

ACT

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dated 10th July, 2008

SIGNED this 4th day of July, 2008

DR. ERNEST BAI KOROMA,
President.

LS

No. 5



Sierra Leone

2008

The Merchant Shipping (Amendment) Act, 2008.

Short title.

Being an Act to amend the Merchant Shipping Act, 2003 so as to provide for the licensing of shipping agents and the regulation of their activities and for other related matters.

[10th July, 2008] Date of commencement.

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

Amendment of section 3 of Act No. 3 of 2003.

1. Section 3 of the Merchant Shipping Act, 2003 is amended by the insertion immediately after the definition of “ship” of the following definition:–

“shipping agent” means any person engaged by the owner, charterer or operator of a ship or the owner of cargo, to provide shipping services including–

- (a) negotiating and accomplishing the sale or purchase of a ship;
- (b) negotiating and supervising the charter of a ship;
- (c) collection of freight or charter hire where appropriate and all related financial matters;
- (d) arrangements for customs and cargo documentation and forwarding of cargo;
- (e) arrangements for procuring or processing the documentation and performing all activities required in respect of the dispatch of cargo;
- (f) organising arrival or departure arrangements of a ship; and
- (g) arranging for the supply of services to a ship while in port.”

Insertion after section 52.

2. The Merchant Shipping Act, 2003 is amended by the insertion immediately after section 52 thereof of the following sections:–

“Licensing 52A(1) Subject to this Act, no person shall operate as a shipping agent unless that person holds a shipping agent’s licence issued by the Administration.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le20,000,000 or to imprisonment for a term not exceeding two years or to both the fine and imprisonment.

52B (1) Any person who wishes to operate as a shipping agent shall apply to the Administration for a licence for that purpose. Shipping agent’s licence.

(2) A shipping agent’s licence may be granted to–

- (a) an individual;
- (b) a co-operative society registered in Sierra Leone;
- (c) a partnership; or
- (d) a company incorporated or registered in Sierra Leone.

(3) An application for a licence shall be in such form as the Administration may determine.

52C (1) Subject to this Act, where the Administration is satisfied with an application, it shall grant a licence to the applicant subject to such terms and conditions as it may specify. Grant of shipping agent’s licence.

(2) The Administration shall charge such fee for the granting of a licence as may be prescribed.

(3) Where the Administration refuses an application, it shall, within thirty days of the refusal, notify the applicant in writing of the reasons for the refusal.

(4) An applicant aggrieved by the refusal by the Administration to grant a licence may, within thirty days of receipt of the notice, appeal to the High Court.

52D A licence granted under section 52C shall be valid for one year and may, on application made to the Administration, be renewed. Duration of licence.

52E A shipping agent shall charge such fees for its services as may be prescribed. Charging of fees.

52F A shipping agent shall, in the provision of any service, apply the standards of diligence and efficiency as laid down in the United Nations (UNCTAD) Minimum Standards for Shipping Agents (1988).” Conduct of shipping agents.

Passed in Parliament this *27th* day of *May*, in the year of our Lord two thousand and eight.

VICTOR KAMARA,
Ag. 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 correct printed copy of the said Bill.

VICTOR KAMARA,
Ag. Clerk of Parliament.