manner in which a Seafarer's Identity Document is to be delivered up to the Registrar of Seamen;
- c) the issue and form of Employment Record Books; and
- d) endorsement to be made in Employment Record Books.

Part XV – OFFICIAL LOG BOOK AND ORDINARY SHIP'S LOG BOOK

Official log book.

219. (1) An official log book in the prescribed form shall be kept in every Sierra Leone ship.

- (2) The Minister may by statutory instrument make regulations prescribing—
- a) the form of the official log book;
 - b) the particulars to be entered in the official log book;
 - c) the persons by whom such entries are to be made, signed or witnessed; and
 - d) the procedure to be followed in the making of such entries and in their amendment or cancellation.
- (3) The official log book may, at the discretion of the master, be left distinct from or combined with the ordinary ship's log, but in all cases the spaces in the official log book should be fully filled with entries.
- (4) An entry required to be made in the official log book—
- a) shall be made as soon as possible after the occurrence to which it relates;
 - b) where it is not made on the same day as the occurrence, it shall be made and dated to show the dates of the occurrence and the entry relating to it;
 - c) where it is made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, it shall not be made more than 24 hours after that arrival.
- (5) Every entry in the official log book shall be signed by the master and an officer or some other member of the crew, and if it is an entry of illness, injury or death, it shall also be signed by the medical practitioner on board, if any.
- (6) An entry made in an official log book in the manner provided by this Act is admissible in evidence to prove the facts stated therein.

Entries in official log book.

220. The master of a ship shall, subject to any regulations made under section 219, enter or cause to be entered in the official log book particulars of—

- a) every conviction by a court of a member of his crew and the punishment imposed;
- b) every offence committed by a member of his crew for which it is intended to prosecute or to make a forfeiture or impose a fine, together with a statement concerning the furnishing of a copy, or reading over the entry and concerning the reply if any, made to the charge, as required by this Act;
- c) every offence for which punishment is imposed on board, and the punishment imposed;
- d) every case of illness or injury happening to each member of his crew, with the nature thereof and the medical treatment given, if any;
- e) every refusal of a member of the crew to take medicines;
- f) every birth and death whenever occurring;
- g) every marriage taking place on board with the names and ages of the parties;
- h) the name of every seaman who ceases to be a member of the crew otherwise than by death with the place, time, manner and cause thereof;
- i) the wages due to the seaman who dies during the voyage, and the gross amount of all deductions to be made from these wages;
- j) every collision with any other ship and the circumstances in which it occurred;
- k) the date and the time of the display in the ship of notice containing particulars of the ship's draught and freeboard;
- l) any matter directed by this Act to be entered.

Delivery of official log book to Executive Director.

221. (1) The master or owner of a Sierra Leonean ship shall, subject to subsection (2), deliver or transmit to the Executive Director the official log book or book covering a period of six months.

(2) Where the crew of a Sierra Leonean ship is engaged under a crew agreement referred to in section 125 the master or owner shall deliver or transmit the official log book to the Executive Director within 21 days of such log book being completed.

(3) A master or owner of a ship, who fails without reasonable cause to comply with this section commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Delivery of official log book or change of ownership or employment or loss or abandonment of ships.

222. (1) Where by reason of transfer of ownership or change of employment of a ship, the official log book ceases to be required in respect of the ship, the master or owner of the ship shall, if the ship is then in Sierra Leone within one month or if she is elsewhere, within six months after such cessation, deliver or transmit to the Executive Director the official log book and the agreement with the crew duly made out to the time of the cessation.

(2) Where a ship is lost or abandoned, the master or the owner thereof shall, if practicable and soon as possible deliver or transmit to the Executive Director the official log book duly made out to the time of the loss or abandonment.

(3) The owner or master of a ship, who fails, without reasonable cause, to comply with this section commits an offence and shall on conviction be liable to a fine not exceeding three million leones.

Offences in respect of official log book.

223. (1) Where—

- a) an official log book is not kept in the manner required by this Act; or
- b) an entry directed by this Act to be made therein is not made at the time in the manner directed by this Act;

the master of the ship commits an offence shall be liable on conviction to a fine not exceeding three million leones.

(2) Any person who makes, procures to be made or assists in making an entry in an official log book in respect of any occurrence happening previous to the arrival of the ship at the fixed port of discharge of crew more than 24 hours after that arrival, commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(3) Any person who—

- a) wilfully destroys, mutilates or renders illegible an entry in;
- b) wilfully makes or procures to be made or assists in making a false or fraudulent entry in, or omission from;

an official log book commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Ordinary ship's log.

224. (1) A Sierra Leonean ship shall carry on board an ordinary ship's log within which shall be recorded the daily activities of the ship and such other particulars as may be prescribed.

(2) The ordinary ship's log shall comprise a deck log, engine room log, and radio log where appropriate.

(3) Where it is not practicable for a ship to produce the official log book, the ordinary log book of the ship shall be admissible in evidence.

Return of crew lists.

225. (1) The master of a Sierra Leonean ship shall make out and sign a list of crew of the ship in the prescribed form containing the following particulars—

- a) the number and date of the ship's register and its net tonnage;
- b) the length and the general nature of the voyage or employment;
- c) the names, ages and places of birth of all crew, the ratings on board, their last ships, or other employments and the dates and places of their last ships or other employments and the dates and places of their joining the ship;
- d) the names of any members of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof;
- e) the names of any members of the crew who have been maimed or hurt, with the time, places, causes and

- circumstances thereof;
- f) the wages due at the time of death to any crew who have died;
 - g) particulars of the property belonging to any of the crew who have died;
 - h) details of any marriage that has taken place on board with the date thereof and the names and ages of the parties;
 - i) the number of the Seafarers Identity Documents and where applicable, of the certificates of competency of the crew.

(2) The list of crew in the case of ships—

- a) trading exclusively within the waters of Sierra Leone shall be delivered or transmitted by the master or owner to the Executive Director not later than 21 days after 30 June and the 31 December each year;
- b) in the case of ships other than those referred to in paragraph (a) shall be delivered or transmitted by the master to the owner who shall retain the list for a period of seven years after receipt and who so produce the same on demand made therefore by the Executive Director or other proper officer—
 - i. within 48 hours after the arrival of the ship at its final port of destination in Sierra Leone; or
 - ii. upon the discharge of the crew whichever first happens.

(3) Where a Sierra Leonean ship is lost or abandoned, the ship's master or owner shall, if practicable and as soon as possible, deliver to the Executive Director the list of crew duly made out to the time of loss or abandonment.

(4) For the avoidance of doubt, "crew" in this section includes the master and apprentices.

Returns of births and deaths on Sierra Leonean ships.

226. (1) The master of a Sierra Leonean ship shall, upon arrival at a port or at such other time and place as the Executive Director may with respect to any ships or class of ships direct, deliver to the Executive Director or proper officer in the prescribed form, a return of the facts relating to the births and deaths which the master is required by section 220 to record.

(2) In respect of any death recorded pursuant to subsection (1), the master shall notify such death to such person (if any) as the deceased may have named as his next of kin.

(3) Where the return is made elsewhere than Sierra Leone, the proper officer shall send a certified copy of the return to the Executive Director.

Returns of births and deaths of Sierra Leonean citizens in foreign ships.

227. The master of a ship not registered in Sierra Leone which calls at a port or such other place as the Executive Director may, with respect to any ship or class of ships direct, in Sierra Leone in the course of or at the end of a voyage shall, upon arrival at such port or other place make a return of births and deaths of citizens of Sierra Leone occurring in any such ships to the Executive Director.

Returns to be sent to Registrar of births and deaths.

228. The Executive Director shall cause the information contained in any return referred to in sections 226 and 227 to be sent to the Registrar of Births and Deaths.

Penalties imposed on master.

229. The master of any ship who fails to comply with any requirement of sections 225, 226, 22 and 228 commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Part XVI – PREVENTION OF COLLISION

Collision regulations.

230. The Minister may by statutory instrument make regulations referred to as "Collision Regulations"—

- a) for the prevention of collision at sea;
- b) respecting the lights and shapes to be carried and exhibited;
- c) respecting steering and sailing rules to be observed by ships; and
- d) respecting sound and light signals, and in making such regulations the Minister shall have regard to the

Convention on International Regulations for Preventing Collision at Sea 1972, as amended or any other treaty for the time being in force for the prevention of collision at sea.

Sierra Leonean ships to observe collision regulations.

231. (1) A Sierra Leonean ship, wherever she may be, shall comply with the Collision Regulations and shall not carry or exhibit any other light or use any other fog signals than such as are prescribed by the Regulations.

(2) Where an infringement of the Collision Regulations is caused by wilful default of the master or owner of a ship he commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones.

(3) Subsections (1) and (2) shall apply to owners and pilots of seaplanes on the surface of water as they apply to the owners and masters of ships.

Foreign ships in Sierra Leonean waters.

232. The Collision Regulations together with the provisions of this Part relating to collisions shall be observed by all ships and seaplanes of foreign registry in and within Sierra Leone waters and in any case before a court in Sierra Leone concerning a breach of the Collision Regulations arising within Sierra Leone waters, foreign ships and seaplanes shall be treated as if they were ships and seaplanes registered in Sierra Leone.

Damage caused by non-observance of collision regulations presumption of fault.

233. Where any damage to person or property arises from the non-observance by any ship, seaplane or craft of any of the Collision Regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the ship, seaplane or craft at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulations necessary.

Inspection to enforce compliance with collision regulations.

234. (1) A surveyor of ships may inspect a ship of any nationality in a port of Sierra Leone to determine whether the ship is properly provided with lights and shapes and means of making sound signals as required by the Collision Regulations.

(2) Where a surveyor of ships finds on inspection that a ship is not provided as required by subsection (1), he shall specify in writing the action required to rectify the deficiency and may detain the ship until the deficiency is rectified to his satisfaction.

(3) For the purposes of an inspection under this section, a surveyor shall have all the powers provided under sections 520 and 522.

Duty to render assistance following collision.

235. (1) After a collision between ships, the master of each ship shall, if and so far as he can do so without danger to his own ship, crew and passengers, if any—

- a) make his best efforts to give to the other ship, the master, crew and passengers, if any thereof, such assistance as may be practicable and as may be necessary to save them from any danger caused by the collision;
- b) stand by the other ship, until he has ascertained that such ship has no need for further assistance;
- c) give the master of the other ship the name and port of registry of his ship and the names of the ports from which his ship sailed and to which his ship is bound.

(2) The master of a ship who fails, without reasonable cause to comply with any of the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five million leones or to imprisonment for a term not exceeding two years or to both.

Obligation to notify hazards of navigation.

236. (1) The master of a Sierra Leonean ship, upon encountering dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly by any means of communication at his disposal and in accordance with the regulations, to all ships in the vicinity or to such authorities ashore as may be prescribed.

(2) A person in charge of a radio station in Sierra Leone or on board any Sierra Leonean ship, shall, on receiving the signal prescribed in the regulations for indicating that a message is about to be sent under this section, refrain from

sending messages for a time sufficient to allow other stations to receive the message, and if so required by regulations referred to in subsection (1) shall transmit the message in the prescribed manner.

(3) For the purpose of this section, “a tropical storm” means a hurricane, typhoon, cyclone or other storm of a similar nature, and a master of a ship shall be deemed to have encountered a tropical storm if he has reason to believe that there is such a storm in the vicinity.

(4) A transmission of messages in pursuance of this section shall be without charge.

Master to proceed moderately in danger area.

237. The master of a Sierra Leonean ship, when ice is reported on or near his course, shall at night proceed at a safe speed adapted to the prevailing circumstances or change his course so as to keep amply clear of the ice reported and of the area of danger.

Offence and penalty.

238. The master of a Sierra Leonean ship who fails to comply with section 237 commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Obligation to assist ships etc. in distress.

239. (1) The master of a Sierra Leonean ship, on receiving at sea a signal from any source that a ship or aircraft or survival craft thereof is in distress, shall go with all speed to the assistance of the persons in distress informing them if possible that he is doing so, and where—

- a) he is unable to do so;
- b) in the special circumstances of the case he considers it unreasonable or unnecessary to proceed to their assistance; he shall enter in the log of the ship the reason for failing to proceed to the assistance of the persons in distress.

(2) A master who fails to comply with the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

(3) The master of a ship shall be released from the obligation imposed by subsection (1) when he learns that one or more ships other than his own have been requisitioned under section 241 and are complying with the requisition.

Right to requisition ships when in distress.

240. (1) The master of a ship in distress, after consultation, so far as may be possible, with the masters of ships which answer his call for assistance, has the right to requisition one or more of these ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ships requisitioned to comply with the requisition by going with all speed to the assistance of the persons in distress.

(2) The master of a ship shall be released from the obligation imposed by subsection (1) of 239 and, where his ship has been requisitioned, from the obligation imposed by subsection (1), where he is informed by the persons in distress or by the master of another ship which has reached such persons that assistance is no longer necessary.

Obligation to assist persons in danger at sea.

241. (1) The master of a ship, so far as he can do so without serious danger to his own ship, the crew or the passengers, if any, render assistance to every person, including an enemy, who is found at sea in danger of being lost.

(2) The master of a ship who fails to comply with the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding four million leones or to imprisonment for a term not exceeding two years or to both.

Salvage rights not affected.

242. Compliance by a master with any of the provisions of this Part shall not affect the right of any other person to salvage.

Regulations for signals of distress.

243. (1) The Minister may, by statutory instrument, make regulations relating to signals of distress and urgency and the signals prescribed by the regulations shall be deemed to be signals of distress and urgency.

(2) The master of a ship who uses or displays or causes or permits any person under his authority to use or display—

- a) any signal except in circumstances and for the purposes prescribed; and
- b) any signal that is liable to be mistaken for any prescribed signals, commits an offence.

(3) In addition to any penalty imposed upon him on conviction of an offence under subsection (2) a master of a ship is liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

(4) Where a master who contravenes subsection (2) is certified under this Act, he shall be subject to an enquiry into his conduct.

Report of accidents to ships.

244. (1) The owner or master of a ship which—

- a) has sustained or caused any accident occasioning loss of life or any serious injury to any person; or
- b) has sustained any material damage affecting her seaworthiness or her efficiency, either in her hull or in any part of her machinery,

shall, within 24 hours after the happening of the accident or causing of the damage or as soon as possible thereafter transmit to the Executive Director or an officer in the Administration, a report of the accident or damage.

(2) A report of accident or damage to a ship made under subsection (1) shall be signed by the owner or master of the ship and shall state—

- a) the name of the ship, the port to which she belongs, the official number (if any) of the ship and the place where she is located;
- b) the circumstances in which the accident or damage occurred; and
- c) the probable cause of the accident or damage.

(3) Where the managing owner, or in the event of there being no managing owner or, no such owner resident in Sierra Leone, the agent of any ship to which this section applies has reason to believe that the ship has sustained or caused any such accident or received such damage as is mentioned in subsection (1), he shall satisfy himself that that accident or damage has been reported to the Administration by the master and where a managing owner or agent referred to in subsection (4) has reason to believe that an accident or damage has not been reported in accordance with subsection (1) he shall as soon as possible send to the Administration notice in writing stating—

- a) the name of the ship;
- b) the official number of the ship;
- c) the port of Registry of the ship or the port to which it belongs; and
- d) to the best of his knowledge and belief—
 - i. the nature and extent of the accident or damage;
 - ii. the probable cause of the accident or damage; and
 - iii. the location of the ship.

(5) A master or managing owner or agent who fails without reasonable cause to comply with this section commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(6) This section applies to all Sierra Leonean ships and all foreign ships in Sierra Leone waters.

Loss of Sierra Leonean ship.

245. (1) Where the managing owner or agent of a Sierra Leonean ship has reason, owing to the non-appearance of the ship or any other circumstance to believe that the ship has been wholly lost, he shall cause a reasonable search to be

made for the ship and shall as soon as may be convenient in, send to the Executive Director a notice in writing signed by him stating—

- a) the name of the ship, the port to which the ship belongs and the official number (if any) of the ship; and
- b) a report of the loss of the ship and the circumstances and probable cause of such loss.

(2) A managing owner or agent of a ship, who fails without reasonable cause to comply with this section within a reasonable period of time when he has reason to believe such ship to have been lost commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Record of boat drill or fire drill to be kept in official log book.

246. (1) The master of a Sierra Leonean ship shall cause a statement to be entered in the official log book or ordinary ship's log (or where there is none, cause other record to be kept) of every occasion on which boat drilling is practiced on board the ship, or on which appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use, and of the result of any such examination, and where—

- a) in the case of a passenger ship, boat drill or fire drill is not practiced on board the ship in any week;
- b) in the case of any other ship, boat drill or fire drill is not practiced on board the ship in any two weeks;
- c) in the case of any ship, the said appliances and equipment are not examined within such period as is prescribed;

the master shall cause a statement to be entered or other record to be kept of the reasons why the appliances and the equipment were not examined in the week or two-week period.

(2) The master of a ship who fails to comply with the requirements of this section commits an offence.

Crew sufficient and efficient.

247. A Sierra Leonean ship shall be manned with sufficient and efficient crew from then point of view of safety of life and property for the purpose of the intended voyage and shall during such voyage be kept so manned.

Notices of mariners and navigational warnings.

248. (1) The Executive Director shall take appropriate steps to advise the seafaring community and the public of any developing or existing conditions which may adversely affect maritime safety.

(2) Information given under subsection (1) shall take the form of Notices to Mariners and Navigational Warnings which may be issued and communicated by any means as the circumstances may warrant.

(3) The Executive Director may require the assistance of any person in the communication of the information given under subsection (1).

(4) A person who, without reasonable cause, refuses to render assistance to the Executive Director under subsection (3) when so requested, commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

PART XVII – SAFETY OF LIFE AT SEA

Interpretation.

249. In this Part unless the context otherwise requires—

“certificate” means a certificate issued in accordance with the Safety Convention as defined therein;

“short international voyage” means an international voyage:—

- a) in the course of which a ship is not more than 200 nautical miles from a port or place in which the passenger and crew could be placed in safety; and
- b) which does not exceed 600 nautical miles in length between the last port of call in the country where the

voyage begins and the final destination,

no account being taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other course of *force majeure*.

“Safety Convention” means the International Convention for Safety of Life at Sea, 1974, and its Protocol of 1988 together with such amendments thereof or replacements therefore as may be in effect in respect of Sierra Leone;

“Safety Convention Certificate” means a certificate that is required to be issued to a Safety Convention ship that complies with the relevant provisions of the Safety Convention and includes a safety certificate, safety construction certificate, safety equipment certificate, safety radio certificate and any certificate that is limited, modified or restricted by an exemption certificate;

“Safety Convention ship” means a ship that is—

- a) of a kind to which the Safety Convention applies; and
- b) registered in a country the Government of which is a part to the Safety Convention.

“Safety Convention country” means a country the government of which has accepted the Safety Convention which has not denounced that Convention or a territory of such country to which the Convention extends and remains extended;

“anniversary date” means the day and the month of each year which will correspond to the date of the relevant certificate.

List of Safety Convention countries.

250. The executive Director may, by Government Notice, provide a list of countries including territories thereof, that have ratified, acceded to or denounced the Safety Convention.

Application of Safety Convention.

251. The Safety Convention shall, unless exempted by this Act, apply to all Sierra Leonean Safety Convention ships and all other Safety Convention ships while they are in Sierra Leonean waters.

Regulations relating to safety at sea.

252. (1) The Minister may by statutory instrument make such regulations as he considers necessary or expedient to give effect to and for the better carrying out of the objects and purposes of this Part and to provide generally for safety at sea and for giving effect to the Safety Convention.

(2) In making such regulations, the Minister shall make provision as he considers appropriate for all or any of the following purposes—

- a) for security the safety of Sierra Leonean ships and persons on them;
- b) for giving effect to any provisions of an international agreement ratified by Sierra Leone so far as the agreement relates to the safety of other ships or persons on them.

(3) The regulations may make provision with respect to any of the following matters—

- a) the design, construction, maintenance, repair and marking of ships and their machinery and equipment;
- b) the carrying out of any operation involving a ship;
- c) the use of machinery and equipment on a ship and of anything on a ship which is not cargo, machinery or equipment;
- d) arrangements for ensuring communication between persons in different parts of a ship and between persons in the ship and other persons;
- e) the steps to be taken to prevent or control noise, vibration and radiation in and from a ship and the emission in or from a ship of smoke, gas or dust;
- f) the steps to be taken to prevent, detect and deal with outbreaks of fire on a ship;

- g) the removal, by jettisoning or otherwise, of its equipment and of other things from a ship for the purpose of avoiding, removing or reducing danger to persons or property.

(4) Any person who—

- a) omits or neglects to comply with;
- b) without reasonable cause, fails to comply with the provision of a regulation made under this section commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Ships in port through stress of weather etc.

253. Notwithstanding that any provision of this Part or of any regulations made under this Part is expressed to apply to ships that are not Sierra Leonean ships while they are within any port in Sierra Leone such provision shall not apply to a ship that is within a port in Sierra Leone on account of any deviation from its intended voyage due to stress of weather or any other case of *force majeure*.

Appointment of Surveyors.

254. (1) The Minister may, upon the recommendation of the Executive Director, by Government Notice, from time to time, appoint, at such places as he considers advisable, a person or organization qualified and competent as a surveyor of ships for the purpose of surveying—

- a) boilers and machinery of ships;
- b) the equipment of ships, including ships' tackle and apparel and appurtenances;
- c) hulls and superstructures of ships;
- d) life saving, fire fighting and other safety equipment of ships;
- e) radio installations of ships; and
- f) the stowage and manner of loading of ship's cargoes and the storage of dangerous goods in ships.

(2) A surveyor of ships shall be appointed in several capacities to perform different functions.

(3) The survey and inspection of ships, so far as regards the enforcement of the regulations made under this Part, shall be carried out by the officers of the Administration or, by an organization or society for the survey and classification of ship authorized by the Minister.

(4) The Minister may by statutory instrument made regulations regarding—

- a) the manner in which surveys of ships are to be made;
- b) notice to be given to surveyors of ships when surveys are required; and
- c) the amount and the payment of fees, travelling or other expenses incurred by surveyors of ships in the execution of their duties.

Surveyor's powers of inspection.

255. (1) A surveyor of a ship may at all reasonable times inspect any ship for the purpose of ensuring that it is in compliance with the Safety Convention, the Load Line Convention, the Collisions Regulations and the relevant regulations made under this Act.

(2) Where a surveyor finds that the Conventions referred to in subsection (1) or the regulations have not been complied with, he shall give written notice to the owner or master of the ship stating in what respect there is deficiency and what action, in his opinion, is required to rectify such deficiency.

(3) A notice under subsection (2) shall be communicated in a manner directed by the Executive Director to the customs officer at the port at which the ship may seek clearance and such clearance shall not be granted and the ship shall be detained.

(4) Where the surveyor considers a ship unsafe, or where a passenger ship is unfit to carry passengers or the machinery or equipment is defective in any way so as to expose persons on board to serious danger, he shall detain that ship, and a surveyor may also detain any ship in respect of which any provisions of this Act have not been

complied with if in his opinion such detention is warranted in the circumstances.

(5) Where, under this section, a surveyor visits any ship he may ask the owner or his agent, the master or the chief engineer, or any other person on board and in charge or appearing to be in charge of the ship any questions concerning the ship as he thinks fit and such person shall to the best of his knowledge fully and truthfully answer every such question.

(6) A surveyor may reasonably require the owner of his agent, the master or chief engineer or any other person on board or in charge, or appearing to be in charge of the ship that the machinery of the ship be activated or dismantled so that he may satisfy himself as to its condition and every person to whom such request is made, capable of so doing, shall comply with such requirement.

(7) A person who contravenes subsection (5) or (6) commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Surveyor's report to the Executive Director.

256. Where a surveyor is satisfied on inspection of a ship, he shall forward a report to the Executive Director which shall contain a statement showing—

- a) the hull and machinery are sufficient for service;
- b) the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;
- c) the equipment required under any regulations is on board and in good condition;
- d) the ship's officers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;
- e) the class of voyage for which the ship is fit to ply and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;
- f) if the ship is a passenger ship the number of passengers which it may carry; and
- g) the steam pressure that may be carried on the boilers.

Surveyor's record of inspection and certificates.

257. A surveyor shall keep a record of inspections he makes and certificates he issues in such form and with such particulars respecting them as the Executive Director may direct, and shall furnish copies thereof and any other information pertaining to the duties of his office which the Executive Director may require.

Survey of passenger ships.

258. A Sierra Leonean passenger ship shall be subject to the following surveys—

- a) an initial survey before the ship is put in service;
- b) renewal survey at intervals of not more than 12 months;
- c) additional surveys as required under this Act

Initial survey of passenger ships.

259. (1) The survey before a passenger ship is put in service shall include a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers.

(2) The initial survey shall be such as to ensure that arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installations, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation of pilots and other equipment fully comply with the requirements of the Safety Convention and with any regulations made under section 252.

(3) The initial survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipment is in all respects satisfactory and that the ship is provided with lights, shapes, means of making sound signals and distress signals as required by the Safety Convention and the Collision Regulations.

Renewal surveys of passenger ships.

260. (1) The renewal survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment including the outside of the ship's bottom, the survey shall be such as to ensure that the ship as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems, and appliances, life saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment is in satisfactory condition and fit for the service for which they are intended and that they comply with the requirements of the Safety Convention and with any regulations made under section 251.

(2) The lights, shapes, means of making sound signals and distress signals carried by the ship shall also be subject to survey.

Additional surveys of passenger ships.

261. (1) A survey, either general or partial, as the circumstances require, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs, renewals or replacements are made.

(2) A survey under subsection (1) shall be such as to ensure—

- a) that the necessary repairs, renewals or replacements have been effectively made;
- b) that the material and workmanship for such repairs, renewals or replacements are in all respects satisfactory;
- c) that the ship complies in all respects with the provisions of the Safety Convention and the Collision Regulations and any regulations made under this Part.

Passenger ship certificate.

262. (1) Where the Executive Director or such other person or organization as he may authorize for the purpose, on receipt of the surveyor's report after initial or renewal surveys referred to in sections 259 and 260 is satisfied that a Sierra Leonean passenger ship—

- a) is in compliance with—
 - i. the requirements of the Safety Convention as regards construction, lifesaving appliances, radio installation;
 - ii. such of the ones relating to Safety of Life at Sea as are applicable to the ship and to such international voyages as it is to be engaged in;
- b) that it is properly provided with lights, shapes and means of making signals required by the Collision Regulations,

he shall on the application of the owner, and subject to section 264, issue or endorse the appropriate Safety Certificates hereinafter referred to as "Passenger Ship Safety Certificate" in respect of the ship.

(2) A Passenger Ship Safety Certificate shall be supplemented by a Record of Equipment which shall be permanently attached to the Certificate.

(3) A Passenger Ship Safety Certificate may, together with any other Safety Certificate required under this act, be contained in one document.

(4) The certificate and the record of equipment shall be drawn up in the form corresponding to the models prescribed by the Safety Convention.

Short voyage certificate for passenger ships.

263. Where the voyages on which a ship is to be engaged are short international voyages and it complies only with such of the regulations as are applicable to these voyages, the Executive Director or such other person or organization as he may authorize shall issue a certificate, (hereinafter referred to as "a Short Voyage Certificate) showing that the ship complies with the requirements of the Safety Convention applicable to such short international

voyages.

Exemption and qualified certificate for passenger ships.

264. Where the Executive Director or such other person or organization as he may authorize for the purpose, on receipt of the surveyor's report in respect of any passenger ship is satisfied—

- a) that the ship is eligible for exemption, under this Act, from the requirements of the regulations or of the Safety Convention applicable to the ship and to such international voyages on which it is to be engaged; and
- b) that it complies with the remainder of those requirements and that it is provided with lights, shapes and means of making sound signals required by the Collision Regulations,

he shall, on application of the owner, issue in respect of the ship—

- i. an exemption certificate stating from which of the requirements of the Safety Convention the ship is exempt, and that the exemption is conditional on the ship plying on the voyages and complying with other conditions, if any, specified in the certificates; and
- ii. a certificate (hereinafter referred to as a "Qualified Safety Certificate" or a "Qualified Short Voyage Certificate" as the case may be) showing that the ship complies with these requirements from which it is not exempted.

Validity of passenger ship short voyage certificate.

265. The Executive Director or such other person or organization as he may authorize for the purpose, may permit a passenger ship in respect of which there is a Short Voyage Certificate or a Qualified Short Voyage Certificate to proceed to sea on an international voyage from a port not exceeding 1200 nautical miles between that port and the final port of destination and for the purposes of this section such certificate shall be enforced for the voyage which the ship is about to proceed notwithstanding that the voyage exceeds 600 nautical miles between these ports.

Passenger ship certificate to be available on board.

266. (1) A passenger ship shall before plying or proceeding to sea from a port in Sierra Leone, have on board a valid Passenger Ship Safety Certificate which shall show—

- a) the limits, if any, beyond which the ship is not fit to ply; and
- b) the number of passengers which the ship is fit to carry, distinguishing, if necessary, the number to be carried on each part of the ship, and any conditions and variations to which the number is subject.

(2) Where in the case of a foreign passenger ship, the Executive Director or such other person or organization as he may authorize for the purpose, is satisfied upon the production of a Passenger Ship Safety Certificate that the provisions of this Act have been substantially complied with, the ship shall be deemed to have satisfied the requirements of subsection (1).

Penalty for carrying excess passengers.

267. The owner or master of a passenger ship which has on board a number of passengers which, having regard to the time, occasion and circumstances of the case is greater than the number allowed by the Passenger Ship Safety Certificate, commits an offence and shall be liable on conviction to a fine not exceeding three million leones for each passenger in excess of the number allowed.

Surveys of life saving appliances and other equipment of cargo ships.

268. The life-saving appliances and other equipment of a Sierra Leonean cargo ship of 500 tons gross tonnage and upwards shall be subject to the following surveys—

- a) an initial survey before the ship is put in service;
- b) a renewal survey at intervals not more than two years;
- c) periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Equipment Certificate such survey to take the place of one of the annual surveys specified in paragraph (d);
- d) annual survey within three months before or after each anniversary date of the Cargo Ship Safety Equipment Certificate;
- e) any such additional surveys as may be prescribed.

Initial survey of life saving appliances and other equipment for cargo ships.

269. (1) The initial survey made before a cargo ship is put in service shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, ship dome navigational equipment, means for embarkation of pilots and other equipment.

(2) The initial survey shall be such as to ensure that fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals comply with the requirements of the Safety Convention and the Collision Regulations and with any regulations made under this Act.

(3) The renewal and periodical survey shall be such as to ensure compliance with the requirements of the Safety Convention and the Collision Regulations and any regulations made under this Act.

(4) The annual survey shall be such as to ensure that the items of equipment referred to in subsection (1) have been maintained and that they remain satisfactory for the service for which the ship is intended.

(5) The periodical and annual survey referred to in section 268 shall be endorsed on the Cargo Ship Safety Equipment Certificate.

Additional survey of life saving appliances and other equipment of cargo ships.

270. (1) A survey, either general or partial, as the circumstances require shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its equipment or whenever important repairs, renewals or replacements are made.

(2) A survey under subsection (1) shall be such as to ensure—

- a) that the necessary repairs, renewals or replacements have been effectively made;
- b) that the material and workmanship for such repairs, renewals or replacements are in all respects satisfactory;
- c) that the ship complies in all respects with the provisions of the Safety Convention and the Collision Regulations and regulations made under this Act.

Cargo ship safety equipment certificate.

271. (1) Where the Executive Director or such person or organization as he may authorize for this purpose is satisfied on receipt of the surveyor's report after an initial or renewal survey in respect of a Sierra Leonean cargo ship that the ship—

- a) complies with the requirements of the Safety Convention as regard life saving appliances and with such regulations relating to Safety of Life at Sea as are applicable to the ship in regard to such life-saving appliances and to such voyages as it is to be engaged on; and
- c) is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations,

he shall on application of the owner, and subject to section 272 issue in respect of the ship where it is not less than 500 tons gross tonnage and it is to be engaged on international voyages, a certificate in the form prescribed by the Safety Convention; and such certificate is in this Act referred to as "Cargo Ship Safety Equipment Certificate."

Cargo ship safety equipment exemption and qualified exemption certificate.

272. Where the Executive Director or such person or organization as he may authorize for the purpose, on receipt of a surveyor's report in respect of a cargo ship, is satisfied that the ship is—

- a) exempt by this Act or by the regulations from any of the requirements of such regulations or of the Safety Convention, applicable to the ship and to such voyages as it is to be engaged on;
- b) complies with the remainder with lights, shapes and means of making sound signals required by the Collision Regulations,

he shall on application of the owner, issue in respect of the ship where it is not less than 500 tons gross tonnage and it is to be engaged on international voyages an exemption certificate stating from which of the requirements of the

Safety Convention the ship is exempted and that the exemption is conditional on the ship plying on such voyages and being engaged only in the trade and complying with any other conditions, requirements of the Safety Convention from which it is not exempted and to the voyages on which it is to be engaged, and a certificate issued under this section is in this Act referred to as “Qualified Cargo Ship Safety Equipment Certificate.”

Survey of radio installations of cargo ships.

273. The radio installations, including those used in life saving appliances of Sierra Leonean cargo ships which are carried in compliance with any regulations made under section 252 shall be subject to the following surveys:—

- a) an initial survey before the ship is put in service;
- b) renewal survey at intervals not more than 12 months;
- c) a periodical survey within three months before or after each anniversary date of Cargo Ship Safety Radio Certificate;
- d) additional surveys as required under this Act.

Initial survey of radio installations of cargo ships.

274. The initial survey made before a cargo ship is put in service shall include a complete inspection of the radio installations, including those used in life-saving appliances to ensure that they comply with the Safety Convention and any regulations made under section 252.

Renewal and periodical surveys of radio installations of cargo ships.

275. The renewal and periodical surveys shall include an inspection of the radio installations including those used in life-saving appliances to ensure that they comply with the requirements of the Safety Convention and any regulations made under section 252.

Additional survey of radio installation of cargo ships.

276. (1) A survey, either general or partial, as the circumstances require, shall be made every time an accident occurs to a cargo ship or a defect is discovered in the completeness of its life saving appliances or other equipment or whenever important repairs, renewals or replacements are made.

(2) The survey under subsection (1) shall be such as to ensure that—

- a) the necessary repairs, renewals or replacements have been effectively made;
- b) the materials and workmanship for such repairs, renewals or replacements are in all respects satisfactory;
- c) that the ship complies in all respects with the provisions of the Safety Convention and Collision Regulations and any other regulations made under this Act.

(3) The periodical surveys referred to in section 275 shall be endorsed on the Cargo Ship Safety Radio Certificate.

Issue of cargo ship safety radio certificate.

277. (1) Where the Executive Director or such person or organization as he may authorize for the purpose is satisfied on receipt of the surveyor’s report in respect of a cargo ship after initial or renewal survey, that the ship complies with the requirements of the Safety Convention as regards radio installations and with such regulations relating to Safety of Life at Sea as are applicable to the ship in regards to such radio installations and to such international voyages as it is to be engaged on application of the owner shall issue in respect of the ship certificate in the form prescribed by the Safety Convention where the ship is of not less than 300 gross tonnage and is to be engaged on international voyage.

(2) The certificate referred to as subsection (1) shall be referred to as “Cargo Ship Safety Radio Certificate” and shall be in the form prescribed by the Safety Convention.

(3) The Cargo Ship Safety Radio Certificate shall be supplemented by a Record of Equipment of Radio Facilities.

Cargo ship safety radio exemption and qualified cargo ship safety certificate.

278. (1) Where the Executive Director or such person or organization as he may authorize for the purpose, on receipt of the surveyor’s report in respect of a cargo ship, is satisfied that the ship is eligible for exemption under this Act from the requirements of those of the regulations or of the Safety Convention applicable to the ship as regards radio installations and to such voyage as it is to be engaged on, and that the ship complies with the remainder of those requirements and is properly provided with lights, shapes and means of making sound signals required by the

Collision Regulations, shall, on the application of the owner, issue in respect of the ship—

- a) where it is not less than 300 gross tonnage and is to be engaged on international voyages—
 - i. an exemption certificate stating from which of the requirements of the Safety Convention the ship is exempted and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trade and complying with other conditions, specified in the certificate;
 - ii. a certificate showing that the ship complies with those requirements from which it is not exempt; and
- b) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not exempted and the voyages on which it is to be engaged.

(2) A certificate issued under subsection (1) (a) or (b) is in this Act referred to “Qualified Cargo Ship Safety Radio Certificate.”

Survey of structure, machinery and equipment of cargo ships.

279. (1) The structure, machinery and equipment of Sierra Leonean cargo ship other than items in respect of which a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Radio Certificate are issued shall be subject to—

- a) an initial survey including an inspection of the outside of the ship before the ship is put in service;
- b) a renewal survey at intervals of not more than two years;
- c) an intermediate survey within three months before or after the second anniversary date of within three months before or after the third anniversary date of the Cargo Ship Safety Construction Certificate;
- d) an annual survey within three months before or after each anniversary date of the Cargo Ship Safety Construction Certificate;
- e) a minimum of two inspections of the outside of the ship’s bottom during any five year period and the interval between any two such inspections shall not exceed three years;
- f) additional surveys as required under this Act.

Initial survey of structure, machinery and equipment of cargo ships.

280. (1) The initial survey before a cargo ship is put in service shall include a complete inspection of the structure, machinery and equipment.

(2) The initial survey shall be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of the Safety Convention and with any regulations made under section 252.

(3) An initial survey of a tanker shall, in addition to the requirement of subsection (1) include an inspection of pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices.

Renewal survey of structure, machinery and equipment of cargo ships.

281. A renewal survey shall be such as to ensure than an inspection of the structure, machinery and equipment referred to in subsections (1), (2) and (3) of section 280 comply with the requirements of the Safety Convention and any regulations made under section 252.

The intermediate survey of structure, machinery and equipment of cargo ships.

282. (1) An intermediate survey shall be such as to ensure that the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control system and electrical installation remain satisfactory for the service for which the ship is intended.

(2) An intermediate survey for a tanker shall, in addition to the requirements of subsection (1) include an inspection of pump rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance safety devices and the testing of insulation resistance of electrical installations in dangerous zones.

Annual survey of structure, machinery

283. (1) An annual survey shall include—

and equipment of cargo ships.

- a) a general inspection of the structure, machinery and equipment referred to in section 280 in order to ensure that they have been maintained to conform to the Safety Convention and to any regulations made under section 252 and that the ship in all respects will remain fit to proceed to sea without danger to the ship and the persons on board;
- b) an inspection of the outside of the ship's bottom and the survey of related items shall be undertaken to ensure that they comply with the Safety convention and any regulations made under section 252.

(2) The intermediate and annual surveys and the inspections of the ship's bottom referred to in paragraphs (a), (d), (e) of section 280 shall be endorsed on the Cargo Ship Construction Certificate.

Additional survey of structure, machinery and equipment of cargo ships.

284. (1) A survey, either general or partial as the circumstances require, shall be made every time an accident occurs or a defect which affects the safety of the ship or the efficiency or completeness of the structure, machinery and equipment and whenever important repairs, renewals or replacements are made.

(2) A survey under subsection (1) shall be such as to ensure—

- a) that the necessary repairs, renewals or replacements have been effectively made;
- b) that the materials and workmanship for such repairs, renewals or replacements are in all respects satisfactory;
- c) that the ship complies in all respects with the provisions of the Safety Convention and the Collision Regulations and any regulation made under this Act.

Cargo ship Construction and survey regulations.

285. (1) The Minister may by statutory instrument made regulations in this Act referred to as "Cargo Ship Construction and Survey Regulations" prescribing requirements for structure, machinery and equipment of ships to which this section applies and requiring such Sierra Leonean ships to be surveyed to such an extent, in such a manner and at such intervals as may be prescribed.

(2) The Cargo Ship Construction and Survey Regulations shall include such requirements as appear to the Administration to implement the provisions of the Safety Convention in relation to structure, machinery and equipment of such ship.

(3) This section applies to—

- a) a Sierra Leonean ship of not less than 500 gross tonnage;
- b) a foreign ship while within Sierra Leonean waters and while not exempted under this Act;
- c) a Sierra Leonean ship of such lower tonnage and of such description as the Minister may specify but does not apply to a passenger ship, troopship, pleasure craft, fishing vessel and ship not propelled by mechanical means.

Issue of cargo ship safety construction certificate.

286. Where the Executive Director or such person or organization as he may authorize for the purpose is satisfied on receipt of a surveyor's report in respect of a Sierra Leonean cargo ship to which section 285 applies that the ship complies with the Cargo Ship Construction and Survey Regulations applicable to the ship and such voyage as it is to be engaged on, he shall, on application of the owner, and subject to section 287 issue in respect of the ship where—

- a) it is not less than 500 gross tonnage, and
- b) is to be engaged in international voyages,

a certificate in the form prescribed by the Safety Convention in this Act called "Cargo Ship Safety Construction Certificate."

Cargo Ship Safety Exemption and Qualified Safety Construction Certificate.

287. Where the Executive Director or such person or organization as he may authorize for the purpose, on receipt of a survey report of a cargo ship, is satisfied that the ship is eligible for exemption under this Act from any of the requirements of the regulations applicable to the ship and to such voyages as it is to be engaged on and that it complies with the remainder of these requirements, shall, on the application of the owner, issue in respect of the

ship—

- a) where it is not less than 500 gross tonnage and it is to be engaged on international voyages—
 - i. an exemption certificate stating from which of the requirements of the Safety Convention the ship[is exempt and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions specified in the certificate;
 - ii. a certificate showing that the ship complies with the requirements from which it is not exempt;
- b) in any other case, a certificate showing that the ship complies with such of the requirements of the Cargo Ship Construction and Survey Regulations from which it is not exempt and to the voyages on which it is to be engaged, and any certificate issued under this section is in this Act referred to as “Qualified Cargo Ship Safety Construction Certificate.”

Duration and validity of Cargo Ship Safety Construction Certificate.

288. (1) A Qualified Cargo Ship Safety Certificate shall remain in force for five years or such shorter period as may be specified in it, but without prejudice to the power of the Executive Director to cancel it, and an exemption certificate issued under this section shall remain in force for the same period as the corresponding certificate.

(2) Where a certificate under this section is in force in respect of a cargo ship and the certificate was issued for a shorter period than allowed under this section, the Executive Director or any person authorized by him for the purpose may, if satisfied, on receipt of declarations of survey in respect of the ship that it is proper to do so, grant an extension of the Certificate for a period not exceeding one year and not exceeding together with the period for which it has been previously extended under this subsection, the longest period for which it could have issued under this Act.

(3) Notwithstanding the requirements of subsection (1), when a renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of the expiry of the existing certificate.

(4) When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

(5) When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(6) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Executive Director or any person or organisation authorized by him may endorse the existing certificate and such certificate shall be accepted as valid for a further period which shall not exceed one month from the expiry date.

Duration and validity of Passenger Ship Safety Certificate.

289. (1) A Passenger Ship Safety Certificate shall be in force for a period not exceeding 12 months but the certificate shall not remain in force after notice is given by the Executive Director to the owner, the master or agent of the ship in respect of which it has been issued that has cancelled the Certificate.

(2) An exemption certificate shall be in force for the same period as the corresponding certificate.

(3) A certificate issued by the Executive Director under this Act, and any Passenger Ship Safety Certificate, whether or not combined in one document with any other Safety Certificate is admissible in evidence.

(4) Notwithstanding subsection (1), when a renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of the completion of the renewal survey to a

date not exceeding 12 months from the date of expiry of the existing certificate.

(5) When a renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from a date of the completion of the renewal survey to a date not exceeding 12 months from the date of expiry of the existing certificate.

(6) When a renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 12 months from the date of completion of the renewal survey.

Extension of duration and validity of certificates.

290. (1) Where a Sierra Leonean ship is not in a port in which it is to be surveyed on the date of expiry of any certificates issued to that ship under this Act, the Executive Director or any such person as he may authorize for the purpose, may extend the validity of that certificate in the first instance by a period not exceeding one month from its initial date of expiry up to a maximum of three months in the aggregate.

(2) An extension referred to in subsection (1) shall be granted only for the purpose of enabling the ship to complete its voyage to the port in which it is to be surveyed and only in case where it appears proper and reasonable to grant the extension.

(3) A ship to which an extension is granted shall not on its arrival in the port in which it is to be surveyed be entitled by virtue of such extension to leave that port without having a new certificate.

Duration and validity of qualified certificates.

291. A qualified certificate shall not be deemed to be in force in respect of a ship unless there is in force in respect of the ship the corresponding exemption certificate, and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.

Appeals against withholding of ship's certificate or detention.

292. The owner or master of a ship—

- a) in respect of which a certificate required to be carried on board is withheld;
- b) detained,

as a result of the survey of the ship, may appeal to the Minister.

Penalty for non-compliance with conditions of exemption certificate.

293. Where an exemption certificate, issued in respect of any Sierra Leonean ship specifies conditions under which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship commits an offence and shall on conviction be liable to a fine not exceeding five million leones.

Availability of certificate on board ships.

294. (1) All certificates, or certified copies thereof issued under this Act, shall be readily available on board for examination at all times.

(2) The master or owner of a ship, who fails without reasonable cause to comply with subsection (1), commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

Surveyor to verify safety certificates and compliance with conditions of issue.

295. A surveyor of ships may board a ship for the purpose of verifying—

- a) that there is in force in respect of a foreign Safety Convention ship valid certificates required under the Safety Convention;
- b) that the condition of structure, machinery and equipment of any such Safety Convention ship correspond substantially with the particulars shown in such certificates;
- c) that any conditions subject to which a certificate, being the equivalent of an exemption certificate is issued, are complied with.

Production of safety convention certificate.

296. (1) The master of a foreign Safety Convention ship shall produce to the appropriate authorities from whom clearance for the ship is demanded in respect of an international voyage from a Sierra Leonean port, valid Safety

Convention Certificates that are the equivalent of the Safety Convention Certificate issued by the Executive Director that would be required to be in force in respect of the ship if it was a Sierra Leonean ship, and clearance shall not be granted and the ship may be detained until those certificates are so produced.

(2) The production of a valid Safety Convention Certificate being the equivalent—

- a) of a qualified certificate; or
- b) an exemption certificate,

other than a certificate stating that the ship is wholly exempt from the provisions of the Safety Convention, shall not avail for the purpose of section 295 unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Miscellaneous privileges holding safety convention certificate.

297. (1) Where a valid Safety Convention Certificate is produced in respect of a foreign Safety Convention Certificate is produced in respect of a foreign Safety Convention ship, it shall be accepted and the ship shall be exempted from surveys or inspections under section 295 unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of the certificate or that the ship and its equipment are not in compliance with the regulations made under this Act respecting the maintenance of conditions of ships and their equipment after survey.

(2) Where a certificate is not accepted due to the circumstances referred to in subsection (1) or if a certificate has expired or ceased to be valid, the ship shall not be granted clearance and shall be detained until it can proceed to sea or to the appropriate repair yard without causing danger to the ship or persons on board, and the following persons shall be notified in writing of the circumstances—

- a) the local consul of the ship's flag state or, in his absence, the nearest diplomatic representative of the ship's flag state;
- b) nominated surveyors or recognized organization responsible for the issue of the certificates referred to in subsection (1).

Ship not to proceed to sea without appropriate certificate.

298. No Sierra Leonean registered ship shall proceed to sea or attempt to proceed to sea unless there is in force in respect of the ship—

- a) where it is a passenger ship, a Passenger Ship Safety Certificate or a Short Voyage Safety Certificate or a Qualified Short Voyage Certificate which, subject to the provisions of this section relating to Short Voyage Certificate, is applicable to the voyage on which the ship is about to proceed and to the trade in which it is for the time being engaged;
- b) where it is not a passenger ship—
 - i. a Cargo Ship Safety Construction Certificate or a Qualified Cargo Ship Safety Construction Certificate or an Exemption Cargo Ship Safety Construction Certificate;
 - ii. a Cargo Ship Safety Equipment Certificate or a Qualified Safety Equipment Certificate or an Exemption Cargo Ship Safety Equipment Certificate;
 - iii. a Cargo Ship Safety Radio Certificate or a Qualified Cargo Ship Safety Radio Certificate or an Exemption Safety Radio Certificate; and
 - iv. a Sierra Leone Safety Certificate issued pursuant to regulations made under this Part.

Detention of ship for non production of certificate.

299. The master of a Sierra Leonean ship shall produce to the appropriate authorities from whom clearance for the ship is demanded for an international voyage the certificate required by this Part to be in force when the ship proceeds to sea and a clearance shall not be granted and the ship may be detained, until the certificates are so produced.

Ship to carry stability information.

300. (1) A Sierra Leonean registered ship, regardless of size, shall carry on board such information about the ship's

stability as may be prescribed.

(2) The information referred to in subsection (1), a copy of which shall be sent to the Executive Director, shall be based on the determination of the ship's stability by means of an inclining determination of the stability of a sister ship.

(3) The owner or master of a ship which proceeds or attempts to proceed to sea without having on board the information as required by subsections (1) and (2) commits an offence and shall on conviction be liable to a fine not exceeding three million leones.

Penalty for forgery of Survey Report or Certificate.

301. A person who—

- a) knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent survey report under this Part;
- b) forges, or assists in forging, procures to be forged, fraudulently alters or assists in fraudulently altering, any such report or certificate,

or anything contained in it or any signature to any such report of certificate commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Maintenance of condition of ship, and notice of accident, defect or alterations, etc.

302. (1) The condition of a ship in respect of which Safety Convention certificates issued under this Act is in force, including the equipment of such ship shall be maintained at all times after survey to comply in all respects with the provisions of the Safety Convention and of the Collision Regulations and any regulations made under this Part.

(2) Where—

- a) an accident occurs to a ship;
- b) a defect is discovered in a ship;
- c) an alteration is made to the structure, equipment, appliances, or machinery of a ship which affects the safety of the ship or the efficiency, completeness or unsafeness of the ship,

the owner or master shall as soon as practicable, following such accident, discovery of defect or alteration give written notice to the Executive Director describing full particulars of the accident, defect or alteration as the case may be.

(3) An owner or master of a ship, who does not give notice as required by this section is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Re-survey of a ship following alterations or damages.

303. (1) Where the Executive Director has reason to believe that since the making of the last survey report in respect of a ship—

- a) an alteration has been made as is mentioned in section 302; or
- b) the structure, equipment, appliances or machinery of the ship have sustained any damage or are otherwise defective or insufficient,

the Executive Director may require the ship to be surveyed to such an extent as he thinks fit and if such requirement is not complied with may cancel any certificate issued in respect of the ship under this Act.

(2) For the purposes of this section, "alteration" in relation to anything includes the renewal or replacement or extension from its original design of any part of it.

Application of this part to foreign ships.

304. (1) The Executive Director may direct that this Part or any of the provisions thereof shall apply to a foreign ship or class of ship within Sierra Leonean waters.

(2) Notwithstanding anything in this Part, the Executive Director may relieve a foreign ship or the owner of a foreign ship from compliance with any of the provisions of this Part or regulations made thereunder relating to inspection, in any specific case of emergency where the Executive Director may think it necessary or advisable in the public interest, to such extent and in such manner and upon such terms as he may consider proper in the circumstances, but the Executive Director shall not relieve any ship or the owner thereof from compliance with any such provision in such manner as would permit any ship to proceed to sea or to make any voyage in an unseaworthy condition.

Survey of foreign ships and issue or endorsement of Safety Convention Certificate.

305. (1) The Executive Director may at the request of a Government of a country to which the Safety Convention applies, cause a ship to be surveyed and if satisfied that the requirements of the Safety Convention are complied with, shall issue or authorize the issue of certificates to the ship, and where appropriate, endorse or authorize the endorsement of Certificates on the ship in accordance with the Safety Convention.

(2) A certificate issued under subsection (1) shall contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is or will be registered and it shall have the same force and receive the same recognition as a certificate issued under this Part.

Survey of Sierra Leonean ships and issue or endorsement of Safety Convention Certificates by other Convention countries.

306. (1) The Executive Director may request the Government of a country to which the Safety Convention applies to survey a Sierra Leonean ship and the Government if satisfied that the requirements of the Safety Convention are complied with shall issue or authorize the issue of certificates to the ship and, where appropriate, endorse or authorize the endorsement of certificates of the ship in accordance with the Safety Convention.

(2) A certificate issued in pursuance of a request made under subsection (1) shall contain a statement that it has been so issued at the request of the Executive Director representing the Government of Sierra Leone and shall have effect for the purposes of this Act as if it has been issued by the Executive Director and not by the Government of that country.

Exceptions.

307. Nothing in this Part or in any regulations made under this Part, unless it is expressly otherwise provided by this Part or such regulations, shall apply to—

- a) a ship of war or a troopship;
- b) a cargo ship of less than 500 gross tonnage;
- c) a ship not propelled by mechanical means;
- d) a wooden ship of primitive build;
- e) a pleasure yacht not engaged in trade; and
- f) a fishing vessel.

Regulations for safety requirements and issue of Sierra Leonean Safety Certificate.

308. The Minister may by statutory instrument make regulations prescribing safety requirements and providing for the survey and issue of Sierra Leone safety requirements and providing for the survey and issue of Sierra Leone Safety Certificate in respect of non Safety Convention sized ships.

PART XVIII – LOAD LINES

Interpretation.

309. For the purposes of this Part—

“Convention country” means a country the Government of which is a party to the Load Line Convention and has not denounced that Convention, or a territory of such country to which the Convention extends and remains extended;

“existing ship” means a ship which is not a new ship;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“international voyage” means a sea voyage from a country to which the Load Line Convention applies to a port outside such country or conversely provided, however, that in determining the ports between which a voyage is

made, no account shall be taken of any deviation by a ship from her intended voyage which is due solely to stress of weather or any other cause of *force majeure*;

“load line” means a line marked on a vessel indicating the depth to which the vessel may be safely loaded;

“Load Lines Convention” means the International Convention on Load Lines 1966 and any amendments thereto which the Minister may, by order, declare to be in effect for Sierra Leone;

“Load Line Convention Ship” means a ship that is—

- a) of a kind to which the Load Line Convention applies; and
- b) registered in a country the Government of which is a party to the Load Line Convention;

“Load Line Regulations” means the regulations made by the Minister to give effect to the Load Line Convention;

“Load Line Ship” means—

- a) a Load Line Convention ship, that is to say, an existing ship of not less than 150 tons or a new ship, 24 metres or more in length which carries cargo or passengers on international voyages;
- b) a Sierra Leonean Load Line ship, other than Load Line Convention ship which carries cargo or passengers;

“new ship” means a ship whose keel is laid or which is at a similar stage of construction on or after—

- a) in the case of a ship registered in or flying the flag of a country other than Sierra Leone which is a convention country the date from which it is declared that the Government of the country has ratified or acceded to the Load Line Convention or that is a country to which the Convention applies;
- b) in the case of any other ship, the date of the coming into operation of this Act.

Application of this part.

310. This Part shall not apply to—

- a) ships of war;
- b) pleasure yachts, not engaged in trade;
- c) fishing vessels.

Countries to which the Load Line Convention applies.

311. The Minister may, from time to time by notice in the *Gazette*, publish a list of countries that have ratified or acceded to or denounced the Load Line Convention.

Load Line regulations.

312. (1) The Minister may by statutory instrument make regulations in accordance with the following provisions of this Part (in this Part referred to as “Load Line Regulations”) and in making out those Regulations the Minister shall have regard in particular to the Load Line Convention as amended.

(2) The Load Line Regulations shall make provision—

- a) for surveying and inspection of ships to which this Part applies;
- b) for determining freeboards to be assigned from time to time to such ships;
- c) for determining, in relation to such ship, the deck which is to be taken to be the freeboard deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark of a description prescribed by the regulations;
- d) for determining, by reference to that mark and the freeboard for the time being assigned to any such ship, the positions in which each side of the ship is to be marked with lines of a description prescribed by the regulations, indicating the various maximum depths to which the ship may be loaded in circumstances

prescribed by the regulations.

(3) The Load Line Regulations shall include the following provisions—

- a) provisions specifying such requirements in respect of the hulls, superstructures, fitting and appliances of the ship to which this Part applies as appear to the Minister to be relevant to the assignment of freeboards to such ships;
- b) provisions whereby, at the time when freeboards are assigned to a ship in accordance with the load line regulations, such particulars relating to those requirements as may be determined in accordance with the regulations are to be recorded in such manner as may be so determined; and
- c) provisions for determining by reference to those requirements and that record whether, at any time after freeboards have been so assigned to a ship and while they continue to be so assigned, the ship is for the purposes of this Part to be taken to comply, or not to comply, with the conditions of assignment and those provisions shall be set out separately in the load line regulations under the title of “rules as to conditions of assignment.”

(4) The load line regulations shall also include provisions requiring such information relating to the stability of any ship to which freeboards are assigned thereunder, and such information relating to the loading and ballasting of such ship, as may be determined in accordance with the regulations to be provided for the guidance of the master of the ship in such manner as may be so determined.

(5) The load line regulations may also prescribe load line requirements and provide for the issue of Sierra Leone Load Line Certificates in respect of non Load Line Convention ships.

Issue of Load Line
Certificates.

313. (1) Where a Sierra Leonean ship has been surveyed and marked in accordance with the Load Line Regulations, the appropriate certificate shall be issued to the owner of the ship on his application.

(2) For the purposes of this section the appropriate certificate—

- a) in the case of an existing ship not less than 150 tons gross tonnage and in the case of a new ship of not less than 24 metres in length, is a certificate called the International Load Line Certificate (1966) as modified by the Protocol of 1988, relating thereto; and
- b) in the case of any other ship, is a certificate to be called “Sierra Leone Load Line Certificate.”

(3) Any certificate required by subsection (1) to be issued—

- a) shall be issued by the Executive Director or by a person or organisation authorized in that behalf by the Executive Director;
- b) shall be in such form and shall be issued in such manner as may be prescribed by the Load Line Regulations.

Issue or endorsement
of a certificate at the
request of the
Administration.

314. (1) The Administration may request the Government of a Convention country to survey a Sierra Leonean ship and if satisfied that the provisions of the Load Line Convention are complied with, issue or authorize the issue of an International Load Line Certificate to the ship and where appropriate endorse or authorize the endorsement of the certificate on the ship in accordance with the Load Line Convention.

(2) A certificate so issued or endorsed shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same

Issue or endorsement
of certificates at the
request of other
Government.

315. (1) The Administration may, at the request of the Government of a Convention country, survey a ship and, if satisfied that the provisions of the Load Line Convention have been complied with, issue or authorize the issue of International Load Line Certificate to the ship and, where appropriate, endorse or authorize the endorsement of the

certificate on the ship in accordance with the Load Line Convention.

(2) A certificate so issued or endorsed shall contain a statement to the effect that it has been and or endorsed at the request of the Government of the state where the ship is registered or will be registered and such certificate shall have the same force and receive the same recognition as a certificate issued or endorsed under this Part.

Power to make exemption orders.

316. (1) If in the opinion of the Executive Director the conditions of international voyages—

- a) between near neighbouring ports in Sierra Leone and in another Convention country; or
- b) between near neighbouring ports in any two or more countries or territories outside Sierra Leone;

make it unreasonable or impracticable to apply the provisions of this Part to ships plying on such voyages and the Executive Director is satisfied that the Government of the other country or territory concurs in that opinion, the Executive Director may by order specifying those ports, direct that the ships plying on international voyages between those ports, or any class of such ships specified in the order shall be exempt from the provisions of this Part.

(2) The Executive Director may by order direct that a class of ships specified in the order shall be exempt from the provisions of this Part while not carrying cargo or (if the order so provides) shall be exempt from the provisions of this Part whether carrying cargo or not.

(3) Any order under this section may be subject to such conditions as the Executive Director thinks fit, and, where any such order is made subject to conditions, the exemption conferred by the order shall not have effect in relation to ship unless the ship complies with those conditions.

Further powers to exempt ships.

317. (1) In this section any reference to exempting a ship is a reference of exempting the ship either—

- a) from all the provisions of this Part and the Load Line Regulations; or
- b) from such of these provisions as are specified in the instrument conferring the exemption.

(2) On the application of the owner of a ship to which this Part applies which is a ship registered under this Act and is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, the Executive Director may exempt the ship if in his opinion the ship embodies features of a novel kind such that, if the ship had to comply with the requirements of this Part and the Load Line Regulations, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.

(3) On the application of the owner of a ship to which this Part applies, which is registered under this Act and is either—

- a) an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, or
- b) a ship (not falling within the preceding paragraph) which does not ply on international voyages,

the Executive Director may exempt the ship.

(4) Without prejudice to subsection (2), where a ship to which this Part applies which is registered under this Act and is either an existing ship of less than 150 tons gross tonnage or a new ship of less than 24 metres in length, does not normally ply on international voyages but is, in exceptional circumstances required to undertake a single international voyage, the Executive Director, on application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.

(5) Any exemption conferred under this section may be conferred subject to such conditions as the Executive Director thinks fit; and where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

Issue of exemption certificate.

318. (1) Where the Executive Director exempts a ship under section 316 the Executive Director shall issue the appropriate certificate to the owner.

(2) For the purposes of this section the appropriate certificate—

- a) where the exemption is conferred under subsection (2) or subsection (4) of section 316, is a certificate to be called an “International Load Line Exemption Certificate”; and
- b) where the certificate is conferred under subsection (3) of that section, is a certificate to be called “Sierra Leone Load Line Exemption Certificate.”

(3) Any certificate issued under this section shall be in such form, and shall be issued in such manner, as may be prescribed by the Load Line Regulations.

Duration, endorsement and cancellation of load line certificates.

319. (1) The Load Line Regulations shall make provision for determining the period during which any certificate issued under section 314 is to remain in force including—

- a) provision enabling the period for which any such exemption or certificate is originally issued to be extended within such limits and in such circumstances as may be prescribed by the regulations; and
- b) provision for terminating such exemption, and for cancelling such certificate in such circumstances as may be so prescribed.

(2) While such certificate is in force in respect of a ship, there shall be endorsed on the certificate information relating to—

- a) periodical inspections of the ship in accordance with the Load Line Regulations; and
- b) any extension of the period for which the certificate was issued, as may be prescribed by the regulations.

Effect of load line certificate.

320. Where a certificate is issued under this Part and for the time being in force, is produced in respect of the ship to which the certificate relates—

- a) the ship shall be deemed to have been surveyed in accordance with the load line regulations;
- b) if the lines are marked on the ship corresponding in number and description to the deck line and load lines as required by the load line regulations, and the positions of the deck line and load lines as specified in the certificate the ship shall be deemed to be marked as required by those regulations.

Ships not to proceed to sea without Load Line Certificate.

321. (1) Subject to any exemption conferred by or under this Part, no ship to which this Part applies being a ship registered in Sierra Leone, shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of the ship.

(2) Before any such ship proceeds to sea, the master of the ship shall produce the appropriate certificate to the officer of customs from whom clearance for the ship is demanded, and a clearance shall not be granted and the ship is may be detained, until the appropriate certificate is so produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section the master of the ship commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(4) In this section the appropriate certificate means the certificate which is the appropriate certificate for the purposes of section 313.

Compliance with Load Line Regulations.

322. (1) Subject to subsection (2), and to any exemption conferred by or under this Part, no ship to which this Part applies, not being a ship registered in Sierra Leone, shall proceed or attempt to proceed to sea from a port in Sierra Leone unless—

- a) the ship has been surveyed in accordance with the Load Line Regulations;
- b) the ship is marked with a deck-line and with load lines in accordance with those regulations;
- c) the ship complies with the conditions of assignment; and
- d) the information required by those regulations to be provided as mentioned in subsection (4) of section 313 of this Part is provided for the guidance of the master of the ship in the manner determined in accordance with the regulations.

(2) Subsection (1) does not apply to a ship in respect of which a valid convention certificate is produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of the preceding provisions of this section, the master or owner of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding three million leones.

(4) Any ship which is in contravention of this section and attempts to proceed to sea without being surveyed and marked as mentioned in paragraph (a) and (b) of subsection (1) may be detained until she has been so surveyed and marked.

Submersion of load lines.

323. (1) No Sierra Leonean load line ship shall at any time when it puts to sea, during the voyage, or on arrival, be so loaded as to submerge the appropriate load lines on both sides of the ship corresponding to the season of the year and the zone or area as indicated in the Load Line Regulations.

(2) Where a ship is loaded in contravention of this section, the owner or master of the ship commits an offence and is liable on conviction to a fine not exceeding five million leones and to such additional fine as specified in subsection (3) as the court thinks fit to impose having regard to the extent which the earning capacity of the [line indistinct] have been increased by reason of the submersion.

(3) The additional fine imposed under subsection (2) shall not exceed three million leones for every centimetre by which the appropriate load line on each side of the ship was submerged.

(4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a valid defence that the contravention was due solely to deviation or delay caused by stress of weather or any cause of *force majeure* which neither the master, the owner, nor the charterer, if any, could have prevented or forestalled.

(5) Without prejudice to any proceedings under this section, a ship which is loaded in contravention of this section may be detained until it ceases to be so loaded.

Alteration or defacement of load line marks.

324. (1) The owner or master of a Load Line ship, who fails without reasonable cause to keep the ship marked in accordance with this Part commits an offence and shall be liable on conviction to a fine not exceeding five million leones.

2) A person who conceals, removes, alters, defaces or obliterates or permits any person under this control to conceal, remove, alter, deface or obliterate any mark placed on the ship in accordance with this Part, except with the authority of a person entitled under the Load Line Regulations to authorize the alteration of the mark commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Inspection of foreign ships regarding Load Lines.

325. (1) A surveyor of ships may board a ship which this Part applies, being a ship not registered in Sierra Leone while the ship is either a port in Sierra Leone and may demand the production of any Load Line Certificates in force in respect of that ship.

(2) Where a valid Load Line Certificate is produced to the surveyor, his powers of inspecting the ship in respect of load lines shall be limited to seeing that—

- a) the ship is not loaded beyond the limits allowed by the certificates;
- b) the marking of the load line on the ship correspond with those specified in the certificate;

- c) no material alterations have taken place in the hull or superstructure of the ship which affect the marking of the load line;
- d) the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) Where a valid Load Line Certificate is not produced to the surveyor under subsection (1) he shall have the same power of inspecting the ship as provide in section 326 as if the ship were a Sierra Leonean ship.

Inspection of Sierra Leone Load Line Ship.

326. A ship surveyor may inspect a Sierra Leonean ship for the purpose of ensuring that the provisions of this Part have been complied with.

Notice to be given of alterations affecting position of ship's Load Lines.

327. (1) The owner or master of a ship in respect of which a Load Line Certificate issued under this Part is in force, shall as soon as practicable, after any structural alteration which affects the Load line marks is mad in the hull or superstructure of the ship, give notice in writing to the executive Director containing full particulars of the alterations.

(2) An owner or master of a ship who fails to give notice as required by subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(3) The Executive Director may exercise, with respect to a ship referred to in subsection (1) his power specified in subsection (4) where he has reason to believe that—

- a) material alterations have taken place in the hull or superstructure of the ship which affect the load line marks;
- b) fitting and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were when the certificate was issued.

(4) In a case to which subsection (3) applies, the Executive Director may—

- a) cancel the Load Line Certificate;
- b) require the owner to have the ship surveyed again to such an extent as the Executive Director thinks fit, and if that requirement is not complied with, may cancel the Load Line Certificate.

(5) Where a Load Line Certificate has expired or been cancelled, the Executive Director may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs and the ship may be detained.

(6) An owner or master of a ship, who fails without reasonable cause to comply with a requirement under subsection (5) commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

Submersion of Load Lines of foreign ships.

328. (1) The provisions of section 323 shall apply to a foreign ship which is in Sierra Leonean waters as they apply to Sierra Leonean ships but no Load Line Convention ship shall be detained and no proceedings shall be taken against the ship by virtue of that section except after an inspection by a surveyor as provided for in this Part.

(2) The expression "the appropriated load line" means—

- a) in the case where a valid load line convention certificate in respect of the ship is produced on such an inspection the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Convention to be loaded;
- b) in the case where a valid load line convention certificate is not so produced, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being permitted in

accordance with the Load Line Regulations to be loaded.

Deck Cargo
Regulations.

329. (1) The Minister may by statutory instrument make regulations, in this section referred to as “the deck cargo regulations” prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a ship to which this Part applies.

(2) Where the Load Line Regulations provide for assigning special freeboards to ships which are to have effect when carrying only timber deck cargo, then without prejudice to the generality of subsection (1), the Deck Cargo Regulations may prescribe special requirements to be complied with in circumstances where such special freeboard had effect.

(3) In prescribing any such special requirements as are mentioned in subsection (2) the Minister shall have regard in particular to the provisions of Chapter IV of the Load Line Convention and any amendments to it for the time being in force.

(4) Where any provisions of the Deck Cargo regulations are contravened—

- a) in the case of a Sierra Leonean ship; or
- b) in the case of any other ship while the ship is within a port in Sierra Leone; the master of the ship, subject to subsection (5),

commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

(5) Where a person is charged with an offence under subsection (4) it shall be a defence if proven to the satisfaction of the court that the contravention was due solely to deviation or delay caused by stress of weather or any other cause of *force majeure* which neither the master, nor the owner, nor the charterer, (if any) could have prevented or forestalled.

(6) For the purpose of securing compliance with the Deck Cargo regulations a person authorized in that behalf by the Executive Director may inspect a ship to which this Part applies which is carrying cargo in an uncovered space on its deck, and for the purpose of such inspection that person shall have all the powers of a surveyor under this Act.

Posting up of Load
Line Certificate and
entry of Load Line
details in ship’s log
book.

330. (1) Where a Load Line Certificate has been issued under this Part in respect of a Sierra Leonean ship—

- a) the owner of the ship shall forthwith upon receipt of the certificate, cause it to be displayed in some conspicuous place on board the ship, and the certificate shall be kept so displayed and shall be legible so long as the book certificate remains in force and the ship is in use;
- b) the master of the ship before making any other entry in the official log book, shall enter therein the particulars as to the marking of the deck line and load line specified in the certificate.

(2) Before a Sierra Leonean ship proceeds to sea, the master thereof shall—

- a) enter in the official log book the draught and freeboard relating to the depth to which the ship is for the time being loaded, the density of the water in which the ship is floating and all other particulars relating thereto in the form as set out in the official log book;
- b) cause a notice in the prescribed form to be displayed in some conspicuous place on board the ship and the notice shall remain displayed and shall be legible while the ship is at sea.

(3) The master or owner of a Sierra Leonean ship who fails to comply with the provisions of this section is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Contravention of Load
Line regulations and
detention of ships.

331. (1) Where it is found upon inspection referred to in section 326 that a ship is loaded in contravention of section 323 the ship may be detained and proceedings may be taken against the master or owner thereof under section 323.

(2) Where the load lines are not marked as specified in the certificates, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(3) Where on inspection a ship is found to have been materially altered that it is manifestly unfit to proceed to sea without danger to human life, the ship shall be detained, but where the ship has been so detained, the Executive Director shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

PART XIX – CARRIAGE OF BULK CARGOES

Bulk cargo regulations.

332. The Minister may by statutory instrument make regulations relating to—

- a) the safe carriage and stowage of bulk cargoes having due regard to the Code of Safe Practice for Solid Bulk Cargoes published by International Maritime Organisation and amendments thereto or replacements thereof;
- b) safe carriage and stowage of grain in compliance with the International Code for the Safe Carriage of Grain in Bulk published by the International Maritime Organisation (IMO) as amended from time to time.

Precautions regarding grain cargoes.

333. (1) Where grain is loaded on board a ship or is loaded in a port in Sierra Leone on a ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting.

(2) Where precautions referred to in subsection (1) are not taken, the owner or the master or any agent of the owner who was charged with the loading or with the sending of the ship so laden with grain commits an offence and the ship shall be deemed for the purpose of this Act to be unsafe by reason of improper loading.

(3) Where a ship, loaded with grain outside Sierra Leone without necessary and reasonable precautions having been taken to prevent the grain from shifting, enters port in Sierra Leone so laden, the owner or master commits an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(4) No offence is committed under subsection (2) where the ship would not have entered a port but for stress of weather or any other cause of *force majeure* that neither the master, the owner nor the charterer, if any, could have prevented or forestalled.

(5) A person authorized by the Executive Director to ensure the observance of the provisions of this section may inspect the grain and the mode in which it is stowed and shall have the powers of a surveyor of ships under this Act.

Offences.

334. A person who contravenes this Part is guilty of an offence and shall be liable on summary conviction to a fine not exceeding five million leones.

PART XX – DANGEROUS GOODS

Regulations as to dangerous goods.

335. (1) The Minister may by statutory instrument make regulations to establish which goods, articles or materials to be carried in a ship as dangerous goods in accordance with Chapter VII of the International Convention for Safety of Life at Sea 1974 relating to carriage of dangerous goods and to amendments thereto or replacements thereof and such regulations shall have regard to the International Maritime Dangerous Goods Code (IMDG Code) published by the International Maritime Organisation as amended from time to time.

(2) Without restricting the generality of subsection (1) the Minister may by regulations prescribe—

- a) the method of packing and stowing dangerous goods;
- b) the quantity of dangerous goods which may be carried in any ship;
- c) the place or places within a ship in which they may be carried;
- d) the marking that is to be placed on any package or container in which dangerous goods may be placed for

- shipment; and
- e) the precautions that shall be taken with respect to the carriage of dangerous goods and the powers of inspection to determine compliance with the provisions of the regulations.

Carriage and marking of dangerous goods.

336. (1) No person shall send or carry in a Sierra Leonean ship, except in accordance with regulations made pursuant to section 335 any dangerous goods save that this section shall not apply to the ship's distress signals or to the carriage of military stores under conditions authorized by the Executive Director.

(2) No person except the owner or master shall send or carry in a Sierra Leonean ship any dangerous goods without first distinctly marking their nature on the outside of the outermost package containing same in accordance with such regulations as the Minister may make and without first giving written notices of the nature of such goods and of the name and address of the sender thereof to the master or owner of the ship.

(3) This section shall apply to foreign ships while loading at any place in Sierra Leone as they apply to Sierra Leonean ships.

Offences.

337. (1) A person who contravenes this Part is guilty of an offence and shall be liable on summary conviction to a fine not exceeding five million leones.

(2) A ship in respect of which an offence is committed under subsection (1) is deemed for the purposes of this act to be unsafe by reason of improper loading.

Rejection and disposal of dangerous goods by ship.

338. (1) The master or owner of a ship may refuse to take on board a package or parcel that he suspects might contain dangerous goods and may require the package to be opened to ascertain its nature.

(2) When dangerous goods, or goods that, in the opinion of the master or owner of the ship, are dangerous have been sent on board a ship without the marking or the written notice described in subsection (2) of section 336, the master or owner of the ship may cause the goods, together with any package or container thereof to be thrown over board and neither the master, nor the owner of the ship is subject to civil or criminal liability in any court in respect of such action.

Forfeiture of dangerous goods.

339. (1) Where dangerous goods have been sent by or carried in a ship in a manner that would constitute an offence under this Part, a competent court may order the goods, and any packaging or container thereof, to be forfeited to the state.

(2) A competent court may exercise the power conferred by subsection (1) notwithstanding—

- a) that the owner of the goods concerned has not committed an offence in respect of the goods, or is not before the court or has had no notice of the proceedings;
- b) that there is no evidence to show to whom the goods belong, but the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

PART XXI – UNSAFE SHIPS

Unsafe ship.

340. In this Part,

“unsafe ship” means a ship that is, by reason of the defective condition of its hull, equipment or machinery, or by reason of undermanning, overloading, or improper loading, and any other matter relevant to the safety of the ship unfit to proceed to sea without danger to human life and environment having regard to the nature of the services for which it is intended.

Sending unsafe ship to sea – an offence.

341. (1) A person who sends or attempts to send an unsafe ship (whether a Sierra Leonean or foreign ship) to sea from a port in Sierra Leone, is guilty of an offence unless he proves that sending the unsafe ship to sea was in the

circumstances reasonable and justifiable.

(2) A master of a ship, Sierra Leonean or foreign, who knowingly takes an unsafe ship to sea from a port in Sierra Leone, commits an offence, unless he proves that the taking of the unsafe ship to sea was in the circumstances reasonable and justifiable.

(3) A prosecution under this section shall not be instituted except with the consent of the Minister.

(4) A person guilty of an offence against this section shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding four million leones or to both.

Owner's obligation to crew regarding unsafe ship.

342. (1) In a contract of service, express or implied, between the owner of a ship and the master or seaman thereof, or in any instrument of apprenticeship whereby a person is bound to serve on board ship, there shall be implied, notwithstanding any agreement to the contrary, obligation on the owner of the ship that the owner of the ship, and the master and every agent charged with the loading or preparing the ship for sea, or sending of the ship to sea shall use all reasonable means to ensure the safeness of the ship at the time when the voyage commences and to keep the ship in a safe condition during the voyage.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unsafe state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

Detention of unsafe ship.

343. (1) Where, whether on a complaint or a representation made to him or otherwise, the Executive Director or a surveyor has reason to believe that a ship at a port in Sierra Leone is an unsafe ship, he shall if the complaint or representation is made in sufficient time before the sailing of the ship, ascertain whether or not the ship ought to be detained.

(2) Where the Executive Director, or surveyor is satisfied that the ship is an unsafe ship he may—

- a) in the case of a Sierra Leonean ship, cause its Safety Certificates to be suspended until he is satisfied that the ship is fit to proceed to sea;
- b) in the case of any other ship, cause the ship to be detained.

(3) Where the ship is detained pursuant to subsection (2), the Executive Director may adopt any measures or means he thinks suitable or necessary to prevent the ship from sailing while it is an unsafe ship.

Method of detention of unsafe ships.

344. (1) Where the Executive Director has reason to believe (whether on a complaint or otherwise) that a ship in a port in Sierra Leone is an unsafe ship he shall order the ship to be provisionally detained for the purpose of being surveyed.

(2) Where a ship has been provisionally detained under subsection (1)—

- a) a written statement of the grounds of the detention of such ship shall forthwith be served on the master of the ship;
- b) in the case of a foreign ship, a copy of such shall forthwith be served on the local consular officer or the nearest diplomatic mission of the flag state;
- c) the Executive Director may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him.

(3) The Executive Director on receiving a report on a ship referred to in subsection (2) may—

- a) order that the ship be released;
- b) where in his opinion the ship is unsafe, order it to be finally detained either absolutely or until compliance

with such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship as he thinks necessary for the protection of human life and may vary or add to any such order.

(4) The Executive Director may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any condition.

Supplementary provisions relating to detention and compensation.

345. (1) An order for the detention of a ship whether provisional or final and any order varying such order shall be served as soon as may be on the master of the ship.

(2) A ship detained under this Act shall not be released by reason of the Sierra Leonean registry of such ship being closed.

(3) Where it appears that there was no reasonable or probable cause, by reason of the condition of a ship or the act or default of the owner for the provisional detention of a ship, as an unsafe ship, the Administration shall be liable to pay to the owner of the ship—

- a) his costs incidental to the detention and survey of the ship;
- b) compensation for the loss or damage sustained by him by reason of the detention and survey.

Powers of surveyors regarding detention.

346. (1) A surveyor shall have the same powers as the Executive Director has under section 344 to order the provisional detention of a ship for the purpose of survey or for ascertaining the sufficiency of her crew and of appointing a person or persons to survey the ship and where he considers that a ship so detained by him is not unsafe he may order the release of that ship.

(2) A surveyor detaining a ship under subsection (1) shall forthwith report to the Executive Director any order made by him for the detention or release of a ship.

Power to require complainant to give security for costs.

347. (1) Where a complaint is made to the Executive Director or a surveyor that a ship is unsafe, the complainant may be required to give security to the satisfaction of the Executive Director or surveyor as the case may be.

(2) The security referred to in subsection (1) shall not be required when the complaint relating to the ship—

- a) is made by one fourth, being not less than three of the seamen belonging to the ship;
- b) is not in the opinion of the executive Director or surveyor as the case may be, frivolous or vexatious but in such case the Executive Director or surveyor if the complaint is made in sufficient time before the sailing of the ship, shall take proper steps to ascertain whether the ship ought to be detained.

Survey of ship alleged by seamen to be unsafe.

348. (1) Where in proceedings against a seaman of a ship for offence of desertion or absence without leave it is alleged by one fourth (including the Chief Officer and Chief Engineer) or if their number exceeds 20, by not less than five, of the seamen belonging to the ship:

- a) that the ship is by reason of unsafeness, overloading, improper loading, defective equipment, or any other reason, not in a fit condition to proceed to sea; or
- b) that the crew accommodation in the ship is insufficient or does not comply with the requirements imposed by the regulations made under section 133 the court having cognisance of the case shall take such means as are in its power to satisfy itself concerning the truth of the allegation, and for that purpose—
 - i. shall receive evidence of the person making allegation;
 - ii. may summon any other witness whose evidence it thinks desirable to hear;
 - iii. shall, if satisfied that the allegation is not groundless, adjudicate the case; and
 - iv. shall if satisfied that the allegation is not groundless, before adjudication cause the ship to be surveyed.

(2) A seaman charged with desertion or with absence from his ship without leave shall not have a right to apply for a survey under this section unless he has, before leaving the ship, complained to the master of the circumstances alleged by him to justify a survey of the ship.

Appointment of surveyors.

349. (1) For the purposes of section 348 the Court shall require—

- a) a surveyor;
- b) where a surveyor cannot be obtained without unreasonable expense or delay, or is not in the opinion of the court competent to deal with the special circumstances of the case, then an impartial surveyor appointed by the court and having no interest in the ship, her freight or cargo, to survey the ship which is the subject of allegation under section 348 and to answer any question concerning such ship which the court thinks fit to ask.

(2) A surveyor appointed under subsection (1) to survey a ship shall survey the ship, make a written report thereon to the Court, and include in his written report an answer to every question put to him by the court.

(3) On receiving a report under subsection (2), the Court shall—

- a) communicate the report to the parties;
- b) unless the opinions expressed in the report are provided to the satisfaction of the court to be erroneous, determine the question before it in accordance with these opinions.

(4) A person carrying out a survey of a ship under this section shall have for the purposes thereof all the powers of a surveyor.

Costs of survey.

350. (1) The costs, if any, of a survey of a ship made under section 349 shall be determined by the Executive Director according to a prescribed scale of fees.

(2) Where it is proved that the ship surveyed under section 349 is in a fit condition to proceed to sea, or that the accommodation therein is sufficient, or complies with such requirements as may be prescribed, as the case may be, the costs of survey shall be borne by the person whose demand or in consequence of whose allegation the survey was undertaken, and such costs may be deducted by the master or owner of the ship from the wages due or to become due to that person and shall be paid to the Executive Director.

PART XII – WRECK

Interpretation.

351. In this Part, unless the contrary intention appears—

“Receiver” means Receiver of Wreck appointed under section 352.

“tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tide, but does not include a declared port within the meaning of the Ports Authority Act, 1964;

Act No. 56 of 1964.

“vessel” includes any ship or craft or any structure capable of navigation;

“wreck” includes—

- a) jetsam, flotsam, lagan and derelict found on or near the coast or in any tidal waters;
- b) any articles or goods of any kind, cast ashore within the ebb and flow of the tide, that belonged to or came from a vessel wrecked, stranded or in distress or a portion of hull, machinery or equipment of any such vessel.

Appointment of receiver.

352. The Minister may by Government Notice, appoint a person to be the Receiver of Wreck.

Detention by Receiver.

353. Subject to this Part, the Receiver may, by instrument delegate to a person all or any of his powers and functions under this Part.

Indemnity of Receiver.

354. The Receiver or his delegate is not liable to any damage or loss suffered as a result of—

- a) an act done;
- b) a failure to do anything required to be done by him,

in carrying out his duties for the purposes of this Part.

Duty of Receiver where ship is in distress.

355. (1) Where a vessel is wrecked, stranded or in distress in Sierra Leonean waters or on the shores of Sierra Leone, or in any tidal water, the Receiver upon being made acquainted with the circumstances shall—

- a) forthwith go to the place where the vessel is wrecked, stranded or in distress;
- b) upon arrival there, take command of the persons present;
- c) assign such duties and give such directions to each person present as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel and of the cargo or apparel of the vessel.

(2) A person, who without reasonable excuse, wilfully disobeys the direction of the Receiver, is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

(3) Nothing in this section shall be construed so as to authorize the Receiver to interfere in any matter arising between the master and crew of the vessel concerning the management of the vessel unless requested to do so by the master.

Powers of Receiver in case of ship in distress.

356. (1) The Receiver may, with a view to preserving the shipwrecked persons or a vessel and her cargo or apparel—

- a) require such persons as he thinks necessary to assist him;
- b) require the master or other person having the charge of a vessel near at hand to give such aid with his men as is in his power; and
- c) require the use of any available machinery, vehicle or equipment.

(2) The cost of any requisition under this Part shall be a charge on the vessel including cargo and any property on board and any wreck from the vessel and shall in default of payment be recoverable in the same manner as the amount of salvage is determined and recovered under this Part.

(3) A person who refuses, without any reasonable excuse, to comply with any requisition or command under subsection (1) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Power to pass over adjoining lands.

357. (1) When a vessel is wrecked, stranded or in distress, a person may for the purpose of rendering assistance to the vessel, its cargo or apparel, or of saving the life of any person—

- a) pass or repass, with or without vehicles, machinery or equipment over any adjoining lands unless there is some public road equally convenient;
- b) deposit on those lands any cargo or other articles recovered from the vessel without being impeded or hindered or being subject to liability for trespass by the owner or occupier but such person may not cause any more damage to the adjoining lands than is reasonable necessary for the purpose of rendering that assistance.

(2) Any damage sustained by the owner or occupier of the land in consequence of the exercise of the rights conferred

by subsection (1) shall be a charge on the vessel, cargo or articles in respect of or by which damage is occasioned and the amount payable in respect of the damage shall, in the case of dispute, be recoverable in the same manner as the amount of salvage is determined and recovered under this Part.

(3) An owner or occupier of land who—

- a) impedes or hinders any person in the exercise of the rights conferred upon him by this section whether by locking his gates or otherwise;
- b) impedes or hinders the deposit of any cargo or other articles recovered from the vessel as aforesaid, on the land;
- c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Power of Receiver to use force to suppress, plunder and disorder.

358. (1) Whenever a vessel is wrecked, stranded or in distress in Sierra Leonean waters or on the shores of Sierra Leone, and any person plunders, creates disorder or obstructs the preservation of the ship or of the shipwrecked persons or the cargo or apparel of the ship, the receiver may cause such person to be apprehended.

(2) The Receiver may use such force as may be reasonably necessary for the suppression of any plundering, disorder or obstruction referred to in subsection (1) and may order any person to assist him in doing so.

(3) Where a person loses his life or limb or sustains injury by reason of his resisting the Receiver or any person acting under the orders of the Receiver in the execution of the duties entrusted to the Receiver under this Part, neither the Receiver nor the person acting under his orders shall be liable to any punishment or pay damages by reason of the person losing his life or sustaining any injury.

Examination on oath regarding ships in distress.

359. (1) Where a vessel is or has been in distress in Sierra Leonean waters, a Receiver or, in his absence, a Justice of the Peace, as soon as it is convenient shall examine on oath (which he is hereby empowered to administer) any person belonging to the ship, or any other person who may be able to give any account of the cargo or stores as to the following matters—

- a) the name and description of the vessel;
- b) the name of the master and of the owners;
- c) the names of the owners of the cargo;
- d) the ports, from and to which the vessel was bound;
- e) the occasion of the distress of the vessel;
- f) the services rendered; and
- g) such other matters or circumstances relating to the vessel or to the cargo on board the vessel as the person holding the examination thinks necessary.

(2) The person holding the examination under subsection (1) in relation to a ship shall make a record in writing and send a copy to the Executive Director.

(3) The Executive Director shall, if he thinks fit, cause a copy of the record to be placed in a conspicuous place in the office of the Administration in the area in which the ship was in distress.

(4) The person holding an examination under subsection (1) shall for the purposes have all the powers of a surveyor.

Interfering with wrecked vessel or wreck.

360. (1) A person shall not without leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such.

(2) Any person who acts in contravention of subsection (1) is guilty of an offence and shall be liable on summary

conviction to a fine not exceeding three million leones.

(3) A person who—

- a) impedes or hinders or endeavours in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded or otherwise in distress or any part of the cargo or apparel thereof, or any wreck;
- b) conceals any wreck or defaces or obliterates any marks thereon;
- c) wrongfully carries away or removes any part of a vessel stranded or in danger of being stranded or otherwise in distress or any part of the cargo or apparel thereof, or any wreck,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Notice of wreck to be given to receiver.

361. (1) Where a person (including the owner of a wreck)—

- a) finds or takes possession of a wreck within the jurisdiction of Sierra Leone;
- b) finds or takes possession of a wreck outside Sierra Leone and brings such wreck, or causes such wreck to be brought into Sierra Leone;

he shall notify the Receiver of the finding or taking possession of the wreck or the bringing of the wreck or the causing of its bringing.

(2) A person who fails or refuses without reasonable cause proof of which is on him to give notice required under subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Receiver may take possession of wreck.

362. (1) The Receiver may take possession of a wreck within the jurisdiction of the country or by written notice require a person to deliver up to him any wreck.

(2) A person who fails or refuses without reasonable cause proof of which is on him to comply with a notice under subsection (1) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Notice of wreck to be given by Receiver.

363. Where the Receiver takes possession of a wreck, he shall within 48 hours give notice of the wreck by publishing in such manner as he may consider appropriate, a description of the wreck and any marks by which it is distinguished.

Delivery of wreck to owner.

364. (1) The owner of a wreck in the possession of the Receiver, upon establishing his claim thereto to the satisfaction of the Receiver within six months from the time when the wreck came into the possession of the Receiver, shall, in paying the salvage fees and other expenses due, if any, be entitled to have the wreck delivered to him.

(2) Where a wreck or other article belonging to or forming part of a foreign vessel which has been wrecked in Sierra Leonean waters or on the shores of Sierra Leone, or belonging to and forming part of the cargo thereof, is found on or near the shores of Sierra Leone, the consular officer of the country to which the vessel belongs or, in the case of cargo, the consular officer of the country of which the owners of such cargo are citizens shall, in the absence of the owner, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck or such other article.

Immediate sale of wreck.

365. (1) A Receiver may at any time sell any wreck in his custody, if in his opinion it—

- a) is under the value of three million leones; or
- b) is so damaged or of such perishable nature that it cannot without advantage be kept;
- c) is not of sufficient value to pay for storage;

d) has not been removed within a time specified by the Receiver.

(2) The proceeds of any sale made under subsection (1) shall, after defraying the expenses, be held by the Receiver for the same purposes, and be subject to the same claim, rights and liabilities as if the wreck had remained unsold.

Right to unclaimed wreck.

366. The Government of Sierra Leone is entitled to all unclaimed wrecks found within any part of Sierra Leone except in any place where the Government has granted to any person the right to any wreck.

Disposal of unclaimed wreck.

367. Where no owner establishes a claim to any wreck which—

- a) has been found in Sierra Leone or found or taken possession of outside Sierra Leone and brought into Sierra Leone;
- b) has been in the possession of the Receiver for six months;

the Receiver shall sell or dispose of such wreck and shall pay the proceeds (if any) into the funds of the Administration after deducting therefrom expenses of the sale and such amount of salvage payable to salvors as the Executive Director in each case may determine.

Delivery of unclaimed wreck by the Receiver not to prejudice title.

368. Upon the delivery of any wreck or payment of proceeds of sale of any wreck by the Receiver pursuant to this Part, the Receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck.

Breaking up and removal of wrecks.

369. (1) A person, being the owner of a vessel or of a wrecked, submerged, sunken or stranded vessel or being an agent or servant of such owner who wishes to break up such vessel prior to its removal from Sierra Leone, shall before commencing the salvage or breaking up operations, obtain the written permission of the Receiver.

(2) On receiving any application for permission to break up a vessel under this section, the Receiver may grant such permission and may, in granting such permission—

- a) stipulate such conditions as he considers necessary to minimize the risks or effects of any pollution;
- b) require security in such reasonable amount as he may consider necessary to ensure the safe and effective removal of such vessel or any portion thereof.

(3) A person, who without the prior written permission of the Receiver does or causes to be done any salvage or breaking up operations on a vessel or a wrecked, submerged, sunken or stranded vessel lying within Sierra Leone, commits an offence and shall on summary conviction be liable to a fine not exceeding five million leones or imprisonment for a term not exceeding one year or both.

Extent of power of remover of wrecks.

370. The provisions of this Part relating to the removal of wrecks shall apply to every article or thing being or forming part of tackle, cargo, stores or ballast of a vessel.

Dispute as to title of wreck.

371. Where a dispute arises as to the title of any wreck, it may be determined as if it were a dispute as to salvage.

Removal of wrecked vessel.

372. A person who, without the prior written approval of the Receiver removes from the jurisdiction of the country—

- a) a vessel that has been wrecked, stranded or abandoned;
- b) a wreck that is found or has been brought within the jurisdiction of the country,

commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones or imprisonment for a term not exceeding two years or both.

Prohibition on approaching dangerous wrecks.

373. (1) Where the Executive Director is satisfied with respect to a vessel lying wrecked in Sierra Leonean waters

that—

- a) because of anything contained in it, the vessel is in a condition which makes it a potential danger to life or property; and
- b) on that account it ought to be protected from unauthorized interference,

he may by order designate an area around the vessel as prohibited area.

(2) An order under this section shall identify the vessel and the place where it is lying and—

- a) the prohibited area shall be all within such distance of the vessel as is specified by the order, excluding any area above high water mark of ordinary spring tides; and
- b) the distance specified for the purpose of paragraph (a) above shall be whatever the Executive Director thinks appropriate to ensure that unauthorized persons are kept away from the vessel.

(3) A person commits an offence if without authority in writing granted by the Executive Director he enters such prohibited area, whether on the surface or under water.

Summary procedure
for concealment of
wreck.

374. Where the Receiver suspects or receives information that a wreck—

- a) is secreted;
- b) is in the possession of a person who is not the owner thereof;
- c) is otherwise improperly dealt with;

he may apply to a Magistrate for a search warrant under this section and that Magistrate shall have power to grant such a warrant and the Receiver by virtue thereof, may enter any house; or other place, wherever situated, and also any vessel and search for, seize, and detain any such wreck there found.

Removal of Wreck by
Port Authority.

375. (1) Where any vessel is sunk, stranded, wrecked or abandoned in a port or harbour under the control of the Sierra Leone Ports Authority established under Sierra Leone Port Authority Act 1964 and any amendments thereof in such manner as in the opinion of the Administration is likely to be an obstruction or danger to navigation or to life boats engaged in life boat service in that port, the Administration shall direct the Authority referred to in this section to—

- a) take possession of and raise, remove or destroy the whole or any part of the vessel;
- b) light or buy the vessel or part of such vessel until the raising, removal or destruction;
- c) subject to subsections (2) and (3), sell in such manner as it thinks fit the vessel or the part so raised or removed and also any other property recovered in the exercise of its powers under this section and out of the proceeds of the sale, reimburse itself for the expenses incurred, and hold the surplus, if any, in trust for the persons entitled to;

but such surplus shall be paid to the Authority unless such person establish a claim within one year of the sale.

(2) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this section until at least seven clear days notice of the intended sale has been given either by advertisement in some local newspaper circulating in or near the district over which the Authority referred to in subsection (1) has control or in such other manner as such Authority thinks fit.

(3) Before any property is sold under this section, the owner shall be entitled to have the property delivered to him or payment to the Authority referred to in subsection (1) its market value.

(4) The value of the property shall be ascertained by agreement between that Authority and the owner or, failing such

agreement by some person to be named for the purpose by the Executive Director.

(5) Any sum received by the Authority referred to in subsection (1) in respect of any property under subsection (3) shall for the purposes of subsection (1) be considered to be proceeds of the sale of such property.

(6) Where the proceeds of sale of any property sold under this section are less than the cost incurred by the Authority referred to in subsection (1), the Authority may recover such difference from the owner of the vessel concerned by civil action.

(7) In the event that the wreck has no value, the Authority may, acting under this section, claim the expenses of removal from the owner of the wreck.

Wrecked goods
subject to duties.

376. (1) Wrecks, being foreign goods being brought into Sierra Leone shall be subject to the same duties as those to which such goods would be subject if they were imported into Sierra Leone.

(2) Where any question arises as to the origin of any goods referred to in subsection (1), they shall be considered to be the produce of such country as the Comptroller of Customs and Excise may on investigation determine.

(3) The Comptroller of Customs and Excise shall permit—

- a) all goods, wares or merchandise saved from any vessel stranded or wrecked on her southbound voyage to be forwarded to the port of her original destination; and
- b) all goods, wares or merchandise saved from any ship stranded or wrecked on her northbound voyage to be returned to the port at which they were shipped but the Comptroller of Customs and Excise shall take security for the due protection of those goods.

Fees payable to
Receiver.

377. Where the Receiver has—

- a) attended at a site of a stranded vessel or wreck;
- b) taken possession of a wreck under this Part;
- c) acted in pursuance of his powers under this Part in relation to a vessel, wrecked, stranded or in distress,

fees as prescribed shall be payable to the Receiver.

Recovery of fees and
cost.

378. (1) Where—

- a) a Receiver is entitled to fees payable under section 377;
- b) the Receiver has incurred costs and expenses in acting in pursuance of his powers under this Part, and these costs and expenses are not otherwise recovered,

the Receiver may institute proceedings for the payment of fees or recovery of costs and expenses, as the case may be.

(2) In addition to his rights and remedies under subsection (1) the Receiver has, in respect of costs and expenses incurred under this Part, the same rights and remedies as a salvor has in respect of salvage.

(3) In the event of a dispute concerning the nature or amount of costs and expense incurred by the Receiver under this Part, the matter shall be determined by the Minister whose decision is final.

Regulations.

379. The Minister may by statutory instrument make regulations providing and in relation to—

- a) the manner in which notice of wreck found or taken possession of shall be given to the Receiver;
- b) the manner in which the Receiver shall give notice that he has taken possession of a wreck;
- c) the manner in which the Receiver may sell, deal with or otherwise dispose of any wreck in his possession; and

- d) the fees and expenses, and their payment for services rendered by the Receiver.

PART XXIII – SALVAGE

Interpretation.

380. For the purposes of sections 381 to 413—

“damage to the environment” means physical damage to human health or marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents;

“maritime casualty” means a collision of vessels, stranding or other incident of navigation or other occurrence on board a vessel or external to it, resulting in material damage or imminent threat of material damage to a vessel or cargo;

“payment” means any reward, remuneration or compensation due under the provisions referred to in this Part;

“salvor” means a person rendering salvage services;

“salvage operation” means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters;

“property” means any property not permanently and internationally attached to the shoreline and includes freight at risk;

“Court” means a court of competent jurisdiction;

“Salvage Convention” means the International Convention on Salvage, 1989.

Non application to platforms and drilling units.

381. Sections 382 to 414 does not apply to a fixed or floating platform or to a mobile offshore drilling unit when such platform or unit is on location engaged in the exploration, exploitation, or production of sea bed mineral resources.

Non application of foreign state-owned vessels.

382. (1) Sections 381 to 413 shall not apply to warships or other non commercial vessels owned or operated by a foreign state and entitled at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that state has decided to apply the Convention to such ships or vessels.

(2) For the purposes of any proceeding under this Act, a certificate signed by the Secretary General of the International Maritime Organisation, setting out a state’s decision to apply the convention to ships and vessels referred to in subsection (1) and the terms and conditions of such application shall be *prima facie* evidence of the facts stated therein.

Salvage of life.

383. (1) Where—

- a) services are rendered—
 - i. wholly or in part within the jurisdiction of the country in saving life from any vessel; or
 - ii. outside the jurisdiction of the country, in saving life from any Sierra Leonean vessel;
- b) the vessel, or any cargo, machinery or equipment are saved,

the owner of the vessel, cargo, machinery or equipment saved shall pay to the salvor a reasonable amount of salvage

to be determined in the manner set out in this Part.

(2) Salvage in respect of the preservation of life, when payable by the owners of a vessel shall have priority over all other claims for salvage.

(3) Under no circumstances shall salvage be due from the person whose life has been saved.

Salvage of property.

384. (1) Where a vessel is wrecked, stranded or in distress within the jurisdiction of Sierra Leone and services are rendered—

- a) by a person assisting the vessel or saving the cargo or apparel of the vessel or any part thereof; or
- b) by a person (other than the Receiver) in saving any wreck,

the owner of the vessel, cargo, apparel or wreck shall pay to the salvor a reasonable amount of salvage to be determined in the manner set out in this Part.

(2) A salvor of human life, who has participated in the services rendered in the event of maritime casualty giving rise to salvage, shall be entitled to an appropriate share of the remuneration awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

Services excluded from salvage remuneration.

385. Nothing in this Part shall entitle a person to salvage remuneration—

- a) in respect of salvage services rendered contrary to any express and reasonable prohibition of such service on the part of the vessel or the owner of property to which such services are rendered;
- b) in respect of services rendered by a tug, to or in respect of the vessel which is towing or the cargo thereof, except where such services are of an exceptional character such as are outside the scope of the contract of towage;
- c) where that person has caused the distress giving rise to the salvage either internationally or through negligence;
- d) where and to such extent as it appears that the person has concealed or unlawfully disposed of any property salvaged.

Conditions for salvage remuneration.

386. (1) Except as otherwise provided in section 395 no remuneration shall be due under this Act if the salvage operations had no useful result.

(2) A salvor shall be entitled to remuneration under this Part notwithstanding that the vessel performing the salvage operation and the vessel, cargo or other property salvaged belong to the same owner.

Salvage contracts.

387. (1) Sections 381 to 413 shall apply to any salvage operation unless a contract expressly or by implication provides otherwise.

(2) The master of a Sierra Leonean vessel shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel, and the master and the owner of a Sierra Leonean vessel shall have the authority to conclude contracts on behalf of the owner of the property on board the vessel.

(3) Nothing in this section shall affect the application of section 388 or the duties to prevent or minimize damage to the environment provided in sections 289 and paragraph (b) of section 391.

Annulment or modification of contracts.

388. A contract relating to salvage or any terms thereof may be annulled or modified by a competent court, where it appears to the Court that—

- a) the contract had been entered into under undue influence or influence of danger and its terms are inequitable; or

- b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Duties of salvor.

389. The salvor owes a duty to the owner of the vessel or other property in danger to—

- a) carry out the salvage operations with due care;
- b) exercise due care to prevent or minimize damage to the environment in performing the duty specified in paragraph (a);
- c) seek assistance from other salvors whenever the circumstances reasonably so require; and
- d) accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger provided that the amount of his reward shall not be prejudiced where he proves that such a request was unreasonable.

Duties of owner and master.

390. The owner and master of the vessel or the owner of other property in danger owe a duty to the salvor—

- a) to co-operate fully with hindering the course of the salvage operations;
- b) in performing the duty specified in paragraph (a) to exercise due care to prevent or minimize damage to the environment; and
- c) when the vessel or other property has been brought to a place of safety to accept redelivery when reasonably requested to do so by the salvor.

Powers of Minister.

391. (1) The Minister may—

- a) give directions in relation to any salvage operation;
- b) take measures in accordance with generally recognized principles of international law to protect the environment or related interest from pollution or the threat of pollution following a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences.

(2) The Minister shall in giving directions and taking measures under subsection (1) take into account the need for co-operation between salvors, other interested parties and the Administration in order to ensure efficient or successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

(3) A public officer or other person acting under the directions of the Minister as referred to in this section shall be under a duty to exercise due care in preventing or minimizing damage to the environment.

(4) A public authority or an officer thereof who is reasonably within the vicinity of a vessel or person in distress or danger of being lost at sea shall render assistance to save the vessel and life by co-operating in—

- a) procurement and provision of facilities to salvors;
- b) admittance to the port of vessels in distress;
- c) ensuring the efficient and successful performance of the salvage operation for the purpose of saving life and property;
- d) preventing or minimizing damage to the environment.

Criteria for fixing salvage award.

392. Salvage reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are listed—

- a) the salvaged value of the vessel and other property;
- b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
- c) the measure of success obtained by the salvor;
- d) the nature and degree of the danger;
- e) the skill and efforts of the salvors in saving the vessel, other property and life;

- f) the time used and the expenses and losses incurred by the salvors;
- g) the risk of liability and other risks run by the salvors or their equipment;
- h) the promptness of the services rendered;
- i) the availability and use of vessels or other equipment intended for salvage operations; and
- j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

Responsibility for payment of reward.

393. (1) Payment of a reward fixed in accordance with section 392 shall be made by all of the owners of the vessel and other property in proportion to their respective salvaged values.

(2) For expediency, the ship owner shall pay the reward on behalf of all interests referred to in subsection (1) subject to his retaining the right to be reimbursed by those other interests.

(3) The ship owner who makes the payment under subsection (2) may require the other interests to provide security not exceeding the values of their respective salvaged interests until he has been fully reimbursed.

Quantum of reward.

394. The salvage reward excluding any interest and recoverable legal costs that may be payable thereon shall not exceed the salvaged value of the vessel and other property salvaged.

Special compensation.

395. (1) A salvor who has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under this Part equivalent at least to the special compensation assessable under subsection (2) shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as defined in subsection (3).

(2) Where in the circumstances set out in subsection (1) the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under subsection (1) may be increased up to the maximum of 30% of the expenses incurred by the salvor and the court or the person determining the award may where it or he considers it fair and just increase such special compensation further, bearing in mind the criteria set out in section 392, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.

(3) For the purposes of subsections (1) and (2)—

“salvors's expenses” means out of pocket expenses reasonably incurred by the salvor in the salvage operations and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in paragraphs (h), (i), and (j) of section 395.

(4) The total special compensation assessable under this section shall be paid only if and to the extent that such compensation is greater than any reward recoverable under section 392.

(5) Where the salvor, in carrying out the salvage operations, has acted negligently and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or a part of any special compensation payable under this section.

(6) Nothing in this section shall affect any right of recourse available to the owner of the vessel.

Services rendered under existing contracts.

396. No payment is due under this Act, unless the services exceed what can reasonably be considered as due performance of a contract entered into before the danger giving rise to the salvage operations arose.

Apportionment between salvors.

397. (1) the apportionment of a reward, fixed by section 393 (1) between salvors shall be made on the basis of the criteria listed in that subsection.

(2) The apportionment between the owner, master and other persons in the service of each salving vessel shall be

determined by the law of the state in which the vessel is registered.

(3) Where the salvage referred to in subsection (1) has not been carried out from a vessel, apportionment shall be determined by the law governing the contract between the salvor and his servant and in the absence of formal contract, the Court or person(s) determining the apportionment and disbursements shall apply general principles of law and equity according to the merits of the case in order to reach a just and equitable decision.

Salvor's misconduct.

398. A salvor may be deprived of the whole or part of the payment due to him under this Part to the extent that the salvage operation has become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other misconduct.

Maritime lien.

399. Nothing in this Part shall affect the salvor's maritime lien under this Act provided however that the salvor may not enforce his maritime lien when reasonable security for his claim including interests and costs, has been duly tendered or provided.

Duty to provide security.

400. (1) A person liable for a payment under this Part, shall, upon the request of the salvor give security to the satisfaction of the salvor for the claim, including interests and costs of the salvor.

(2) Without prejudice to subsection (1) the owner of the salvaged vessel shall take all reasonable steps to ensure that the owners of the cargo provide security to the satisfaction of such owner of the vessel or of the salvor for the claims against them including interest and cost, before the cargo is released.

(3) The salvaged vessel and property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operation, until security to the satisfaction of the salvor has been put up for the salvor's claim against the relevant vessel or property.

(4) In the event of any dispute between the salvor and a person liable for a payment under this Act or between the owner of the vessel and the owner of the cargo referred to in subsection (2), relating to the security to be provided under this section the court having jurisdiction over the salvor's claim may, upon the application of any such party in that behalf decide the amount and the terms of such security.

Interim payment.

401. (1) The court or person adjudicating the claim of the salvor may, upon the application of the salvor make an interim order for the payment to the salvor of such amount as the court may consider fair and just, and on such terms including terms as to security where appropriate, as may be fair and just, in the circumstances of the case.

(2) In the event of any interim payment under subsection (1) the security provided under section 400 shall be reduced accordingly.

State-owned cargoes.

402. Non commercial cargoes owned by a state and entitled at the time of salvage operations to sovereign immunity under generally principles of international law, shall not be subject to seizure, arrest or detention by any legal process, or to any *in rem* proceedings, without the express consent of the state owner of such cargo.

Determination of salvage disputes.

403. (1) Disputes as to the amounts of salvage, whether of life or property and whether rendered within or outside Sierra Leone arising between the salvor and the owners of vessel, cargo, apparel or wreck shall if not settled by agreement, arbitration or otherwise be determined by a court of competent jurisdiction.

(2) A dispute relating to salvage may be determined on the application either of the salvor, or of the owner of the property saved, or of their respective agents.

(3) A court or arbitrators to whom a dispute as to salvage is referred for determination may for the purpose of determining any such dispute call to their assistance as an assessor, any person knowledgeable in maritime affairs and there shall be paid as part of the costs of the proceedings of every such assessor in respect of his services such sum as may be prescribed.

- Humanitarian cargoes. **404.** No humanitarian cargoes donated by a state shall be subject to seizure, arrest or detention, where such state had agreed to pay for salvage services rendered in respect of such humanitarian cargoes.
- Valuation of property salvaged. **405.** (1) Where a dispute relating to salvage arises, the Receiver may, on application of either party appoint a valuer to value the property, and where such a valuation is made shall give copies of the valuation to both parties.
- (2) A copy of a valuation made under subsection (1) purporting to be signed by a valuer as certified true copy shall be admissible in evidence in any subsequent proceedings.
- (3) Such fees as prescribed shall be paid in respect of a valuation made under this section by the person applying for such valuation.
- Detention of property liable to salvage by Receiver. **406.** (1) Where salvage is due to a person under this Act, this Receiver may—
- a) where the salvage is due in respect of services rendered in assisting a vessel, or in saving life therefrom or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel thereof;
 - b) where the salvage is due in respect of the saving of a wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.
- (2) Except as provided in this Act, the Receiver shall detain the vessel and cargo or apparel or the wreck until payment is made for salvage or process is issued for the arrest or detention by a court.
- (3) Where a vessel, cargo or apparel is detained under subsection (2) the Receiver shall—
- a) notify the owner of any detained property, if the owner is known to him, of its detention;
 - b) retain possession of the detained property until payment is made for the salvage or until otherwise ordered by a court.
- (4) The Receiver may release any detained property where the security is given to his satisfaction or to the satisfaction of a Judge of the High Court.
- Sale by Receiver of detained property. **407.** (1) Where a dispute as to salvage has been referred to the court, the Receiver shall deal with any property detained under section 406 as the court orders.
- (2) Where, subject to subsection (1) in the case of property detained under section 406, the amount of salvage due to a salvor is not disputed, and the amount is not paid within 20 days of the date agreed for payment, the Receiver may sell the detained property.
- (3) The proceeds of the sale under subsection (2) of any vessel, cargo, apparel or wreck shall, after deduction of the costs of the sale, be applied by the Receiver in the payment of the cost of salvage and the balance of the proceeds shall be paid to the owners of the property, or other person entitled thereto or in the absence of any such owners or person to the funds of the Administration.
- Apportionment of salvage by a court of competent jurisdiction. **408.** (1) Where two or more persons claim payment of the salvage, the court may, on the application of the claimant, cause the amount of salvage to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint a person to carry that apportionment into effect.
- (2) Where a dispute arises under subsection (1) between the owner of, or the master or any other person in the service of, a foreign vessel, the court or any person appointed by it to carry that apportionment into effect shall have regard to the laws of the country to which the vessel belonged at the time the salvage services were rendered.
- Salvor's right to interest. **409.** A salvor shall be entitled to be paid interest on any payment due to him under this Part and the amount of such interest shall be at the discretion of the court or person adjudicating the case.

Application to Government.

410. (1) Where civil salvage services are rendered by or on behalf of the Government, or with the aid of Government property, the Government shall (subject to any regulations made under this section) be entitled to claim salvage in respect of these services to the same extent, and shall have the same rights and remedies, as any other salvor.

(2) Subject to the provisions of any law for the time being in force relating to proceedings against the Government, and of any regulations made under this section, the provisions of this Part (except and to such extent as may be prescribed) shall apply in relation to salvage services rendered in assisting any ship of the Government or in saving life therefrom or in saving any cargo or equipment belonging to the Government, in the same manner as if the ship or cargo or equipment belonged to a private person.

(3) Nothing in this Part shall prejudice the right of a salvor carrying out salvage under section 391 or this section to avail himself of the rights and remedies provided in this Part including remuneration where the salvage operation is voluntary and exceptionally beyond his normal official duties.

(4) The Minister may make regulations providing for the application or modification of the provisions of this Part to ships referred in subsection (1) and in relation to services referred to in subsection (2).

Postal article not subject to salvage.

411. A claim for salvage shall not lie against the State in respect of a postal article or the contents of a postal article.

Limitation of actions.

412. (1) No action shall be instituted in respect of any salvage services unless judicial or arbitral proceedings therein are commenced within two years after the date of termination of the salvage operations.

(2) The person against whom the claim is made may, at any time during the period of two years referred to in subsection (1), extend such period by a declaration to the claimant and may in the like manner further extend such period.

(3) An action for indemnity by a person liable under this Part may be instituted within two years after the date of termination of the salvage operations but the court may extend the limitation period to such an extent and on such conditions as it considers fit.

Publication of judicial and arbitral awards.

413. Subject to the consent of the parties to a salvage action, a judicial or arbitral award resulting from it may be published by Government Notice.

PART XXIV – CARRIAGE OF PASSENGERS IN SHIPS

Regulations respecting carriage of passengers in ships.

414. (1) The Minister may by statutory instrument make regulations prescribing—

- a) accommodation, facilities and provisions on board a ship which carries passengers from a port in Sierra Leone;
- b) the preparation and furnishing of particulars as to all passengers to or from a port in Sierra Leone;
- c) the number of passengers which a ship may carry from a port in Sierra Leone whether or not the ship is a passenger ship;
- d) the terms and conditions upon which a ship may carry passengers between a port in Sierra Leone to a port or place outside Sierra Leone;
- e) carriage of medical staff and the provision of hospital accommodation;
- f) sanitary facilities;
- g) sale of alcohol;
- h) passenger lists;
- i) cargo that may be carried and the method of stowing cargo;
- j) maintenance of good order in respect of passengers;
- k) the prevention of wilful damage and injury to the machinery or equipment of a ship by a passenger;
- l) the prevention of any obstruction to any seaman in the execution of his duty;
- m) the prevention of the molesting of or interference with any person on board the ship;

n) the manner of notification of the carriage of deck passengers.

(2) In making regulations pursuant to subsection (1) the Minister shall have due regard to the International Convention on the Carriage of Passengers and their Luggage on Board Ships 1974 and any amendments thereof for the time being in force.

PART XXV – LIMITATION AND DIVISION OF LIABILITY

Interpretation.

415. (1) For the purposes of this Part—

“ship” includes every description of lighter, barge or like vessel however propelled and any structure launched and intended for use in navigation as a ship or as part of a ship;

“shipowner” includes charterer, manager or operator of a ship;

“salvage services” means services rendered in direct connection with salvage operations;

“salvor” means any person rendering salvage services;

“Court” means a court of competent jurisdiction;

“salvage operation” includes the operations referred to in paragraphs (d), (e) and (f) of subsection (1) of section 417.

“unit of account” means the Special Drawing Right as defined in section (2) of Article (1) of the Articles of Agreement of the International Monetary Fund.

(2) The Minister for the time being responsible for financial matters may from time to time by Government Notice, specify the amounts which, for the purposes of this Part are to be taken as the equivalent to any specified number of unit of account.

Persons entitled to limit liability.

416. (1) Shipowners and salvors may limit their liabilities in accordance with this Part.

(2) An insurer of liability for claims subject to limitation under this Part shall be entitled to the benefit of limitation to the same extent as the assured.

(3) A person for whose act, neglect or default the shipowner or salvor is responsible may limit his liability under this Part.

Claims subject to limitation.

417. (1) Subject to sections 418 and 419 the following claims shall be subject to limitation of liability regardless of the basis of liability—

- a) claims in respect of loss of life or personal injury or loss of or damage to property, including damage to harbour works, basins and waterways and aids to navigation occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or luggage;
- c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
- d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned including anything that is or has been on board such ship;
- e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship; and
- f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Part, and further loss caused

by such measures.

(2) The claims referred to in subsection (1) shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise, so however that the claims referred to in paragraphs (d), (e) and (f) of subsection (1), shall not be subject to limitation to the extent that this relates to remuneration under a contract with the person liable.

Liability against ships and involving limitation not admission of liability.

418. For the purposes of this Part, the liability of a shipowner shall include liability in an action against his ship, and the act of invoking limitation shall not constitute an admission of liability.

Claims excepted from limitation.

419. Limitation of liability under this Part shall not apply to the following claims—

- a) claims for salvage, including, if applicable, any claim for special compensation under article 14 of the International Convention on Salvage, 1989 as amended, or contribution in general average;
- b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Pollution Damage 1969 or of any amendment or Protocol thereto which is in force;
- c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- d) claims against the shipowner of a nuclear ship for nuclear damage;
- e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims if under the law governing the contract of service between the shipowner or salvor and such servants, the shipowner or salvor is not entitled to limit his liability in respect of such claims or if he is under such contract only permitted to limit his liability to an amount greater than that provided for in section 422.

Conduct barring limitation.

420. A person liable under this Part shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act of omission, committed with intent to cause such loss or recklessly and with the knowledge that such loss would probably result.

Counterclaims.

421. Where a person entitled to limitation of liability under this Part has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this part shall only apply to the balance, if any.

Limits of liability calculation.

422. The limits of liability for claims other than those provided for in section 426 arising on any district occasion, shall be calculated as follows—

- a) in respect of claims for loss of life or personal injury—
 - i. 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons
 - ii. for a ship with a tonnage in excess of 2,000 tons, the following amounts in addition to that mentioned in subparagraph (i)—
 - a. for each ton from 2,001 to 30,000 tons, 800 Units of Account;
 - b. for each ton from 30,001 to 70,000 tons, 600 Units of Account;
 - c. for each ton in excess of 70,000 tons, 400 Units of Account;
- b) in respect of any other claims—
 - i. 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;
 - ii. for a ship with a tonnage in excess of 2,000 tons the following amount in addition to that mentioned in subparagraph (i)—
 - d. for each ton from 2,001 to 30,000 tons, 400 Units of Account;
 - e. for each ton from 3,001 to 70,000 tons, 300 Units of Account; and

f. for each ton in excess of 70,000 tons, 200 Units of Account.

Priorities.

423. (1) Where an amount calculated in accordance with paragraph (a) of section 422 is insufficient to pay claims mentioned therein in full, the amount calculated in accordance with paragraph (b) of section 422 shall be available for payment of the unpaid balance of claims under paragraph (a) of that section and such unpaid balance shall rank rateably with claims mentioned under paragraph (b) of section 422.

(2) Without prejudice to the right of claims for loss of life or personal injury referred to in paragraph (a) of section 423 claims in respect of harbour works, basins, waterways and aids to navigation shall have priority over claims referred to in paragraph (b) of section 423.

(3) The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

Measurement of ship's tonnage.

424. For the purpose of this Part, a ship's tonnage shall be its gross tonnage as defined in the Tonnage Regulations, and shall be measured in accordance with the said Regulations.

Limitation of liability of Port Authorities, owners of docks.

425. (1) The owners of a dock or canal or a harbour or port authority who may be liable for any loss or damage caused to a vessel or vessels or to any goods, merchandise or other things whatsoever on board a vessel or vessels shall not be liable to damage beyond any aggregate amount equivalent to 70 Units of Account for each ton of the tonnage of the largest Sierra Leonean ship that at the time of such loss or damage occurring is or within a period of five years previous thereto has been within the area over which such dock or canal owner or port of harbour authority performs any duty or exercises any power.

(2) For the purpose of this section, a ship shall not be deemed to have been within the area over which a port or harbour authority performs any such duty or exercises any power by reason only that it has been built or fitted out within such area or that it has taken shelter within or passed through such area on a voyage between two places both situated outside that area or that it has loaded or unloaded cargo or passengers within that area.

(3) The limitation of liability under this section shall relate to the whole of any loss or damage which may arise upon one distinct occasion, although such loss or damage may be sustained by more than one person and shall apply, whether the liability arises at common law or under any enactment, and notwithstanding anything contained in any enactment.

(4) For the purpose of this section, the expression "owner of a dock or canal" includes a person or authority having the control and management of any dock or canal and a ship repairer using the same, as the case may be.

(5) Nothing in this section shall impose liability in respect of loss or damage on such owners or authority in any case where no such liability would have existed if this Act had not been enacted.

Limit for passenger claims.

426. (1) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Unites of account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate.

(2) For the purpose of this section "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims sought by or on behalf of a person carried in that ship—

- a) under a contract of passenger carriage; or
- b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for carriage of goods.

Conversion of unit of account to Sierra Leonean currency.

427. The amounts referred to in sections 422 and 426 shall be converted into Sierra Leonean currency according to the value of Sierra Leone leones on the date a limitation fund is constituted, payment is made, or security or guarantee referred to in section 429 shall have been then deposited.

- Aggregation of claims. **428.** (1) The limits of liability determined in accordance with section 422 shall apply to the aggregate of all claims which arise on any distinct occasion—
- a) against the shipowner and a person for whose act, neglect or default he may be responsible;
 - b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and a person for whose act, neglect or default he or they are responsible;
 - c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship or in respect of which, the salvage services are rendered and a person for whose act, neglect, or default he or they are responsible.
- (2) The limits of liability determined in accordance with section 426 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the shipowner in respect of the ship referred to in section 426 and a person for whose act, neglect or default he may be responsible.
- Provision of security and release of ship. **429.** (1) A person alleged to be liable and seeking to limit his liability under this Part shall deposit into court an amount at least equivalent to the limit provided for in sections 422 and 426 or as appropriate in the form of a security or a guarantee together with interest thereon from the date of the occurrence giving rise to the liability until the date such security or guarantee is deposited, and the amounts so constituted shall be available only for the payment of claims in respect of which limitation of liability can be involved.
- (2) A security or guarantee deposited by one of the persons mentioned in paragraphs (a), (b), and (c) of subsection (1) or subsection (2) of section 428, or of his insurer shall be deemed to have been deposited by those persons.
- Distribution of the fund. **430.** (1) Subject to sections 422, 423, and 426 the proceeds of any security or guarantee deposited with the court shall be distributed among claimants in proportion to their established claims.
- (2) The court may stay proceedings pending in any other court in relation to the same subject matter and may proceed in such manner and subject to such regulations as to the exclusion of any claimants who do not come in within a certain time and as to payment of costs as the court thinks just.
- (3) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed amongst several claimants.
- (4) All sums paid for or account of any loss or damage in respect whereof the liability of the owners is limited under the provisions of this Part and all costs incurred in relation thereto may be brought into account among part owners of the same ship in the same manner as money disburse for the one thereof.
- (5) Where, before the proceeds of the security or guarantee are distributed the person liable or his insurer has settled the claim, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Part.
- (6) In making a distribution in accordance with this section the court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it considers appropriate having regard to any claims subrogated or otherwise that may be established later.
- Bar to other actions. **431.** (1) Where a security or guarantee has been deposited with the court in accordance with section 429, a person having made a claim against such security or guarantee, shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the security or guarantee has been deposited.
- (2) Where a security or guarantee has been deposited with the court in accordance with section 429, a person having made a claim against such security or guarantee shall be barred from exercising any right in respect of such claim

against any other assets of a person by or on behalf of whom the security or guarantee has been deposited—

- a) at the port where the occurrence took place, or, if took place out of the port, at the first port of call thereafter; or
- b) at the port of disembarkation in respect of claims for loss of life or personal injury; or
- c) at the port of discharge in respect of damage to cargo, but where the release is ordered,

the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the court to adjudicate on the claim.

(3) Subsections (1) and (2) shall apply only where the claimant brings a claim before the court and the amount in the form of security or guarantee deposited with the court is actually available and freely transferable in respect of that claim.

Rules as to division of loss.

432. (1) Subject to subsections (2) and (3), where by the fault of two or more vessels, damage or loss is caused to one or more of these vessels to their cargoes or freight or to any property on board, the liability to make good the damage or the loss shall be in proportion to the degree in which each vessel was at fault.

(2) Where, having regard to the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

(3) Nothing in this section shall operate so as to render a vessel liable for any loss or damage to which its fault has not contributed, nor—

- a) affect the liability of a person under a contract of carriage or any other contract;
- b) be construed as imposing liability upon a person from which he is exempt by a contract or by a provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

Damages for personal injury.

433. (1) Where loss of life or personal injury is suffered by a person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessel shall be joint and several.

(2) Nothing in this section shall be construed as depriving a person of a right of defence on which, independently of this section, he might have relied upon an action brought against him by the person injured, or a person or persons entitled to sue in respect of such loss of life or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

Definition of “freight”.

434. In section 432 “freight” includes passage money and hire, and references to damages or loss caused by the fault of a ship shall be considered as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damages.

Right of contribution.

435. (1) Where loss of life or personal injury is suffered by a person on board a vessel owing to the fault of that vessel and any other vessel or vessels and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which it was at fault, such owners may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which these vessels were respectively at fault but no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefore.

(2) In addition to any other remedy provided by law, the persons entitled to any contribution under subsection (1) shall, for the purpose of recovering the contribution, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Limitation of actions.

436. (1) Subject to the provisions of this section, no action shall be maintainable to enforce any claim or lien against a ship or her owners in respect of any damage or loss of life or personal injury suffered by a person on board that

other ship, caused by the fault of the former ship, whether such other ship be wholly or partly in fault, unless proceedings are commenced within two years from the date when the damage or loss or injury was caused, and an action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for the loss of life or personal injury unless proceedings therein are commenced within one year from the date of payment.

(2) A court of competent jurisdiction may in accordance with the rules of Court extend any such period to such extent and on such conditions as it thinks fit and shall, if satisfied that during the period there has not been a reasonable opportunity of arresting the defendant ship within the jurisdiction of the court or within the territorial seas of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business extend any such period to an extent sufficient to give such reasonable opportunity.

PART XXVI – NAVIGATIONAL AIDS

Interpretation.

437. In this Part, unless the contrary intention appears—

“aids to navigation” and “aids” means all lighthouses, buoys, beacons, radio aids or any other light, signal or mark established to aid marine navigation and includes all buildings, moorings and other marks associated therewith;

“owner” in relation to “aids to navigation” and “aids” includes any person in possession or control of the aids to navigation and aids.

Application of this part.

438. This Part applies—

- a) notwithstanding any other law in force in Sierra Leone;
- b) to aids to navigation and aids.

Establishment of aids to navigation.

439. (1) There shall be established in Sierra Leone by the Administration such aids to navigation as are necessary to facilitate the safe navigation of ships within the waters of Sierra Leone.

(2) Privately owned aids to navigation shall be established and maintained in accordance with the provisions of this Act.

Executive Director's permission to establish aids to navigation.

440. No aid to navigation shall be established—

- a) without the prior written consent of the Executive Director or any other person authorized by him for the purpose; and
- b) unless it conforms to such specification as may be stipulated.

Changes to aids to navigation.

441. No aid to navigation shall be discontinued or have its lighting characteristics or any other distinguished feature altered without the prior written consent of the Executive Director or any other person authorized by him for the purpose.

Functions of the administration.

442. (1) The Administration shall exercise general supervision over all aids to navigation and in particular shall—

- a) be responsible for overseeing the establishment of all aids to navigation;
- b) be responsible for the maintenance of all aids to navigation established outside a declared port;
- c) ensure that all other aids to navigation are established in compliance with the stipulated conditions and specifications;
- d) bring to the attention of the public, information on charges to or deficiencies in any aid to navigation; and
- e) ensure that private aids to navigation are maintained in proper working order.

(2) Subject to subsection (1), the Administration may, by Government Notice, delegate the maintenance of any aids

to navigation established outside a declared port to a person or an authority.

(3) The Ports Authority shall be responsible for the maintenance of all aids to navigation established within a declared port.

(4) Notwithstanding subsections (2) and (3), the Administration shall ensure that all navigational aids are maintained in proper working order.

Control of private aids to navigation.

443. A person who, without the written approval of the Executive Director—

- a) maintains;
- b) adds to, alters or removes;
- c) varies the character of, or mode of operating an aid to navigation that is his property, or under his control,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

(2) The Executive Directory may, by Government Notice, order the owner of aid, or the owner of, or person having under his control any light, device or thing being a light, device or thing that is not an aid—

- a) to remove it;
- b) to alter its character or mode of operation;
- c) to desist from using or from interfering with it;
- d) to use it only at such times and in such manner as the Executive Director directs.

(3) In making an order under subsection (2) the Executive Director shall have due regard for the safety and convenience of marine navigation.

(4) Where a person fails, without reasonable cause, to comply with an order made under subsection (2) or for any reason a notice under subsection (2) cannot be served, the Executive Directory may—

- a) take possession or control of the aid to navigation, or of the light, device or thing;
- b) do, at the expense of the person, anything which the person was required to do under subsection (2), or which in the opinion of the Executive Director must be done for the safety of marine navigation.

(5) Any person who fails, without reasonable cause, to comply with the order made under subsection (2) commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Publication and updating of aids to navigation.

444. (1) The Executive Director may cause to be published and updated aids to navigation and declare other publications to be approved nautical publications.

(2) In any legal proceedings, the production of an approved nautical publication authenticated by the Executive Director shall be prima facie evidence of matters appearing therein.

Prosecution of offences.

445. (1) A person who—

- a) wilfully or negligently damages, destroys, or allows a ship to foul an aid;
- b) wilfully or negligently does anything which causes the view of an aid to be obstructed in such manner as to lessen its efficiency;
- c) wilfully, negligently or without lawfully authority does anything which interferes with an aid so as to hinder the effective use of the aid;
- d) trespasses on, or without lawful excuse, or is found in or on—

- i. an aid; or

ii. any land upon which an aid is situated;

e) fails to notify the Executive Director as soon as practicable after an aid is damaged, destroyed or fouled,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

(2) In addition to any penalty imposed on a person convicted of an offence, under subsection (1), the person shall be required to pay the cost of making good any damage occasioned by the commission of the offence.

Detention of ships in certain circumstances.

446. Where a ship damages, destroys or fouls an aid, the ship may be detained until the cost of the repairing or replacing the aid or rendering the aid effective again is paid.

Requirement to pay navigation aids dues.

447. The owner, or the master or the agent of a ship that—

- a) enters or leaves a place or port in Sierra Leone;
- b) is engaged in offshore operations,

shall pay such navigational aids dues in respect of the ship as may be prescribed in the regulations for navigational aids.

Penalty for failure to pay navigational aids dues.

448. (1) Where without reasonable cause, the owner or master of a ship fails to pay navigational aid dues as are prescribed in the regulations on navigational aids, the owner or the master or the agent of the ship each commits an offence, and on summary conviction shall be liable to a fine not exceeding the equivalent of five times the amount of the navigational aid dues outstanding.

(2) In addition to any fine imposed under subsection (1)—

- a) the dues outstanding remain due;
- b) the ship may be detained until the outstanding dues and the fine have been paid.

Fire and lights detrimental to navigation.

449. (1) Where fire or light is burned or exhibited in such a place or manner that, in the opinion of the Executive Director, it is calculated or likely to mislead persons navigating ships in Sierra Leone waters or in the waters of a harbour or a port or the approaches thereto, the Executive Director may, by written notice, require the person placing or using the fire or light to screen, alter, extinguish or remove it within a reasonable time specified in the notice.

(2) Where a person to whom notice is given under subsection (1) fails to comply with the notice within the time specified or after complying replaces the fire or light by another fire or light in respect of which the Executive Director would be entitled to give notice under this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones and to a further fine not exceeding two hundred thousand leones for each day or part of day the offence is continued.

(3) The Executive Director may cause to be extinguished any fire or light in respect of which notice is given under this section where the person to whom the notice was given fails to comply with the notice within the time specified therein.

Power of Executive Director on failure to extinguish false and unauthorized lights.

450. For the purpose of extinguishing false or unauthorized lights, the Executive Director or his representative may enter the place where the fire or light is and forthwith extinguish same without causing unnecessary damage and recover the expense thereby incurred from the person responsible for the false or unauthorized light.

Removal of obstructions other than wrecks.

451. (1) The Executive Director may cause to be removed anything other than a vessel which is causing or is likely to become an obstruction or impediment to navigation in or for the use of a harbour or port or the approaches to it.

(2) If anything removed under subsection (1) is so marked as to be readily identifiable as the property of any person,

the Executive Director shall, subject to subsection (3), within one month of the property coming into his custody give notice to that person that possession must be retaken at a place named in the notice.

(3) Where possession is not re-taken within 14 days of the service of the notice the property shall at the end of the period be in the possession of the Executive Director.

(4) If anything removed under subsection (1) is—

- a) not so marked as to be readily identifiable as the property of any person; or
- b) so marked but the place of business of the owner is not known to the Executive Director or is outside Sierra Leone and within three months of it coming into the custody of the Executive Director no claim for possession of the things is made by any person who proves to the reasonable satisfaction of the Executive Director that it belongs to him, the property shall thereupon vest in the Administration.

(5) The Executive Director may dispose of anything referred to in subsection (3), at such time and in such manner as he thinks fit which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience at such time and in such manner as he thinks fit, notwithstanding that it has not been vested in the Administration and if it is sold the proceeds shall be applied in payment of expenses incurred by the Executive Director under this section in relation to the thing.

(6) Any balance, not claimed within three months from the time when the thing came into the custody of the Executive Director by a person who proves to the reasonable satisfaction of the Executive Director that he was the owner at the time, shall at the expiration of the period vest in the Administration.

(7) If anything removed under this section—

- a) is sold by the Executive Director and the proceeds of sale are insufficient to reimburse him for the amount of the expenses incurred by him in the exercise of his powers of removal; or
- b) is unsaleable,

he may recover as a debt in any court of competent jurisdiction the difference or the whole of the expenses, as the case may be, from the person who was the owner at the time the thing removed came into the custody of the Executive Director or who was the owner at the time of its abandonment or loss.

(8) The Executive Director shall not under the powers conferred by this section cause to be removed anything placed or constructed by any person or authority by virtue of the provisions of this Act or any other law.

Regulations on
navigational aids.

452. (1) The Minister may make regulations not inconsistent with this Act prescribing—

- a) the system of lighting and other characteristics, marks and features of navigational aids;
- b) the rates and scales whether on a voyage or on a periodical basis, of the navigational aids dues payable in respect of ships;
- c) the manner in which navigational aids due shall be paid;
- d) the times at which navigational dues shall be paid;
- e) the refund of navigational aids dues;
- f) the exemption of particular ships or particular classes of ships from the requirements relating to payment of navigational aid dues;
- g) determination by the Minister that a particular vessel or particular classes of fishing vessel are exempt from the requirements relating to payment of navigational aids dues;
- h) the penalties for any contravention of such regulations; and
- i) the returns to be made and the information to be supplied to the Executive Director by the owner of an aid.

(2) In making the regulations with respect to paragraph (a) of subsection (1) the Minister shall have due regard to

IALA (International Association of Lighthouse Authorities) single Buoyage System “B” or any other international system of buoyage which may replace it.

PART XXVII – PILOTAGE

- Interpretation. **453.** In this Part, unless the contrary intention appears—
- “exempt ship” in relation to a particular pilotage area means a ship that, in respect of that area, is prescribed as an exempt ship by the regulations made under this Part.
- “ship” in relation to a particular pilotage area, means a ship other than an exempt ship.
- Pilotage area. **454.** The Minister, may be statutory instrument establish a pilotage area in a port, place or the approaches to a port.
- Pilotage Authority. **455.** (1) There shall be a pilotage authority for Sierra Leone.
- (2) The Minister may by Government Notice, appoint a suitably qualified person to be the pilotage authority for Sierra Leone.
- Compulsory pilotage area. **456.** The pilotage authority may by Government Notice—
- a) determine that in a pilotage area, or in any part of a pilotage area, pilotage shall be compulsory;
 - b) define the limits of a pilotage area and where pilotage is compulsory in a part of such area, designate the part of the area in which pilotage is compulsory.
- Ships to take licensed pilots on board. **457.** (1) Before a ship enters a compulsory pilotage area, the master of the ship shall—
- a) present the ship at the appropriate boarding ground;
 - b) receive on board a licensed pilot of the area and such other persons and equipment as the pilotage authority may direct;
 - c) receive such assistance as the licensed pilot of the area may direct; and
 - d) give the ship in pilotage charge of the licensed pilot of the area.
- (2) Where there is contravention of this section, the owner and the master of the ship in respect of which the contravention occurs each commits an offence and each shall on summary conviction be liable to a fine not exceeding five million leones.
- Ships to have licensed pilots on board. **458.** Where a ship plies in, moves in (other than by warping) or leaves a compulsory pilotage area without having a licensed pilot of the area on board, the owner and the master of the ship each commits an offence and each shall on summary conviction be liable to a fine not exceeding five million leones.
- Pilotage licenses and pilotage exemption certificates. **459.** (1) Where a pilotage authority is of the opinion that there would otherwise be some special risk of danger within a particular pilotage area, the pilotage authority shall require the master of a ship, including an exempt ship, to take on board the ship a pilot acceptable to the pilotage authority.
- (2) In forming an opinion under subsection (1), a pilotage authority shall have regard to—
- a) condition of the ship and its equipment;
 - b) the nature and condition of any cargo carried on the ship;
 - c) the existence of any nuclear power source on the ship; and
 - d) the circumstances of, and the condition within a particular pilotage area.
- (3) Where the master of a ship refuses, or fails without reasonable cause to comply with the requirement made under subsection (1), the owner and master of the ship each commits an offence and each shall be liable on summary

conviction to a fine not exceeding three million leones.

Suspension of pilotage license.

460. (1) The Administration may in the prescribed manner—

- a) issue a pilotage license to a person for a pilotage area or a pilotage exemption certificate to a person.
- b) renew a pilotage license or a pilot exemption certificate;
- c) suspend or revoke a pilotage exemption certificate.

(2) The issue and renewal of a pilotage license or a pilotage exemption certificate under this section shall be subject to such conditions (if any) as the Administration thinks fit and endorses on the license or certificate.

(3) A pilotage license or a pilotage exemption certificate issued or renewed under this section is valid only within the pilotage area in respect of which it is issued.

Inquiry into incompetence.

461. (1) Where in the opinion of the Administration, a licensed pilot—

- a) is unfit to discharge his duties because of—
 - i. incompetence;
 - ii. misconduct, affecting his capability as a pilot;
 - iii. any other reason;
- b) has been negligent in the discharge of his duties;

the Administration shall cause an inquiry to be held.

(2) Where the Administration causes an inquiry to be held under subsection (1) it may, as it thinks fit, suspend the pilotage license of the licensed pilot in relation to whom the inquiry is to be held pending the outcome of the inquiry.

(3) Where a pilotage license is suspended under this section, the Administration shall direct the licensed pilot to deliver up his pilotage license to it.

(4) A person who refuses, or fails without reasonable cause, to comply with a direction under subsection (3) commits an offence and shall on summary conviction be liable to a fine not exceeding three million leones.

Production of pilotage license.

462. (1) Where the Administration has caused an inquiry to be held under section 461 the person holding the inquiry may, for the purpose of the inquiry—

- a) go on board a ship;
- b) enter on a wharf or installation within the pilotage area;
- c) require a person to answer questions relating to the subject of the inquiry; and
- d) require the production to him of a document or certificate that, in his opinion, is relevant to the inquiry.

(2) The person holding the inquiry shall submit his report on the inquiry to the Administration.

(3) Where, after receiving the report under subsection (2), the Administration is satisfied as to any of the matters referred to in paragraph (a) or (b) of subsection (1) of section 461 the Administration shall—

- a) for such period as thinks fit, suspend; or
- b) revoke the pilotage license of the licensed pilot in respect of whom the inquiry was held.

(4) Where under this section, pilotage license is—

- a) suspended for a period exceeding six months, or
- b) revoked

the holder of the license may, within 30 days after the date of the suspension or cancellation appeal to the High Court and the High Court shall make such orders as the justice of the case demands.

(5) The person holding the inquiry may be assisted by one or more assessors nominated by the person holding the inquiry.

Production of pilotage license.

463. (1) Where a licensed pilot goes on board a ship for the purpose of acting as a pilot of the ship, the master of the ship may require the licensed pilot to produce his pilotage license for inspection.

(2) A licensed pilot, who refuses, or fails without reasonable cause to comply with a requirement made under subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Unqualified persons not to act as licensed or exempt pilot.

464. A person who is not a licensed pilot or an exempt pilot and who—

- a) holds himself out to be a licensed pilot or an exempt pilot as the case may be;
- b) pilots a ship in respect of which a licensed pilot is required to be on board

commits an offence and shall on summary conviction be liable to a fine not exceeding three million leones.

Misconduct by licensed pilots.

465. (1) This section applies where a licensed pilot—

- a) does any act which causes, or is likely to cause—
 - i. loss or destruction of, or serious damage to;
 - ii. the death of, or serious inquiry to,

a person on board a ship;

- b) fails to do anything required to be done by him to preserve—
 - i. a ship from loss, destruction or serious damage;
 - ii. a person on board a ship from death or serious injury.

(2) Where the act, or omission referred to in subsection (1)—

- a) is deliberate;
- b) amounts to a wilful breach or neglect of duty;
- c) occurs when the licensed pilot is under the influence of alcohol or a drug,

the licensed pilot commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Defence if drug taken for medical purposes.

466. It is a defence to a charge of an offence under section 465 where the licensed pilot charged proves that

- a) at the time of the alleged act, or failure to act he was under the influence of a drug taken by him for medical purposes;

- b) either—
 - i. he took the drug on medical advice and complied with any direction given as part of that advice; or
 - ii. he had no reason to believe that the drug might have the influence it did.

Licensed pilot not civilly liable. **467.** A licensed pilot is not personally liable in any proceedings for any damage done by him or for any loss suffered as a result of any act done by him, or of any failure to do anything required to be done by him, while acting as a licensed pilot.

Presence of licensed pilot does not diminish responsibility of master. **468.** (1) Subject to the authority of the master of a ship, the duty of a licensed pilot is to pilot the ship.
(2) The master of a ship is not relieved, by reason of the ship being in pilotage charge of a licensed pilot, of his responsibility for the conduct and navigation of the ship.

Owner and master liable for damage. **469.** The owner and the master of a ship are jointly and severally liable for any loss or damage caused by the ship, or as a result of any fault in the navigation of a ship, notwithstanding that a licensed pilot was on board the ship at the time the loss or damage was caused and the ship was being navigated in area and in circumstances in which pilotage is compulsory.

Pilotage authority not liable for loss or damage. **470.** The pilotage authority shall not be liable in any civil proceedings for—

- a) any damage by; or
- b) any loss suffered as a result of—
 - i. any act done by;
 - ii. any failure to do anything required to be done by a licensed pilot licensed by it while the licensed pilot is acting as a pilot of a ship.

Pilotage services. **471.** The pilotage authority—

- a) shall, where pilotage is compulsory;
- b) may where pilotage is not compulsory,

provide pilotage services.

Pilotage dues and charges for pilotage services. **472.** (1) Pilotage dues and charges for pilotage services, in respect of a ship shall be payable by the owner or master or agent of the ship to the pilotage authority.

(2) The pilotage authority, may by statutory instrument, fix the scale of dues and charges for pilotage services payable under subsection (1).

(3) In fixing a scale of dues and charges for pilotage services under subsection (2), the pilotage authority shall have particular regard to—

- a) the circumstances;
- b) the cost of providing pilotage services within the pilotage area in respect of the scale to be fixed.

Fees for pilotage licenses and pilotage exemption certificates. **473.** Fees payable in respect of the issue and renewal of pilotage licenses and pilotage exemption certificate are as prescribed in the regulations made under this Part.

Delegation of functions. **474.** The pilotage authority may delegate any or all of its functions under this Part to a person or an authority.

Pilotage regulations. **475.** The Minister may by statutory instrument make regulations for and in relation for all or any of the following

purposes—

- a) ships or classes of ships that are exempted from compulsory pilotage;
- b) measures necessary to facilitate the boarding of ships by pilots;
- c) the determination by the Minister of boarding ground;
- d) the manner of application for the issue or renewal of pilotage licenses or pilotage exemption certificates;
- e) the manner of suspension or revocation of pilotage exemption certificate;
- f) the determination by the Administration of the qualifications required to be held by, and the standard required to be attained by, applicants for the issue or renewal of pilotage licenses or pilotage exemption certificates;
- g) maintenance of efficiency of licensed pilots and of holders of pilotage exemption certificates;
- h) the manner of payment of pilotage dues and charges for pilotage services;
- i) the licensing of pilots by the Administration in respect of vessels and tankers calling at the country's oil platforms and offshore terminals;
- j) the determination by the Administration of fees payable to it in respect of the issue or renewal of pilotage licenses or pilotage exemption licenses; and
- k) prescribing pilot flags and pilot signals to be displayed when a ship requests a pilot or has a pilot on board.

Application of this Part.

476. This Part applies notwithstanding any other enactment in force in Sierra Leone.

PART XXVII – SHIPPING CASUALTIES, ENQUIRIES AND INVESTIGATION

Reporting of casualties and accidents.

477. (1) In this Part

“ship” means a ship that is—

- a) registered under this Act;
- b) not registered under this Act and the next port of call of that ship is a port or place in Sierra Leone;
- c) an offshore ship.

(2) Where a ship—

- a) causes or is involved in an accident;
- b) receives damage which renders, or is likely to render, the ship unsafe;
- c) has been in a position of great peril from—
 - i. the act of some other ship;
 - ii. danger of wreck or collision;
- d) fouls, or does damage to—
 - i. a pipeline;
 - ii. a submarine cable;
 - iii. a navigational aid;
- e) is involved in an accident in which the sea is polluted by oil or by any other noxious substance wither by the ship or by any other ship;
- f) having left a port in Sierra Leone puts back to that port,

the mater of the ship shall as soon as practicable report the occurrence to the Executive Director, if so requested by the Executive Director, provide the Executive Director with a written report.

(3) The master of a ship who fails, without reasonable cause, to comply with subsection (2) commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones.

Investigation of
shipping casualties.

478. Where any of the following casualties occur, that is to say—

- a) loss or presumed loss, stranding, grounding, abandonment of, or damage to a ship;
- b) loss of life, or injury to life, caused by fire on board or by any accident on board a ship or ship's boat;
- c) any damage caused by a ship;
- d) pollution from an incident in the Exclusive Economic Zone of Sierra Leone as established by subsection (1) section (8) of the Maritime Zones (Establishment) Act, 1996 which threatens Sierra Leone marine environment,

Act No. 11 of 1996.

the Minister may cause a preliminary inquiry into the casualty to be held by a person appointed for the purpose by the Minister.

(2) Whether or not a preliminary inquiry into the casualty has been held under subsection (1), the Minister may cause a marine inquiry to be held not later than a month after the casualty.

Preliminary inquiry.

479. (1) For the purposes of a preliminary inquiry under section 478, the person holding the enquiry has all the powers of a surveyor under this Act, and—

- a) may—
 - i. go on board a ship involved in the casualty;
 - ii. require a person to answer questions relating to the casualty;
 - iii. require production of a document or certificate relating to the ship involved in the casualty; and
- b) shall, on conclusion of the investigation, send to the Minister a report containing a full statement of the case and his opinion on it, accompanied by such report on or extracts from the evidence and such observations as he thinks fit.

(2) Where it appears to the Minister on receipt of the report referred to in subsection (1) to be necessary and desirable to do so, he may order the Administration to suspend any certificate issued under section 109 to a seaman pending the outcome of the marine inquiry.

Formal marine
inquiries.

480. (1) The Minister may for the purposes of holding the marine inquiry under section 478 nominate a person appearing to him to be suitably qualified by the holding of or by having held judicial office, or by experience as a lawyer, to hold the marine inquiry.

(2) The person nominated under subsection (1) to hold the marine inquiry shall hold the same with the assistance of one or more assessors of nautical, engineering or other special skill or knowledge to be appointed, as the occasion demands, by the Minister.

(3) Where the marine inquiry involves or appears likely to involve any question as to the cancellation or suspension of a certificate of an officer the person nominated under subsection (1) shall hold the investigation with the assistance of not less than two assessors having experience in merchant marine as master or chief officer of foreign going ships or such suitable officers depending on the circumstances of the casualty.

(4) A marine inquiry shall be conducted in accordance with any regulations made under section 487.

(5) For the purpose of marine inquiry, the person holding the inquiry or the assessors assisting him or both may—

- a) go on board a ship;

b) require a person to answer questions relating to the subject of investigation.

(6) The person holding a marine inquiry after hearing the case shall make a full report to the Minister together with such other report or extracts from the evidence and such observations as the person thinks fit and each shall either sign the report or state in writing to the Minister his dissent therefrom and the reasons for the dissent.

(7) The person holding a marine inquiry may make such an order as he thinks fit, respecting the costs of the investigation or any part thereof, and any such order shall be enforced by the person holding the marine inquiry as if it were an order for costs made by a magistrate.

(8) the Minister may, in any case that he thinks fit to do, pay any or all of the costs of a marine inquiry.

(9) For the purpose of this section, the person holding a marine inquiry shall have the powers of a court of summary jurisdiction when acting as a court in exercise of its ordinary jurisdiction and all the powers of a surveyor under this Act.

(10) A marine inquiry into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have the opportunity of making a defence.

Power of a marine inquiry as to certificate.

481. Subject to section 482, a marine inquiry shall recommend to the Minister—

- a) to cancel or suspend the certificate of an officer;
- b) to censure the officer, if the marine inquiry finds that—
 - i. the loss or abandonment of, or serious damage to any ship, or loss of life has been caused by the wrongful act or default of the officer;
 - ii. the officer is unfit to discharge his duties by reason of incompetence or misconduct or for any other reason, or has been seriously negligent in the discharge of his duties or has failed to comply with section 235 provided at least, one of the assessors concurs with the finding of the Marine Inquiry.

Cancellation of certificate.

482. (1) The Minister shall in line with the recommendation of the marine inquiry under section 481, forthwith cancel, suspend the certificate of the officer, or censure the officer against whom such a recommendation has been made by the marine inquiry on receipt of a full report of the case with the evidence.

(2) A certificate shall not be cancelled or suspended by the Minister under this section unless the statement of the case on which the marine inquiry has been ordered, has been furnished before the commencement of the marine inquiry to the holder of the certificate.

(3) Where a cancellation or suspension is ordered by the Minister, the officer concerned shall immediately deliver the certificate to the Minister for cancellation or suspension as the case may be.

(4) An officer who fails to comply with subsection (3) commits an offence and shall be liable on summary conviction to a fine not exceeding five million leones.

(5) Where any case before a marine inquiry involves the question as to the cancellation or suspension of a certificate, the marine inquiry shall, at the conclusion of the case or as soon afterwards as possible, state in open, the decision to which it has come with respect to the cancellation or suspension of the certificate.

Limitation of powers as to certificate.

483. A marine inquiry held pursuant to this Part shall recommend to the Minister the cancellation or suspension of a certificate of competency or service so far only as regards a certificate which has been issued by the Administration whether or not the holder thereof is a citizen.

Certificate issued by a foreign state.

484. Where the certificate of competency affected by the report for a marine inquiry was issued by a foreign state, the

Minister shall forward a copy of the report of the inquiry to the appropriate authority for action as appropriate in line with the recommendations of the inquiry.

Rehearing of marine inquiry.

485. (1) The Minister may, in any case where under this Part a marine inquiry into a shipping casualty has been held, order the case to be reheard whether generally or as to any part thereof—

- a) where new and important evidence which could not be produced at the inquiry has been discovered;
- b) where for any other reason there is in his opinion grounds for suspecting that there has been a miscarriage of justice.

(2) The Minister may order the case to be reheard by the marine inquiry by whom the case was heard in the first instance.

Appeals.

486. (1) Subject to subsection (2), where under this Part—

- a) the certificate of an officer is cancelled or suspended;
- b) an officer is censured;
- c) the costs or part of the costs of an inquiry are awarded by a marine inquiry against any person;
- d) a marine inquiry has found that the casualty has been caused or contributed to by the wrongful act of any person,

the officer in the case of paragraph (a) or (b) and in the case of paragraph (c) or (d) any person who has appeared at the hearing and is affected by the decision of the marine inquiry, may appeal to the High Court and the High Court may make such order as the justice of the case requires.

(2) Where a rehearing has been ordered under section 485, no appeal may be made until the decision of the rehearing has been given.

Regulations for marine inquiry.

487. (1) The Minister may by statutory instrument make regulations for prescribing the provisions relating to marine inquiries and to the rehearing of or an appeal from any marine inquiry under this Part.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for—

- a) the selection of persons for nomination by the Minister as assessors;
- b) qualifications of assessors;
- c) the circumstances in which assessors shall assist a marine inquiry;
- d) the manner in which any fact may be proved;
- e) the persons who may be allowed to appear;
- f) notices to be given to persons affected;
- g) the place for holding marine inquiries.

PART XXIX – LEGAL PROCEEDINGS – JURISDICTION

Jurisdiction in case of offences.

488. (1) For the purpose of determining jurisdiction under this Act, an offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose in any place in which the offender or person complained against may be.

(2) Where, in any legal proceedings under this Act, the question arises whether a ship or person is not within the provisions of this Act, the ship or person shall be deemed to be within these provisions unless the contrary is proved.

Jurisdiction in case of offences on board ship.

489. Notwithstanding anything contained in the written criminal laws, or in any other enactment, where a citizen is charged with having committed an offence on board a Sierra Leonean ship on the high seas or in any foreign port, river or harbour or on board any foreign ship to which he does not belong, or, not being a citizen is charged with

having committed an offence on board any Sierra Leonean ship on the high seas, and that person is found within Sierra Leone, a court, that would have had cognisance of the offence if it had been committed within the limits of its ordinary jurisdiction, shall have jurisdiction to try the offence as if it had been so committed.

Offences at foreign ports.

490. An offence against property or person committed in or at any place either ashore or afloat in a foreign port by a master or seaman who at the time when the offence is committed is, or within three months previously, has been employed in any Sierra Leonean ship shall be deemed to be an offence of the same nature respectively and be liable to the same punishment respectively and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if these offences had been committed within Sierra Leone.

Application of fines.

491. (1) Where a court imposes a fine under this Act for which no specific application is provided, the court may if it thinks fit, direct the whole or any part of the fine—

- a) be applied in compensating any person for any wrong or damage which he has sustained by the act or default in respect of which the fine is imposed; or
- b) be applied in or towards payment of the costs and expenses of the proceedings.

(2) Subject to any direction under subsection (1) or any specific application provided under this Act, every fine referred to in subsection (1) shall be paid into the Consolidated Fund.

Conviction under other law.

492. Nothing in this Act shall be deemed to prevent the prosecution, conviction or punishment of a person according to any other enactment for the time being in force in Sierra Leone, so, however, that no person shall be punished more than once for the same offence.

Jurisdiction in collision and other cases.

493. (1) No court in Sierra Leone shall entertain an action *in personam* to enforce a claim to which this section applies unless—

- a) the defendant has his habitual residence or place of business in Sierra Leone;
- b) the cause of action arose within the waters of Sierra Leone;
- c) an action arising out of the same incident or series of incidents is proceeding in the court, or has been heard and determined in the court.

(2) No court in Sierra Leone shall entertain an action *in personam* to enforce a claim to which this section applies until proceedings previously brought by the plaintiff in any court outside Sierra Leone against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) Subsections (1) and (2) shall apply to a counterclaim not being a counterclaim in proceedings arising out of the same incident or series of incidents as they apply to actions *in personam* and a reference to the plaintiff is a reference to the plaintiff or the counterclaim and a reference to the defendant is a reference to the defendant to the counterclaim.

(4) Subsections (1) and (3) shall not apply to any action or counterclaim where the defendant submits or has agreed to submit to the jurisdiction of the court.

(5) Subject to subsection (3), where a court has jurisdiction for the purposes of this Act, the jurisdiction shall extend to entertain an action *in personam* to enforce a claim to which this section applies whenever any of the conditions specified in subsection (1) is satisfied and the rules of court relating to the service of process outside jurisdiction shall make such provision as may appear to the Rules of Court Committee to be appropriate having regard to the provisions of this subsection.

(6) Nothing in this section shall—

- a) prevent an action or counterclaim which is brought under this section from being transferred to some other court of competent jurisdiction;

- b) affect proceedings in respect of any course of action arising before the coming into operation of this section.

(7) The claims to which this section applies are claims for damage, loss of life, or personal injury arising out of a collision between ships or out of the carrying out of a non-compliance with the Collision Regulations.

(8) For the avoidance of doubt, it is hereby declared that this section shall apply in relation to the jurisdiction of any court not being admiralty jurisdiction as well as in relation to its admiralty jurisdiction, if any.

Action in rem.

494. In any case in which an action may be brought against a ship (other than an action arising from claims to the possession or ownership of any share therein, or any claim in respect of a mortgage or charge on a ship or share therein) where the person who would be liable on the claim in any action *in personam* was, when the cause of action arose, the owner or charterer of, or in possession or in control of the ship, the admiralty jurisdiction of the High Court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action *in rem* against—

- a) the ship, if at the time when the action is brought, it is beneficially owned as respects all shares therein by that person;
- b) any other ship, which at the time when the action is brought, it is beneficially owned as aforesaid, but in determining whether a person would be liable on a claim in an action *in personam* it shall be assumed that he has his habitual residence or a place of business within Sierra Leone.

PART XXX – DETENTION AND DISTRESS ON SHIP FOR DAMAGE CAUSED

Power to detain foreign ship.

495. (1) Where—

- a) any damage has in any part of the world been caused to property belonging to the Government, a citizen or a body corporate resident in Sierra Leone by a foreign ship;
- b) a claim is made for damages by or on behalf of a citizen in respect of personal injuries including fatal injuries against the owners of a foreign ship, and at any time thereafter that ship or any ship wholly and beneficially owned by the same owner is found in Sierra Leone, a judge of the High Court may upon being satisfied that the damage or injury was probably caused by the misconduct or want of skill of the master or crew of the ship, issue an order directed to any officer of Administration or officer of customs requiring him to detain the ship until such time as the owner, master or agent thereof has made satisfaction in respect of the damage or injury or has given security to be approved by the judge to abide in the event of any action, suit or other legal proceeding that may be instituted in respect of the damage or injury and pay all costs and damages that may be awarded thereon.

(2) An officer to whom an order under subsection (1) is directed shall detain the ship accordingly.

(3) Where it appears that before an application can be made under this section the ship in respect of which the application is to be made will have departed from Sierra Leone, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention.

(4) In any legal proceedings in relation to any such damage or personal injury, the person giving the security shall be made defendant and shall be stated to be the owner of the ship and has occasioned the damage or injury and the production of an order of the judge, made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

Enforcing detention of ship.

496. (1) Where under this act a ship is to be or may be detained, a proper officer of customs or any officer of the Administration designated by the Executive Director for the purpose may detain the ship.

(2) Where a ship after detention or after service on the master of any notice of an order for detention, proceeds to sea before it is released by a competent authority, the master of the ship and the owner each commits an offence and any

person who sends the ship to sea if the owner or person is a part or privy to the master's offence, shall be liable on summary conviction to a fine not exceeding five million leones.

(3) Where a ship proceeding to sea in the circumstances specified in subsection (2) takes to sea when it has on board in the execution of his duty an officer of the customs or other officer appointed under this or any other law, the owner and master of the ship shall each commit an offence and each shall be liable on summary conviction to a fine not exceeding five million leones.

(4) In addition to a fine under subsection (3), a person convicted of an offence under this section is liable to pay—

- a) the expenses of, and incidental to, the officer being taken to sea,
- b) a sum not exceeding five hundred thousand leones for each day until the officer returns or until such time as would enable him, after leaving the ship to return to the port from which he was taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

(5) An officer detaining a ship may, if he thinks it necessary to do so, place a police guard on a ship detained under this Act.

(6) A police guard placed on board a ship under subsection (5) is authorized to take such steps as are necessary to prevent the ship from leaving port.

(7) A person, who opposes or in any way obstructs an officer detaining a ship, or a police guard or surveyor, commits an offence and shall on summary conviction be liable to a fine not exceeding three million leones.

(8) An officer detaining a ship under this Act shall notify the proper officer of customs that such ship is liable to be detained.

(9) Where under any provisions of this Act a ship shall or may be detained, the proper officer of customs shall or may detain the ship as the case may be and shall or may, as the case may be, refuse to clear that ship outwards.

(10) For the purposes of this section, the expression—

“proper officer of customs” means an officer able to grant clearance to a ship.

Notice to consular
office on detention of
foreign ship.

497. (1) Whenever—

- a) a foreign ship is detained under this Act;
- b) any proceedings are taken under this Act against the master or owner of such a ship,

notice shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port where the ship is detained for the time being.

(2) The notice to be served under subsection (1) shall specify the grounds on which the ship has been detained or on which the proceedings have been taken.

Distress on ship.

498. Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, where the party so directed to pay same is the master or owner of a ship and the same is not paid at the time and in the manner prescribed in the order, the court which made the order may in addition to any other powers they may have for the purpose for compelling payment, direct the amount remaining unpaid to be levied in distress and the sale of the ship, her tackle, furniture and apparel.

Inquiries into deaths of
crew members and
others.

499. (1) Subject to subsection (5) where—

- a) a person dies in a Sierra Leonean ship;
- b) the master or a seaman employed in a Sierra Leonean ship does in a country outside Sierra Leone, an enquiry into the cause of death shall be held by an officer of the Administration designated by the Executive Director for such purpose.

(2) The officer holding an inquiry under subsection (1), shall for the purposes of this inquiry have all the powers of a surveyor under this Act.

(3) Where in the course of the enquiry it appears to the officer holding the inquiry that death has been caused on board the ship by violence or other improper means, he shall—

- a) report the matter to the Executive Director;
- b) where the emergency of the case so requires, take immediate steps to bring any offender to justice.

(4) The officer holding the inquiry under subsection (1) shall make a report of his findings to the Executive Director and the Executive Director shall, on request make a copy of the report available to the next of kin of the deceased person or to any other person who appears to the Executive Director to be interested.

(5) No inquiry shall be held under subsection (1) in a case where an inquest or inquiry is to be held or made under any law for the time being in force relating to inquests or criminal procedure.

Ship may be seized and sold if penalty not paid.

500. (1) In every case in which a conviction has been secured against the owner of a ship for the contravention of any of the provisions of this Act and a fine has been imposed, the ship shall, if the fine is paid forthwith, be liable to be seized and after such reasonable notice as the Executive Director may, in each case determine, may be sold by a person authorized for the purpose in writing by the Executive Director, and that person may, by bill of sale, give to the purchaser a valid title to the ship free of any mortgage or other claim thereon which at the time of the sale may be in existence.

(2) Any surplus money remaining from the proceeds of sale of a ship under subsection (1) after paying the amount of the fine and the costs of conviction together with the costs of seizure and sale, shall be paid over to the owner of the ship or the mortgage as the case may be.

Conveyance of offenders and witnesses to Sierra Leone.

501. (1) Whenever a complain is made to a consular officer—

- a) that an offence against property or person has been committed at any place either ashore or afloat out of Sierra Leone by a seafarer who, at the time when the offence was committed or within three months before that time, was employed in a Sierra Leonean registered ship;
- b) that an offence on the high seas has been committed by a seafarer belonging to a ship so registered,

the consular officer may inquire into the case upon oath and may if the case so requires take any steps in his power for the purpose of placing the offender under the necessary restraint and send him as soon as practicable in safe custody to Sierra Leone.

(2) A consular officer may order the master of a ship registered in and bound for Sierra Leone to receive and afford a passage and subsistence during the voyage to any such offender and to the witnesses, not exceeding in numbers those for whom suitable accommodation is available, and the consular officer may endorse upon the agreement with the crew of the ship such particulars with respect to any offenders or witnesses sent in the ship as the Executive Director requires.

(3) A master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in Sierra Leone, hand over into the custody of a police officer and that officer shall take the offender before a Magistrate who shall deal with the matter as in cases of offences committed upon the high seas.

(4) The master of a Sierra Leonean ship, who, when required by a consular officer to receive and afford a passage and subsistence to an offender or witness—

- a) does not receive him and afford a passage and subsistence to him;
- b) does not deliver an offender committed to his charge into the custody of a police officer as directed;

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

(5) The expense of imprisoning an offender to whom subsection (1) applies and of conveying him and the witnesses to Sierra Leone in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of Government funds.

PART XXXI – PROSECUTION AND COMPOUNDING OF OFFENCES

Liability of ship owners.

502. (1) Where a person is beneficially interested (otherwise than by way of mortgage) in a ship or share in a ship, the person so interested as well as the registered owner shall be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or share therein.

(2) Proceedings may be taken for the enforcement of any penalties referred to in subsection (1) against both or either of the parties referred to in that subsection with or without joining either of them.

Offences by bodies of persons, servants and agents.

503. (1) Where a body corporate, firm, society or other body of persons is charged with an offence under this Act, every person who at the time of the alleged offence was a director, manager, secretary or other similar officer, or a partner of the body corporate, firm society or body of persons or was purporting to act in such capacity, shall be liable to the penalties provided for such offences, as if he himself were guilty thereof, unless he proves—

- a) that the offence was committed without his knowledge and that such ignorance was not caused by his wilful default or neglect;
- b) that having regard to the nature of his functions in that capacity and to all the circumstances, he exercised all due diligence to prevent the commission of the offence.

(2) Where a person would be liable under this Act to any penalty for an act, omission, neglect or default, he shall be liable to the same penalty for every such act, omission, neglect or default, of any clerk, servant or agent in his employment or of the clerk of or servant of such agent provided that such an act, omission, neglect or default was committed—

- a) by such clerk or servant of such person in the course of his employment;
- b) by such agent when acting on behalf of such person;
- c) by the clerk or servant of such person in the course of the employment in such circumstances that, had such act, omission, neglect or default been committed by the agent, his principal would have been liable under this section.

Fines.

504. (1) A fine incurred or imposed under this Act may, except as otherwise provided by this Act, be recovered before a Magistrate on summary conviction.

(2) Except as otherwise provided, expressions in this Act that a person shall be liable to a fine shall be held to imply that that person is guilty of an offence under this Act and in the absence of any express provision relating to imprisonment in the case of non-payment of any fine imposed, the offender may, upon default of payment of such fine imposed, be imprisoned for a term not exceeding six months unless such fine is sooner paid.

(3) Any person who is guilty of an offence under this Act, or does anything or omits to do anything in contravention of the provisions of this Act, for which no penalty is provided elsewhere than in this section shall be liable to a fine

not exceeding three million leones.

(3) Any person who is guilty of an offence under this Act, or does anything or omits to do anything in contravention of the provisions of this Act for which no penalty is provided elsewhere than in this section, shall be liable to a fine not exceeding three million leones.

(4) Where an offence against this Act is a continuing one and no penalty is provided in respect of the continuance thereof elsewhere than in this section, a person who commits that offence shall, in addition to any other liability, be liable to a fine not exceeding five hundred thousand leones for every day or part of a day during which the offence continues.

Prosecution of offences.

505. Subject to the provisions of this Act, an offence committed or fine recoverable under a rule or regulation made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act.

Compounding of offences.

506. The Minister may compound any offence under this Act which is prescribed to be an offence compoundable by the Minister on payment by the person suspected of having committed such offence a sum of money not exceeding three million leones on payment of any sum of money under subsection (1)—

- a) the person suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- b) a ship detained in respect of such offence shall be released;
- c) no further proceedings shall be taken against such person or ship in respect of such offence.

Depositions received when witnesses cannot be produced.

507. (1) Whenever in the course of any legal proceeding instituted in Sierra Leone before any judge or magistrate or before any person authorized by law or by consent of parties to receive evidence, the testimony of a witness is required in relation to the subject matter of that proceeding, then upon due proof that the witness cannot be found in Sierra Leone, any disposition that the witness may have previously made on oath in relation to the same subject matter before any judge or magistrate in a Commonwealth country, or any consular officer elsewhere, shall be admissible in evidence.

(2) Depositions made in Sierra Leone shall not be admissible in any proceeding instituted in Sierra Leone, and if the proceeding is criminal, they shall not be admissible unless they were made in the presence of the person accused.

(3) A deposition so made shall be authenticated by the signature of the judge, magistrate or consular officer before whom it is made; and the judge, magistrate or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

(4) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

(5) Nothing in this section shall affect any case in which depositions taken in any proceedings are rendered admissible in evidence by any other enactment.

Proof of attestation not required.

508. Where a document is required by this Act to be executed in the present of or to be attested by a witness that document may be proved by the evidence of a person who is able to bear witness to the requisite facts without calling the attesting witness.

Proceedings on forfeiture of ship.

509. (1) Where a ship has become liable to forfeiture under this Act, the Executive Director may cause the ship to be seized and may detain the ship and may bring the ship for adjudication before the High Court.

(2) The High Court may, where a ship has been brought before it for adjudication under subsection (1), on such terms and conditions as it thinks just, order that the ship be forfeited to the State.

Proof of documents.

510. (1) All certificates or other documents (including endorsements of certificates or other documents) to which this section applies are admissible in evidence in the manner provided by section 511.

(2) This section applies to—

- a) certificate or other document issued, granted, given or made under this act or purporting to be issued, granted, given or made under this Act and signed or purporting to be signed, by a person required or authorized by this Act to issue, grant, give or make any such certificate or document;
- b) an endorsement made, or purporting to be made under this Act and signed, or purporting to be signed by a person required or authorized by this Act to make any such endorsement;
- c) a certificate given or made by the Registrar of Ships asserting the negative of any circumstance, fact or thing.

Admissibility of documents in evidence.

511. (1) Where a certificate or other document is by this Act declared to be admissible in evidence, it shall, on its production from proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence and, subject to all just exceptions, shall be conclusive evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2) A copy of a certificate or other document referred to in subsection (1) or an extract from such certificate or document is admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer or person to whom custody of the certificate or other document is entrusted.

(3) A person who is by this Act required or authorized to issue, grant, give or make any certificate or other document shall furnish a certified true copy of the certificate or document to a person applying at a reasonable time for such certified copy or certified extract.

(4) A person having by law or consent of parties, authority to receive evidence shall have the same powers as a Court to impound a document to which this section applies which has a false or counterfeit seal, stamp or signature affixed thereto.

Service of documents.

512. (1) Where for the purpose of this Act, a document is to be served on a person, that document may be served—

- a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode;
- b) where the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving same for him on board the ship with the person being or appearing to be in charge of the ship;
- c) where the document is to be served on the master of the ship, where there is no master, and the ship is in Sierra Leone, on the managing owner, or some agent of the owner residing in Sierra Leone or where no such agent is known or can be found, by affixing a copy thereof in some conspicuous place on the ship.

(2) Any document authorized or required to be served on any person may—

- a) in the case of a body corporate, be served on the Secretary of that body;
- b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.

All officers etc. to be public officers.

513. Every officer appointed under this Act, every officer appointee under the Sierra Leone Maritime Administration Act, 2000 and every person appointed or authorized under this Act for any purpose under this Act when acting in pursuance of such purpose shall be a public officer.

Protection of public officers.

514. No suit shall be maintained against any public officer within the meaning of this Act for or in respect of anything done by him in good faith or omitted to be done in good faith in the exercise or performance or in the

purported exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

Notices etc. to be in writing.

515. Where by or under this Act a notice, authority, order, direction or other communication is required or authorized to be given or made by the Executive Director to any person (not being an officer appointed under this Act) the same shall be made or given in writing.

Averment.

516. (1) In this section, “officer” includes a proper officer, or a surveyor of ships.

(2) Subject to subsection (4), in any prosecution under this Act, the averment of an officer shall be prima facie evidence of the matters averred.

(3) Any evidence in support or rebuttal of a matter averred under subsection (2) shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased or diminished by reason of this section.

(4) Averment shall not be made—

- a) as to the intent of a person;
- b) in the case where an offence is punishable by imprisonment.

PART XXXII – MISCELLANEOUS

Definition of “authorized officer”.

517. In this Part—

“authorized officer” means

- a) the Minister
- b) the Executive Director;
- c) a surveyor of ships;
- d) any person appointed by the Minister or Executive Director either generally or in any particular case to exercise powers under this Act.

Power of authorized officers to board ships.

518. (1) An authorized officer, either alone or with any other person, may go on board any ship in Sierra Leone whenever—

- a) he suspects that an offence under this Act has been, or is about to be committed in a ship;
- b) he considers it necessary for him to do so in discharge of a duty imposed on him by this Act or any other enactment.

(2) Where a ship is registered in Sierra Leone, the powers conferred by this section on an authorized officer may also be exercised outside Sierra Leone by a proper officer in addition to an authorized officer.

(3) A master or owner of a ship, who without reasonable excuse refuses to allow any officer to board such ship in the exercise of the powers conferred by subsection (1) or (2) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Power to require production of documents.

519. (1) Whenever an authorized officer has reason to suspect that the provisions of this Act or any law for the time being in force relating to shipping or seamen is not being complied with, that officer may—

- a) require the owner, master or any of the crew of a Sierra Leonean ship to produce any official log books or other documents relating to the crew or any member thereof in their respective possession or control;
- b) require any master to produce a list of all persons on board his ship and take copies of the official log books or documents, or any part thereof;

- c) muster the crew of any such ship;
- d) summon the master to appear and give any explanation concerning the ship or her crew or the official log books or documents produced or required to be produced.

(2) A person who, or being duly required by an authorized officer under this section—

- a) fails without reasonable cause to produce to that officer any official log book or document as he is required to produce under this section;
- b) refuses to allow same to be inspected or copied;
- c) impedes any muster of the crew required under this section;
- d) refuses or neglects to give any explanation which he is required under this section to give;
- e) knowingly misleads or deceives any authorized officer under this section to demand any such explanation,

commits an offence and shall be liable on summary conviction to a fine not exceeding three million leones.

Inspection of ships.

520. (1) For the purpose of ensuring the provisions of this Act and any regulations made thereunder are duly complied with, an authorized officer may at all reasonable times inspect any ship and its equipment or any part thereof, any articles on board the ship, and any document carried in the ship in pursuance of this act or any international convention relating to shipping to which Sierra Leone is a party and if the ship is registered in Sierra Leone, the powers conferred by this section may also be exercised outside Sierra Leone by proper officer in addition to an authorized officer.

(2) A person exercising powers under this section—

- a) shall not unnecessarily detain or delay a ship;
- b) may if he considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.

(3) A person who—

- a) obstructs an authorized officer in the exercise of his powers under this section;
- b) fails without reasonable cause to comply with any requirements made under subsection (2);
- c) refuses or fails to give an authorized officer reasonable facilities for the exercise of his powers under this section,

commits an offence and is liable on summary conviction to a fine not exceeding three million leones.

Report of Surveyor to the Executive Director.

521. The Executive Director may, as and when he thinks fit, require a surveyor to report to him on—

- a) the nature and causes of any accident or damage which a ship has sustained or caused or is alleged to have sustained or caused;
- b) whether the provisions of this Act or any regulations made thereunder have been complied with;
- c) whether the hull and machinery of any ship are sufficient and in good condition.

Powers of Surveyor.

522. (1) A surveyor of ships in execution of his duties may—

- a) go on board a ship and inspect the same or any part thereof or any of the machinery, boats, equipment or articles on board thereof, or any of the certificates of any officer to which the provisions of this Act apply;
- b) investigate and report to the Executive Director, upon the nature and causes of any accident or damage which a ship has sustained or caused or is alleged to have sustained or caused and for this purpose may require the attendance of all such persons as he thinks fit to call before him and examine on oath for the purpose of his report and may require answers or returns to any inquiries he thinks fit to make.

(2) A witness summoned under paragraph (b) of subsection (1) shall be allowed such expenses as would be allowed to a witness attending on a subpoena to give evidence before a court of competent jurisdiction.

Returns of Surveyors.

523. (1) Surveyors shall make such returns to the Executive Director or any such officers authorized by him as the latter requires, with respect to—

- a) surveys and inspections of ships;
- b) machinery, equipment and cargo of ships including the loading of ships carried out under this Act;
- c) any other details of such ships as may be prescribed;

(2) An owner, master and engineer of a ship surveyed by a surveyor shall, on demand give to the surveyor such information and assistance within his power as the surveyor may require for the purpose of making any return under subsection (1).

(3) An owner, master or engineer of a ship who, after demand by a surveyor, fails without reasonable cause to give information or assistance pursuant to subsection (2) is guilty of an offence and is liable on summary conviction to fine not exceeding three million leones.

Receipt of fee – an offence.

524. A person who demands or receives directly or indirectly any fee, remuneration or gratuity whatsoever in respect of any duties performed by him under this Act otherwise than by the direction of the Minister is guilty of an offence and shall be liable on conviction on indictment to a term of imprisonment not exceeding two years.

Obstruction of Surveyor.

525. (1) No person shall wilfully impede or obstruct a surveyor in the execution of his duties under this Act whether on board a ship or elsewhere.

(2) A person, who wilfully impedes a surveyor of ships or any person having the powers of a surveyor of ships in the execution of his duty whether on board a ship or elsewhere, is guilty of an offence and is liable on summary conviction to a fine not exceeding three million leones.

Powers of the Minister to prescribe form.

526. (1) Subject to any special provisions of this Act, the Minister may prepare and sanction forms of any book, instrument or paper required under this Act, other than Part IV and may from time to time make such alterations in these forms as he thinks fit.

(2) The Minister shall cause every form to be sealed with the seal of the Administration and before finally issuing any form cause public notice thereof to be given in such manner as he thinks requisite to prevent inconvenience.

(3) The Minister may cause such forms to be supplied to all custom houses and shipping offices in Sierra Leone at such charges as he may fix.

(4) Every book, instrument or paper required under this Act shall be made in the form, if any, approved by the Minister and unless so made, shall not be admissible in evidence in any civil proceedings on the part of the owner or master of any ship.

(5) Every book, instrument or paper, if made in the form purporting to be the proper form and if sealed in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

Offences in respect of use of forms.

527. Any person who—

- a) without reasonable cause uses a form not purported to be a form approved by the Minister in a case where a form approved by the Minister is, under this Act required to be used;
- b) prints, sells or uses any documents purporting to be a form approved by the Minister under this Act knowing the same not to be the form approved by the Minister or not,

commits an offence and shall be liable on conviction to a fine not exceeding three million leones.

General power to make regulations.

528. Without prejudice to any other power to make regulations conferred by this Act, the Minister may by statutory instrument make regulations generally for carrying this Act into effect, and may by such regulations provide for—

- a) anything which is to be or may be prescribed under this Act;
- b) the fees to be charged for any service rendered or acts performed under this Act;
- c) offences under this Act which may be compounded and the officers by whom such offences may be compounded;
- d) the admissibility in evidence of documents and forms used under this Act; and
- e) the control of ships, the regulation of maritime traffic and the administration of maritime search and rescue in Sierra Leone.

Delegation by the Minister.

529. Subject to this Act, the Minister may in writing delegate to a person all or any of his powers and functions under this Act.

State owned ship not subject to certain proceedings.

530. This Act does not authorize—

- a) proceedings *in rem* in respect of any claim against the State;
- b) the arrest, detention or sale of any Government ship or any vessel belonging to the Armed Forces or any cargo or other property belonging to the state.

Fees and fine etc.

531. (1) There shall be paid in respect of any certificate issued by the Administration under this Act and in respect of any survey or inspection of a ship under this Act, or for any service provided for engaging and discharging seamen, inspection of registered, examination of seamen, verifying sea service and/or providing copies of documents, such fees as may be prescribed.

(2) All fees and other sums payable under this Act shall be paid to the Administration.

Application of conventions in Sierra Leone.

532. (1) The Executive Director shall from time to time by notice cause to be published the International Maritime Conventions including amendments thereto and replacements thereof and other international instruments which apply to Sierra Leone, the reservations, if any, entered thereon by Sierra Leone as well as those International Maritime Conventions including amendments thereto and replacements thereof and other instruments which cease to apply to Sierra Leone.

(2) The Executive Director shall keep in his office a copy of—

- a) all the instruments referred to in subsection (1) that have application in Sierra Leone; and
- b) all regulations and notices made pursuant to this Act, and copies shall be made available for inspection or, upon payment of a prescribed fee, for taking of copies thereof by members of the public, seafarers or persons concerned with or having interest in shipping.

Part XXXIII – REPEALS AND SAVINGS

Repeals and savings.

533. (1) The enactments listed in the Second Schedule are hereby repealed.

(2) Any instrument which was issued, served, or granted under Acts repealed by subsection (1) or which cease to have effect by virtue of this Act, shall without prejudice to any power to amend such instrument and subject to such modification as may be necessary to bring it into conformity with this Act, continue in force until superseded, revoked or otherwise terminated, and shall be deemed to have been issued, served or granted under this Act and regulations made thereunder shall apply to or in relation to such instrument accordingly, provided that no such instrument which is expressed to continue in force after the expiration of that period unless it is renewed or extended in accordance with the provisions of this Act or any regulations made or continued in force thereunder.

(3) In this section—

“instrument” means any certificate, validation, exemption, notice or other authority or any instruction or other requirement as the circumstances may require.

Modification of
existing laws.

534. The Ports Act, 1964 and any other of enactment in existence upon the coming into operation of this Act shall apply with such modifications as are necessary to give effect to this Act.

Act No. 56 of 1964.

FIRST SCHEDULE (Section 133 (2))

1. Merchant Shipping (Minimum Standards) Convention 1976 (No. 147)
2. Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976
3. Seafarer’s Hours of Work and Manning of Ships Convention, 1996
4. Seafarer’s Wages, Hours of Work and Manning of Ships Recommendation, 1996 (No. 187)
5. Medical Examination of Crews Convention Revised, 1949 (No. 73)
6. Accommodation of Crews Convention Revised, 1949 (No. 92)
7. Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
8. Recruitment and Placement of Seafarers Convention, 1996 (No. 1979)

SECOND SCHEDULE (Section 533)

Cap. 142	(I) Merchant Shipping (Fees) Act
Cap. 144	(II) Unseaworthy Ships Act
Cap. 145	(III) Shipping Casualties, Wrecks and Salvage Act
Cap. 146	(IV) Shipwrecked Passengers Act
Cap. 214	(V) African Labourers (Employment at Sea) Act
Act No. 55 of 1961	(VI) Carriage of Deck Passengers Act, 1961
Act No. 22 of 1962	(VII) Carriage of Deck Passengers (Amendment) Act, 1962
Act No. 54 of 1964	(VIII) Waterways Act, 1964
Act No. 26	(IX) Registration of Shipping Act, 1965

PASSED in Parliament this 17th day of *December*, in the year of our Lord two thousand and two.

J.A. CARPENTER
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J.A. CARPENTER
Clerk of Parliament.