

LAWS OF THE REPUBLIC OF VANUATU

REVISED EDITION 1988

CHAPTER 26

PORTS

JR 12 of 1957  
JR 14 of 1961  
JR 2 of 1962  
JR 21 of 1963  
JR 2 of 1973  
JR 17 of 1978  
Act 6 of 1985

ARRANGEMENT OF SECTIONS

SECTION

1. Interpretation

Ports of Entry

2. Port Vila and Luganville to be ports of entry
3. Port dues

Ports

4. Minister may declare and define the limits of ports

Harbourmasters and Port Officers

5. Minister to appoint harbourmaster
6. Use of harbourmaster's flag
7. Powers of harbourmaster
8. Masters to comply with harbourmaster's directions
9. Powers of harbourmaster to move vessels
10. Harbourmaster may take necessary action to ensure security of shipping
11. Licensing of pilots
12. Signals as prescribed to be made for pilot
13. Harbourmaster or pilot not to be taken to sea except under unavoidable necessity
14. Government not liable for acts of pilot

CAP. 26.1

PORTS

- 15. Power to cancel pilot's licence
- 16. Pilotage fees

Explosives

- 17. Vessels carrying explosives or other dangerous materials
- 18. Use of explosives and firearms prohibited

Wrecks, Obstructions, Moorings

- 19. Obstructions to be removed
- 20. No person other than owner may destroy wreck without permission
- 21. Harbourmaster's permission required to lay down buoy or mooring
- 22. Removal of ballast forbidden without permission

Erection of Private Installations in a Port

- 23. Minister may licence occupation of foreshore for certain purposes.
- 24. Licensed part of foreshore to be lighted

Harbourmaster's Power of Entry on Land and Control of Lights

- 25. Powers of entry of harbourmaster in connection with lights
- 26. Harbourmaster may order screening of lights

Government Wharf and Port Charges

- 27. Government wharves and purlieus
- 28. Vessels to obtain permission to berth at Government wharf
- 29. Tonnage dues
- 30. Wharfage charges
- 31. Port charges
- 32. Exemption by Minister

Offences

- 33. Offences
- 34. Penalty

Regulations

- 35. Regulations

## PORTS

[CAP. 26.

## PORTS

To provide for the control of ports in Vanuatu.

## INTERPRETATION

1. In this Act, unless the context otherwise requires-

"ballast" includes any material or thing used for the ballasting of vessels;

"buoys" and "beacons" include all marks and signs in aid of navigation;

"goods" means all kinds of movable personal property including animals;

"master" means the person in command or in charge of any vessel not being the pilot;

"Minister" means the Minister responsible for ports and marine;

"owner" when used in relation to goods includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person possessed or having any control or power of disposition over goods;

"owner" in respect of a vessel includes every person acting as agent for the owner, or authorised to receive freights or other charges payable in respect of the vessel;

"pilot" means any person not belonging to a vessel who has the conduct thereof;

"port dues" and "dues" mean any due, rate, fee, toll, tax, pilotage rate, light due, port charge, or payment in the nature thereof payable or leviable under this Act;

"ports works" includes generally any works for the improvement, protection, management or utilization of a port and all buildings thereon and machinery used in connection with such harbour works;

"produce" means any kind of locally produced or manufactured goods for export;

"tidal lands" or "foreshore" means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;

"tidal water" means any part of the sea or of a river within, the ebb and flow of the tide at ordinary spring tides;

"vessel" includes every description of a ship or boat and means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever;

"warehouse" includes all warehouses, buildings or premises in which goods landed from or to be carried in vessels, may be lawfully placed;

"wharves" includes all wharves, quays, piers, jetties in or on or from which passengers or goods may be taken on board of or landed from vessels.

## PORTS OF ENTRY

## PORT VILA AND LUGANVILLE TO BE PORTS OF ENTRY

2. The port of Port Vila in the island of Efate and the port of Luganville in the island of Espiritu Santo shall be the only ports of entry for Vanuatu and the masters of all vessels entering Vanuatu from foreign ports shall report first to the customs authorities at either the port of Port Vila or the port of Luganville and all vessels leaving Vanuatu for foreign ports shall clear from the ports of Port Vila and Luganville aforesaid:

Provided that the Minister may by Order and subject to such conditions as he may prescribe authorise the entry into and departure from Vanuatu of vessels at ports other than those of Port Vila and Luganville:

CAP. 26.1

PORTS

And further provided that in the case of vessels which may through stress of weather or other circumstances be compelled to disregard the provisions of this section the onus of proof that such disregard was caused by circumstances over which the master of the vessel had no control shall rest on such master otherwise he shall be considered as having been guilty of an offence against this Act.

PORT DUES

3. (1) Subject to subsection (3) any vessel which enters a port of entry from any place beyond Vanuatu shall be subject to such port dues as the Minister may by Order prescribe.
- (2) Dues collected under subsection (1) shall be payable at the first port of entry visited by a vessel during each visit to Vanuatu.
- (3) Notwithstanding the provisions of subsection (1), vessels of war of any nationality shall be exempt from payment of port dues.

PORTS

MINISTER MAY DECLARE AND DEFINE THE LIMITS OF PORTS

4. The Minister may by Order declare such place as may be expedient to be a port to which the provisions of the following sections of this Act shall apply and define the limits of such port.

HARBOUR MASTERS AND PORT OFFICERS

MINISTER TO APPOINT HARBOURMASTER

5. There shall be appointed fit and proper persons to be the harbourmaster and assistant harbourmaster of a port and such port officers as may be deemed necessary, who shall be public servants. The assistant harbourmaster shall exercise the powers vested in a harbourmaster by this Act during the absence of the harbourmaster from the port, and in accordance with any directions given by the harbourmaster.

USE OF HARBOURMASTER'S FLAG

6. Any person not being a harbourmaster using the flag prescribed for the use of a harbourmaster shall be guilty of an offence against this Act.

POWERS OF HARBOURMASTER

7. Any harbourmaster or other officer appointed under this Act shall be entitled at any time while in the execution of his duty to enter and remain on any vessel. It shall be lawful for the harbourmaster to give directions regulating the time and the manner in which any vessel shall enter into, go out of or lie in the port, and the position, mooring, unmooring, placing or removing of any vessel within the same.

MASTERS TO COMPLY WITH HARBOURMASTER'S DIRECTIONS

8. The master of every vessel within the port shall regulate such vessel according to any lawful and reasonable direction of the harbourmaster made in conformity with this Act, and any master of any vessel who does not forthwith regulate such vessel according to such directions shall be guilty of an offence against this Act.

POWERS OF HARBOURMASTER TO MOVE VESSELS

9. If the master of any vessel within the port does not moor, unmoor, place or remove such vessel according to the directions of the harbourmaster, it shall be lawful for the harbourmaster to cause such vessel to be moored, unmoored, placed or removed according to the directions aforesaid, and to employ a sufficient number of persons

**PORTS**

[CAP. 26.]

and appliances for that purpose, and the expenses attending such mooring, unmooring, placing or removing shall be paid by the master or owner of the vessel. Any person who hinders or causes to be hindered the harbourmaster or any person employed by him in mooring or unmooring, placing or removing such vessel in the manner aforesaid, shall be guilty of an offence against this Act.

**HARBOURMASTER MAY TAKE NECESSARY ACTION TO ENSURE SECURITY OF SHIPPING**

10. It shall be lawful for the harbourmaster to issue such orders as to the striking of masts, yards and booms, veering and shortening of cable and other things which in his discretion he may deem fit for the securing of any vessel in the harbour, and may cause to be received on board a vessel and made fast or cast off any line, warp, chain or hawser from any other vessel entering, leaving or shifting position in the harbour. When any such line, warp, chain or hawser is received and made fast on any vessel as hereinbefore provided, no person shall let go, cut or unfasten the same unless authorised to do so by the harbourmaster and any person who disregards the instructions issued by the harbourmaster in accordance with this section shall be guilty of an offence under this Act.

**LICENSING OF PILOTS**

11. The Minister may grant certificates of competency to persons duly qualified and on payment of an annual fee of VT1,000 licence pilots for the purpose of taking vessels within such waters of Vanuatu as may be specified in the licence:

Provided that no person shall be granted a certificate of competency or be licensed as a pilot unless he has satisfied the Minister that he is capable of performing such duties.

**SIGNALS AS PRESCRIBED TO BE MADE FOR PILOT**

12. (1) The master of any vessel approaching any harbour and requiring the services of a pilot shall make such signals as are prescribed by international regulations.
- (2) The Minister may by Order define the limits within a port, as declared under the provisions of section 4, within which pilotage shall be compulsory and may define the conditions relating to such compulsory pilotage.

**HARBOURMASTER OR PILOT NOT TO BE TAKEN TO SEA EXCEPT UNDER UNAVOIDABLE NECESSITY**

13. The master of any vessel shall not, except under circumstances of unavoidable necessity, without the consent of the harbourmaster or pilot take any harbourmaster, port officer, or pilot to sea or beyond the limits of Vanuatu, and if the harbourmaster, port officer, or pilot is so taken the master shall be guilty of an offence against this Act and the master and owner shall be jointly liable to the payment of salary, subsistence and passage money of such harbourmaster, port officer, or pilot until their return to the port.

**GOVERNMENT NOT LIABLE FOR ACTS OF PILOT**

14. Notwithstanding anything contained in this Act no civil action for damages or otherwise shall lie in respect of any damage occasioned by a pilot in the performance of his duties against the Government in respect of any such damage as aforesaid.

**POWER TO CANCEL PILOT'S LICENCE**

15. Whenever the Minister is satisfied that any licensed pilot is unfit to be licensed as such on the grounds of physical disability, want of skill or neglect of duty, he may cancel the licence of such licensed pilot.

CAP. 26.1

PORTS

PILOTAGE FEES

16. The Minister may by Order prescribe fees payable in respect of pilotage and may specify what proportion of those fees may be retained by a pilot licensed under the provisions of section 11.

EXPLOSIVES

VESSELS CARRYING EXPLOSIVES OR OTHER DANGEROUS MATERIALS

17. Any vessel arriving in any port having on board gunpowder or any other explosive material or any cargo or material of a dangerous or inflammable nature shall not berth at any wharf without the permission of the harbourmaster and, if so required, shall remain moored at a place apart from the main traffic until such gunpowder or other explosive material has been removed from such vessel or, in the opinion of the harbourmaster, shall have ceased to be dangerous, and from the time of entering the port until such goods have been unloaded shall fly during the day time a red flag of not less than 6 feet by 4 feet from the mainmast head and during the night shall show a red light to be visible all round the horizon for a distance of at least 2 miles.

USE OF EXPLOSIVES AND FIREARMS PROHIBITED

18. Any person using any explosive or discharging any firearm within the limits of a port without the permission of the harbourmaster shall be guilty of an offence against this Act.

WRECKS, OBSTRUCTIONS, MOORINGS

OBSTRUCTIONS TO BE REMOVED

19. Should any vessel or part thereof, timber or other thing be sunk or stranded in any port, the master or owner thereof shall upon the receipt of an order to that effect from the harbourmaster, and within such time fixed in such order, clear the port of such vessel, timber or other thing, and all parts of the same, and of the cargo or ballast of such vessel, and should the master or owner aforesaid fail to comply with such order the harbourmaster may direct the removal of such vessel or part of the same and cargo or ballast thereof, timber or other thing at the expense of the owner thereof.

NO PERSON OTHER THAN OWNER MAY DESTROY WRECK WITHOUT PERMISSION

20. No person other than the owner shall destroy or demolish or interfere with any wrecked or stranded vessel or any part thereof within the limits of a port without the permission of the owner thereof or of the harbourmaster given under section 19.

HARBOURMASTER'S PERMISSION REQUIRED TO LAY DOWN BUOY OR MOORING

21. No person shall lay down in the port any private buoy, mooring or anchor without the permission of the harbourmaster and under such conditions as may be prescribed. Any such permission may be at any time withdrawn whereupon any such buoy, mooring or anchor shall immediately be removed by the owner thereof and, failing such removal by such owner, it may be effected at the expense of the owner aforesaid.

REMOVAL OF BALLAST FORBIDDEN WITHOUT PERMISSION

22. No person shall remove any stone, shingle or earth or other material from within the limits of any port without the authority given in writing of the harbourmaster.

ERECTION OF PRIVATE INSTALLATIONS IN A PORT

MINISTER MAY LICENCE OCCUPATION OF FORESHORE FOR CERTAIN PURPOSES

23. (1) The Minister may, subject to such conditions as he may deem fit and on payment of such fee or annual fee as may be prescribed by Order, licence and permit any

part of the tidal lands and waters of a port to be used or occupied for all or any of the following purposes-

- (a) the building or repairing of vessels of any kind;
- (b) the erection of and use of any boat-shed, landing-place or wharf;
- (c) the erection of baths and bath houses and any enclosure or fence necessary for the protection or privacy of the same;
- (d) any other purpose relating to the convenience of shipping or of the public as they may approve:

Provided that the Minister may at any time revoke such licence without prejudice to any claim for compensation by any party adversely affected by such revocation.

- (2) The revocation of any such licence shall not take effect until the expiration of 6 months after service on the licensee of a written notice of the revocation of the licence.

No such licence or permit shall be granted which will interfere with the free navigation of the port.

- (4) The Minister may authorise the licensee to make such maximum charges to the public for the use of a wharf as may be prescribed by the Minister by Order.

Any person, not being the holder of a licence issued under this section, who shall erect or construct a wharf in any port or encroach in any way on the water of any port shall be guilty of an offence against this Act.

#### **LICENSED PART OF FORESHORE TO BE LIGHTED**

- 24. There shall be exhibited such lights as may be required by the Minister from any such part of the tidal lands and tidal waters licensed as above provided for.

#### **HARBOURMASTER'S POWER OF ENTRY ON LAND AND CONTROL OF LIGHTS**

##### **POWERS OF ENTRY OF HARBOURMASTER IN CONNECTION WITH LIGHTS**

- 25. The harbourmaster or any person acting under authority of the Minister may at any time pass and repass without hindrance over any land in Vanuatu wheresoever situated in the execution of his duty in relation to lights, lighthouses, buoys and beacons.

##### **HARBOURMASTER MAY ORDER SCREENING OF LIGHTS**

- 26. When in the opinion of the harbourmaster any light exhibited or shown from any building or other place on shore is such as may be mistaken for or taken to be a port or navigation light, the harbourmaster may order the discontinuance of such light or the effective screening of the same:

Provided that any person aggrieved by such order may, after complying with the order, appeal to the Minister.

#### **GOVERNMENT WHARF AND PORT CHARGES**

##### **GOVERNMENT WHARVES AND PURLIEUS**

- 27. The Minister may by Order define an area surrounding a Government wharf as being the purlieu of such wharf, and any vessel anchored or moored within such area shall be deemed for all purposes of this Act to be berthed at such wharf.

##### **VESSELS TO OBTAIN PERMISSION TO BERTH AT GOVERNMENT WHARF**

- 28. No vessel shall berth at a Government wharf or lie within the purlieu thereof except with the permission of the harbourmaster.

CAP. 26.1

PORTS

TONNAGE DUES

29. There shall be paid on vessels berthed at a Government wharf, tonnage and berthing dues according to a scale prescribed by Order.

WHARFAGE CHARGES

30. There shall be paid in respect of all goods and produce loaded or discharged at a Government wharf, wharfage charges according to a scale prescribed by Order.

PORT CHARGES

31. There shall be paid in respect of goods and produce loaded or discharged in a port, other than at a Government wharf, such charges as may be prescribed by Order.

EXEMPTION BY MINISTER

32. The Minister may by Order exempt any class of vessels or goods from the payment of dues under this Act.

OFFENCES

OFFENCES

33. Every person commits an offence who does or causes or permits to be done any of the following things, that is to say-
- (a) casts or suffers to fall into a port, or places on land in such a position that it may be carried or washed down into a port, any noxious material or thing, or thing likely to interfere with navigation:  
Provided that the harbourmaster may permit the master of a vessel to discharge ballast, ashes, oil and ships' refuse at such places and in such manner as he may direct;
  - (b) casts or places or leaves any vessel laid by or neglected as unfit for sea service or any floating or other timber or any other thing in any port;
  - (c) erects any beacon in a port without the authority of the harbourmaster;
  - (d) removes, injures, alters or destroys any navigation light, or port installation;
  - (e) gives or offers any money or thing by way of reward or bribe to any harbourmaster, pilot or other officer employed about a port for the purpose of gaining an undue preference in the execution of his office or for the purpose of inducing him to do or omit to do anything relating to his office.

PENALTY

34. Any person committing an offence against this Act, or against any Orders made thereunder, shall on conviction be liable to a fine not exceeding VT30,000 or to imprisonment not exceeding 1 month or to both such fine and imprisonment.

REGULATIONS

REGULATIONS

35. The Minister may by Order make such regulations as he considers necessary for carrying this Act into effect.



PORTS

[CAP. 26.

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (DUES, FEES AND CHARGES) REGULATIONS

Order 59 of 1987

ARRANGEMENT OF REGULATIONS

REGULATION

1. Port dues
2. Pilotage fees
3. Tug service in Port Vila
4. Tug service in Luganville
5. Surcharge in respect of vessel at fault
6. Standby time for pilot, tug and mooring crews
7. Pilotage in other areas
8. Surcharge in respect of pilot and tug
9. Pilot launch
10. Berthing dues in respect of overseas vessels
11. Berthing dues in respect of coastal vessels
12. Line handling fees
13. Wharfage charge for loading and discharging
14. Storage charges

## CAP. 26.]

## PORTS

[Subsidiary]

## SUBSIDIARY LEGISLATION

## PORTS (DUES, FEES AND CHARGES) REGULATIONS

To prescribe the rates for port dues, pilotage fees, berthing dues, line handling fees, wharfage charges and storage charges.

## PORT DUES

1. (1) Port dues payable in respect of every overseas vessel, other than a yacht, which enters a port of entry from any place beyond Vanuatu shall be VT16 per net registered ton.
- (2) Port dues payable in respect of every overseas yacht and pleasure craft which enters a port of entry from any place beyond Vanuatu shall be VT5,238 for any period up to and including 30 days and thereafter a surcharge shall be levied at VT70 per day.

The port dues payable under subregulations (1) and (2) shall be payable by the shipping company or shipping agent to the Director of Ports and Marine within 1 month from the date of the invoice issued in arrears.

- (4) Where the port dues referred to in subregulations (1) and (2) are not paid within 1 month from the date of the invoice the port dues payable shall be double the rate specified in subregulation (1) or (2) as the case may be.

## PILOTAGE FEES

2. (1) Pilotage fees payable in respect of every vessel, other than an exempted vessel, which uses the services of a pilot within the compulsory pilotage area of Port Vila and Luganville shall be at the rates given below-

<i>Vessels</i>	<i>Port Vila</i>	<i>Luganville</i>
(a) between 60 and 100 metres in length	VT29,100	VT17,460
(b) between 101 and 130 metres in length	VT36,084	VT23,280
(c) between 131 and 160 metres in length	VT43,068	VT25,608
(d) between 161 and 200 metres in length	VT50,052	VT27,936
(e) over 200 metres	VT64,020	VT38,412

- (2) Pilotage fees payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine within 1 month from the date of the invoice issued in arrears.

Where the pilotage fees referred to in subregulation (1) are not paid within 1 month from the date of the invoice the pilotage fee payable shall be double the rates specified in subregulation (1).

## TUG SERVICE IN PORT VILA

3. (1) The pilotage fee in Port Vila shall include the services of a tug.
- (2) The fee payable in respect of a tug line within the compulsory pilotage area of Port Vila shall be VT1,746.

## TUG SERVICE IN LUGANVILLE

4. The pilotage fee referred to in regulation 2(1) in respect of the compulsory pilotage area of Luganville shall not include a charge for the service of a tug, but if the service of a tug is provided within that area the pilotage fee includes that service and the fee payable in respect of the tug line referred to in regulation 3(2) shall be levied and shall be payable by the shipping company or shipping agent to the Director of Ports and Marine.

## PORTS

(CAP. 26.

[Subsidiary]

## SURCHARGE IN RESPECT OF VESSEL AT FAULT

5. Where a vessel is not ready to receive a pilot at the appointed time or where a pilot is detained through the fault of the vessel an additional charge of VT4,984 per hour or part thereof shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine.

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## STANDBY TIME FOR PILOT, TUG AND MOORING CREWS

6. The pilot, tug and mooring crews shall standby-
- for an inward bound vessel at least 1 hour prior to the expected time of arrival at the pilot station;
  - for an outward bound vessel at least 30 minutes prior to the expected time of departure.

## PILOTAGE IN OTHER AREAS

7. Where pilotage operations are carried out at ports other than the ports of Port Vila and Luganville after approval has been granted on request, the fee specified in regulation 2(1) in respect of the port of Luganville shall apply in addition to expenses in transporting the pilot to and from such specified place.

## SURCHARGE IN RESPECT OF PILOT AND TUG

8. (1) Where pilotage operations are carried out between 1800 hours and 0600 hours or on Saturdays, Sundays or public holidays the following additional fees shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine-
- |     |                                  |               |
|-----|----------------------------------|---------------|
| (a) | between 1800 hours to 2400 hours | 50 per cent;  |
| (b) | between 2400 hours to 0600 hours | per cent;     |
| (c) | on Sundays and public holidays   | 100 per cent. |
- (2) An additional fee of VT5,82 per hour or part thereof shall be levied and shall be payable for the tug on standby for periods in excess of 1 hour.
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## PILOT LAUNCH

9. The fee payable in respect of embarking or disembarking a pilot by a pilot launch shall be VT5;2M per hour or part thereof.
- (2) In the case of a pilot launch which is used for a purpose other than the purpose of embarking or disembarking a pilot between 1800 hours and 0600 hours an additional charge of 100 per cent of the fee specified in subregulation (1) shall be payable.
- The fee payable under subregulation (1) shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine within 1 month from the date of the invoice issued in arrears.
- (4) Where the fee referred to in subregulation (1) is not paid within 1 month from the date of the invoice the fee payable shall be double the rate specified in subregulation (1).

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## BERTHING DUES IN RESPECT OF OVERSEAS VESSELS

10. (1) Berthing dues payable in respect of every overseas vessel which berths at a Government wharf shall be VT2-2+ per metre of length per day or part thereof with a minimum charge of VT8,730 (the normal charge).
- (2) In the case of an overseas vessel proceeding in or out of Vanuatu waters, which after obtaining the consent of the harbourmaster and the Customs Department, berths at a private wharf, the berthing due payable shall be 50 per cent of the dues specified in subregulation (1).

2. y-3

## CAP. 26.]

## PORTS

[Subsidiary]

- (3) Where any overseas vessel-
- (a) returns to a Government wharf from another port in Vanuatu for the sole purpose of loading or unloading, stevedoring or handling equipment; or
  - (b) comes to a Government wharf to replenish its supplies of fuel and water;
- the berthing due payable shall be 25 per cent of the amount specified in subregulation (1).
- (4) The berthing dues payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine within 1 month from the date of the invoice issued in arrears.

Where the berthing dues referred to in subregulation (1) are not paid within 1 month from the date of the invoice the berthing dues payable shall be double the rate specified in subregulation (1).

## BERTHING DUES IN RESPECT OF COASTAL VESSELS

11. (1) Subject to subregulation (5), berthing dues payable in respect of every coastal vessel which berths at a Government wharf for the purposes of loading or unloading cargo or passengers shall be VT100 per metre of length per day or part thereof with a minimum charge of VT1,000 (the normal charge).
- (2) Where any coastal vessel comes to a Government wharf to replenish its supplies of fuel and water or for purposes other than loading or unloading cargo or passengers, the berthing dues payable shall be VT50 per metre of length per day or part thereof with a minimum charge of VT500.
- The berthing dues payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine within 1 month from the invoice date issued in arrears.
- (4) Where the berthing dues specified in subregulation (1) are not paid within 1 month from the invoice date, the berthing dues payable shall be double the rate specified in subregulation (1).
- (5) All Government vessels are exempted from the requirements of this regulation.
- (6) For the purposes of this regulation, "coastal vessel" means a vessel engaged in-
- (a) retail or wholesale trading which leaves a port in Vanuatu to visit other ports of the country; or
  - (b) the carriage of goods or passengers for profit from any port of Vanuatu whether or not to another port of the country.

## LINE HANDLING FEES

12. (1) Line handling fees payable in respect of the handling of vessels lines at any Government wharf, or if requested at any other wharf, for vessels berthing and unberthing per hour or part thereof shall be at the rates given below-

<i>Length of vessel</i>	<i>Rate</i>	
(a) up to 30 metres	VT3-,49Z	1
(b) between 31 metres and 60 metres	VT-5 -,*N	
(c) between 61 metres and 130 metres	<b>VT-;5b6 8.32yi</b>	
(d) between 131 metres and 160 metres	VT", 94	
(e) between 161 metres and 200 metres	VTII-;640	
(f) over 200 metres	VTQ	13. v-4-4•

PORTS[CAP. 26]

[Subsidiary]

- (2) Where the handling of vessel lines is carried out between 1800 hours and 0600 hours or on Sundays or public holidays the following additional fees shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine-

- (a) between 1800 hours and 2400 hours  
 Monday to Saturday 50 per cent;  
 between 2400 hours and 0600 hours 100 per cent;  
 (c) Sunday and public holidays 100 per cent.

- (3) An additional fee of VT5.38 per hour or part thereof shall be levied and shall be payable by the shipping company or the shipping agent for berthing or unberthing staff on standby in excess of 1 hour.

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- (4) The line handling fees payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Marine within 1 month from the invoice date issued in arrears.

- (5) Where the line handling fees referred to in subregulation (1) are not paid within 1 month from the invoice date the line handling fees payable shall be double the rates specified in subregulation (1).

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y**WHARFAGE CHARGE FOR LOADING AND DISCHARGING**

13. (1) Wharfage charges payable in respect of loading and discharging of all cargo to or from an overseas destination passing through the ports of Port Vila and Luganville or other port which the Minister has by Order declared it as a port for the purposes of loading and discharging cargo shall be at the rates given below based on the cargo manifest and any amending documents-

- (a) imported cargo at VT326 per freight ton;  
 (b) exported cargo at VT163 per freight ton.

- (2) The minimum charge shall be VT163 per freight tonnage on a simple bill of lading.

- (3) Notwithstanding the provisions of subregulation (1), a wharfage charge of 50 per cent of the normal charges as specified in subregulations (1) and (2) shall be payable in respect of any cargo from any overseas destination intended for export as an export commodity from Vanuatu and is exported as such either in its original state or otherwise and provided that at all material times the cargo or the goods comprised therein are not removed from the limits of the wharves or such other restricted custom areas as the Director of Customs may in writing specify.

- (4) In the event of non-payment of his remuneration or of the charges provided for in subregulations (1), (2) and (3) the stevedore shall have the right to retain possession of the cargo until such time as full payment has been made.

The stevedore may arrange-

- (a) for perishable cargo to be transported into a refrigerated warehouse for the account and at the expense of the consignee; and  
 (b) for non-perishable cargo to be transported into a customs warehouse if the owner of such cargo has not collected them within 7 days of their arrival on the wharf.  
 (6) The wharfage charges payable under subregulations (1) and (3) shall be payable by the stevedore to the Director of Ports and Marine within 1 month from the date of the invoice issued in arrears.

Where the wharfage charges referred to in subregulation (1) are not paid within 1 month from the date of the invoice the wharfage charges payable shall be double the rates specified in subregulation (1).

*CAP. 26.]**PORTS*

[Subsidiary]

## STORAGE CHARGES

14. (1) Storage charges payable in respect of any cargo stored at a Government wharf, warehouse or in the open but within the controlled port areas of Port Vila or Luganville shall be at the rates, per metric ton or part thereof, given below-

- |                           |          |
|---------------------------|----------|
| (a) first 5 working days  | Free;    |
| (b) second 5 working days | VT300;   |
| (c) third 5 working days  | VT700;   |
| (d) fourth 5 working days | VT1,300. |

- (2) The storage charges payable under subregulation (1) shall be payable by the consignee or the shipper to the Director of Ports and Marine within 1 month from the date the cargo reaches the wharf, warehouse or in the open but within controlled port areas, as the case may be.

Where the storage charges referred to in subregulation (1) are not paid within 1 month from the date the cargo reaches the wharf, warehouse or in the open but within the controlled port areas, as the case may be, an additional charge of VT1,300 per day per metric ton or part thereof is payable by the consignee or the shipper to the stevedoring contractor.

- (4) After a period of 3 months from the date on which the storage charges are due, the stevedore may with the written consent of the Director of Ports and Marine, take legal proceedings for the forfeiture and sale of the goods in question.
- (5) In the event of a dispute, the stevedore shall undertake the necessary weighing and measuring operations to establish the charges prescribed by these regulations.
- (6) If the weights and measurements-
- (a) are greater than those declared, the cost of such weighing and measuring operations shall be borne by the consignee or shipping agent;
  - (b) are lower than those declared, the cost of such weighing and measuring operations together with that caused by the resulting delay shall be borne by the stevedore.

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PORTS

[CAP. 26]

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (APPROVED PRIVATE INSTALLATIONS) REGULATIONS

Order 1 of 1986

ARRANGEMENT OF REGULATIONS

REGULATION

1. Form of application
2. Form of permit and licence
3. Fees
4. Director of Ports and Marine to collect fees

SCHEDULE 1-Combined application and permit form for a permit to construct on and or use any part of the harbour up to and including the areas of the watertide mark

SCHEDULE 2-Fees payable for licences and permits

CAP. 26.]

PORTS

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (APPROVED PRIVATE INSTALLATIONS) REGULATIONS

To prescribe the fees and form of licences for the purposes of section 23 of the Ports Act, Cap. 26.

FORM OF APPLICATION

An application for a permit made in accordance with section 23 of the Ports Act, Cap. 26 shall be in the form set out in Part 1 of Schedule 1 hereto and shall state clearly the purpose of such application.

FORM OF PERMIT AND LICENCE

2. A licence or permit issued in accordance with section 23 of the Ports Act, Cap. 26 shall be in the form set out in Part 2 of Schedule 1 or as near thereto as the circumstances of any given case will permit.

FEES

3. The various fees as set out in Schedule 2 shall be charged in respect of those matters set out opposite thereto.

DIRECTOR OF PORTS AND MARINE TO COLLECT FEES

4. All fees payable under these regulations shall be collected by the Director of Ports and Marine.

SCHEDULE 1

(Regulations 1 and 2)

COMBINED APPLICATION AND PERMIT FORM FOR A PERMIT TO CONSTRUCT ON  
AND OR USE ANY PART OF THE HARBOUR UP TO AND INCLUDING THE AREAS OF  
THE WATERTIDE MARK

Part 1

I the undersigned (Name) .....  
of (Address) .....

hereby apply for a permit to construct and or use part of the harbour at the area(s) bounding on  
title(s) No.(s) .....  
within the harbour limits of .....  
for the purpose of .....

Detailed plans are attached/not attached. ,



## PORTS

[CAP. 26]

[Subsidiary]

## Part 2

Permit Licence No. .... Dated .....

is hereby granted/not granted under section 23 of the Ports Act, Cap. 26 to Mr/Mrs/Miss .....

.....

Subject to the following reservations or conditions.

.....

.....

.....

Dated .....

Minister . . . . .

*NOTE:* No licence or permit is transferable.

## SCHEDULE 2

(Regulation 3)

## FEES PAYABLE FOR LICENCES AND PERMITS

<i>Purpose of Licence or Permit</i>	<i>Amount of fee payable</i>
(a) The building or repairing of vessels of any kind	VT3,000
(b) The erection of and use of any boatshed, mooring, landing place or wharves	VT10,000
(c) The erection of baths, bath houses and enclosure or fence for protection or privacy of the same	VT10,000
(d) Other purposes relating to the convenience of shipping or of the public as the Minister may approve	VT10,000

*NOTE:* (i) No licence or permit will be issued until the appropriate fee has been paid.

(ii) The Director of Ports and Marine will collect all fees.

LAWS OF THE REPUBLIC OF VANUATU

CAP. 26.1

PORTS

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (COMPULSORY PILOTAGE AT PORTS OF PORT VILA AND LUGANVILLE)  
REGULATIONS

*Joint Rules 4 of 1973*  
*Joint Rules 2 of 1977*

ARRANGEMENT OF REGULATIONS

REGULATION

1. Interpretation
2. Compulsory pilotage
3. Harbourmaster to carry out pilotage
4. Conduct of pilot
5. Application for pilot's licence
6. Exemption from pilotage
7. Permission required for movement in port of ships over 20 tons
8. Register of ships piloted to be kept in port offices
9. Pilotage fees
10. Fees for ships exempt from pilotage
11. Charges for detention of pilot or cancellation of pilotage
12. Pilotage deposits
13. Offences and penalties

PORTS

[CAP. 26.

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (COMPULSORY PILOTAGE AT PORTS OF PORT VILA AND LUGANVILLE)  
REGULATIONS

To provide for compulsory pilotage at the ports of Port Vila and Luganville.

INTERPRETATION

1. In these regulations-

"ship" means any ship, vessel, tug, barge or boat of whatever kind whether driven by steam or otherwise or drawn by a tug.

COMPULSORY PILOTAGE

2. Subject to the provisions of regulation 6, pilotage shall be compulsory within the limits of the ports of Port Vila and Luganville (as defined in regulations from time to time made under the provisions of the Ports Act, Cap. 26) for all ships of an overall length greater than 60 metres.

HARBOURMASTER TO CARRY OUT PILOTAGE

3. (1) The harbourmaster shall carry out the pilotage. If the harbourmaster is not available, the pilotage may be undertaken by a licensed pilot.
- (2) If neither the harbourmaster nor any other person licensed as a pilot for the port of Port Vila or Luganville is available, the master of a ship requiring to be moved within the port limits may do so without the services of a pilot provided that prior permission to do so has been obtained from the harbourmaster or in his absence, from his representative.

CONDUCT OF PILOT

4. The pilot shall conduct himself in a proper seamanlike manner in accordance with professional practice and usage and carry out his duties with all necessary care. He shall act in the capacity of adviser to the master of the ship.

APPLICATION FOR PILOT'S LICENCE

5. (1) Application for a licence to act as a pilot in the port of Port Vila or Luganville shall be made in writing to the Minister.
- (2) The applicant must in all cases-
- (a) have reached the age of 27 years;
  - (b) hold either a certificate of competence issued by the Minister or an equivalent certificate considered to have the same value;
  - (c) forward a certificate from either the Director of Ports and Marine or the harbourmaster of the port of Port Vila or Luganville (as the case may be) of his knowledge of the port of Port Vila or Luganville, his ability to manoeuvre ships and his sobriety and good character.

EXEMPTION FROM PILOTAGE

6. The following vessels are exempted from compulsory pilotage-
- (a) ships owned or operated by the Government;
  - (b) pleasure yachts;
  - (c) ferry-boats used as such exclusively within the limits of the port;
  - (d) tugs, dredges and barges;
  - (e) ships specially exempted by the harbourmaster.

CAP. 26.1

PORTS

[Subsidiary]

**PERMISSION REQUIRED FOR MOVEMENT IN PORT OF SHIPS OVER 20 TONS**

7. When any ship of a net tonnage greater than 20 tons must be moved within the limits of the port of Port Vila or Luganville, the prior permission of the harbourmaster must be obtained, whether or not it is exempted from compulsory pilotage under **regulation 6**.

**REGISTER OF SHIPS PILOTED TO BE KEPT IN PORT OFFICES**

8. A register shall be kept in the port offices in which pilots shall record the names and tonnages of ships piloted together with the date and particulars of the services rendered.

**PILOTAGE FEES**

9. There shall be payable for every ship which uses the services of a pilot to go alongside or to leave the Port Vila or Luganville wharf the pilotage fees prescribed by regulations.

**FEES FOR SHIPS EXEMPT FROM PILOTAGE**

10. There shall be payable for every ship of which the master is authorised by the harbourmaster to manoeuvre without using the services of a pilot half the fee prescribed for such category of ship.

**CHARGES FOR DETENTION OF PILOT OR CANCELLATION OF PILOTAGE**

11. Charges shall be payable for the detention of a pilot at the rate of VT4,000 per hour and for cancelling an order for pilotage at the sum of VT8,000.

**PILOTAGE DEPOSITS**

12. Every licensed pilot other than an officer of the Government shall before engaging in any pilotage deposit as security with the Government the sum of VT50,000.

**OFFENCES AND PENALTIES**

13. (1) Any person who contravenes any of the provisions of these regulations shall commit an offence and shall be liable to a fine not exceeding VT50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
  - (2) Any master or agent of a ship who evades or attempts to evade paying any pilotage fees due, shall be liable to pay double the amount of such fees which would normally have been payable and such doubled fees shall be paid in addition to any fine which may be imposed.
- Any person who wrongfully represents himself to be a licensed pilot shall be liable to a fine not exceeding VT50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

PORTS

[CAP. 26]

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (OPERATIONS IN PORT OF PORT VILA) REGULATIONS

Joint Rules 6 of 1965  
Joint Rules 3 of 1973

ARRANGEMENT OF REGULATIONS

REGULATION

1. Interpretation
2. Declaration of a Port
3. Licensed wharves
4. Laying of moorings
5. Advance information of arrival
6. Documents
7. National colours
8. Port navigation
9. Coming alongside
10. Areas where no ships may anchor
11. Restrictions on the passage of ships.
12. Speed in the port
13. Ships to carry lights at night
14. Ships to bear name or mark
15. Precautions against fire
16. Fire on board
17. Loading or unloading of dangerous cargo
18. Customs control
19. Leaking drums
20. Loading and unloading of animals
21. Repairs of ship when alongside a Government wharf
22. Fumigation of a ship
23. Unnecessary noise
24. Dumping of refuse
25. Expectorating
26. Waiting area
27. Documents required for clearance
28. Delivery of documents to authorities
29. Hurricanes
30. Refusal of permission to berth to damaged ship
31. Responsibility for damage

**CAP. 26.]**

**PORTS**

[Subsidiary]

**SUBSIDIARY LEGISLATION**

**PORTS (OPERATIONS IN PORT OF PORT VILA) REGULATIONS**

To regulate operations in the port of Port Vila.

**INTERPRETATION**

1. In these Regulations the following expressions shall have the meanings respectively assigned to them-

"international regulations" means the international collision regulations subscribed to by Vanuatu;

"the port" means the port of Port Vila;

"ship" includes any description of vessel used in navigation not propelled by oars.

**DECLARATION OF A PORT**

2. The port of Port Vila is hereby declared a port for the purposes of the Ports Act, Cap. 26 as amended and its limits are hereby established as that area of the harbour of Port Vila which lies within a line commencing at the high tide line on the south-east coast of the Bay of Mele by 168° 17' 00" longitude east, from there along the meridian in a northerly direction to intersect the parallel 17° 44' 24" latitude south, from there along this latitudinal parallel in an easterly direction to intersect the high tide line at Malapoa Point and from there along the high tide line in a generally easterly direction to join with the initial point 168° 17' 00" longitude East.

**LICENSED WHARVES**

3. (1) Wharves in the port which are not owned by the Government shall only be operated for the loading and unloading of cargo if licensed by the Minister.  
(2) Notwithstanding any condition which may be imposed by the licences, owners of licensed wharves shall comply with the following conditions-
  - (a) to maintain their wharves and the installations thereon to the satisfaction of the Minister;
  - (b) to refrain from carrying out any extension, reclamation, or construction thereon without the written permission of the Minister.

**LAYING OF MOORINGS**

4. No person shall, without the consent of the harbourmaster, lay any mooring (whether permanent or temporary) within the port.

**ADVANCE INFORMATION OF ARRIVAL**

5. Not later than 24 hours before his expected time of arrival, the master of a ship coming from a port outside Vanuatu shall send a radio message to the harbourmaster indicating-
  - (a) the ship's name and nationality;
  - (b) the expected time of arrival;
  - (c) the maximum draught of the ship;
  - (d) the tonnage and nature of the cargo to be unloaded;
  - (e) whether there are explosives on board;
  - (f) the state of health of the ship:

## PORTS

[CAP. 26.]

[Subsidiary]

Provided that where the owner of the said ship has his place of business or an agent in Port Vila all or part of the information required under the provisions of this regulation may be furnished directly by the said owner or his agent.

## DOCUMENTS

6. The master of a ship coming from a port outside Vanuatu which anchors within the port or berths alongside shall have available for inspection the following documents-
  - (a) the certificate of registry of the ship and its official log;
  - (b) 3 copies of the manifest of the cargo to be unloaded;
  - (c) 1 copy of the manifest of the cargo to be unloaded at Luganville;
  - (d) 3 copies of a list of the crew;
  - (e) 3 copies of the passenger list;
  - (f) a list of the ship's stores;
  - (g) a list of the ship's crew's effects;
  - (h) 2 copies of the declaration of arrival;
  - (i) a customs clearance from the last port of call;
  - (j) a bill of health;
  - (k) a statement of the mail destined for Port Vila.

## NATIONAL COLOURS

7. (1) Every ship entering the port shall fly its national flag.
- (2) Ships other than Vanuatu registered ships shall fly the Vanuatu flag from the foremast.

## PORT NAVIGATION

8. Every ship shall navigate within the port in accordance with international regulations.

## COMING ALONGSIDE

9. (1) No ship shall berth alongside any wharf owned by the Government without the consent of the harbourmaster and shall leave when ordered by him to do so;
- (2) No ship may berth alongside any licensed wharf without the consent of the owner and shall leave when ordered by him to do so:

Provided that the harbourmaster may in his own discretion order the ship to leave a private wharf under the provisions of regulation 30 if the ship is a hindrance to the passage of other ships or is a danger thereto;

No ship shall berth alongside another ship without the consent of the master of that other ship.

## AREAS WHERE NO SHIPS MAY ANCHOR

10. (1) No ship shall heave to or anchor within the zones hereinafter defined-
  - (a) on the south by a line running from the Iriki Island Resort wharf on Iriki to the southernmost point of the Ballande Vanuatu wharf;  
On the north by a line running from the northernmost point of Burns Philp and Co. Ltd.'s wharf to the northernmost point of Iriki;
  - (b) in the Iriki channel within a radius of 80 metres of the black buoy;
  - (c) in the channels giving access from open water to the Ballande Vanuatu wharf and from open water to the "Mombah";

*CAP. 26.1*

*PORTS*

[Subsidiary]

- (d) in the Anabrou cove less than 50 metres on either side of the submarine cable supplying electricity to Malapoa.
- (2) The areas referred to in paragraphs (a) and (d) of this regulation in which no ship may anchor shall each be indicated by 4 yellow and black markers, of which 2 shall be on the east shore and 2 on the west shore, as indicated on the map deposited with the Public Works Department.

No ship shall heave to or anchor so as to impede access to wharves or in the access channels to or from the inner harbour between Iririki and the mainland.

RESTRICTIONS ON THE PASSAGE OF SHIPS

- 11. No ship whose maximum height unloaded exceeds the limits hereinafter provided shall pass under the electric cable running between Iririki Island and the mainland-
  - To the west of the black buoy: 18 metres.
  - To the east of the black buoy: 21 metres.

SPEED IN THE PORT

- 12. (1) No ship within the port shall move at a speed exceeding 6 knots without the permission of the harbourmaster.
- (2) Small boats, launches and lighters used within the port shall give way to sea going ships.
- (3) Pleasure launches shall only operate within the port at times and places laid down by the harbourmaster, who shall have discretion to vary these as port operations and ship movements require.

SHIPS TO CARRY LIGHTS AT NIGHT

- 13. (1) Every ship navigating in the port between sunset and sunrise shall carry the navigation lights as prescribed for a ship of its length and tonnage by international regulations.
- (2) Every ship at anchor or moored in the port which has not been hauled up on the beach shall between sunset and sunrise exhibit the anchor lights as prescribed for a ship of its length and tonnage by international regulations.

SHIPS TO BEAR NAME OR MARK

- 14. Every sea going ship shall carry its name or recognition mark painted clearly in letters of at least 3 inches in height on the bow and the stern. Letters and background shall be in contrasting colours.

PRECAUTIONS AGAINST FIRE

- 15. (1) The master of a ship shall take all seamanlike precautions against the danger of fire and shall not permit any open fire on his ship.
- (2) The master of any ship moored or at anchor in the port shall ensure that there shall always be at least one man on duty on board who shall be instructed in the action to be taken in the event of fire, flooding or other emergency.

FIRE ON BOARD

- 16. (1) In the event of a fire on board a ship the master or his deputy shall immediately take action to control it and inform the harbourmaster who may order the ship to leave the port and may take all necessary steps to ensure that his order is immediately complied with.
- (2) The master of the ship shall be in sole charge of fire fighting operations on board.

LOADING OR UNLOADING OF DANGEROUS CARGO

- 17. The intention to load dangerous or inflammable goods shall be notified to the harbourmaster who shall order all requisite precautions to be complied with.



- "1A
- (1) Light dues payable in respect of overseas vessels which enter a port of entry from any place beyond Vanuatu shall be 5 Vatu per gross registered ton.
  - (2) The Light dues referred to under subparagraph (1) shall be payable by the shipping company or shipping agent to the Director of Ports and Marine within one Calendar month of invoice date issued in arrears.
  - (3) Where the light dues referred to under subparagraph (1) are not paid within one Calendar month of invoice date the light due payable shall be double the rate specified in that subparagraph."

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## PORTS

[CAP. 26.]

[Subsidiary]

### CUSTOMS CONTROL

18. The loading or unloading of goods for export or import shall only be carried out to or from wharves or to or from ships authorised by the Director of Customs in writing.

### LEAKING DRUMS

19. (1) No leaking drums of fuel of any nature may be left within wharf areas.  
(2) No wet copra or copra contained in wet bags shall be stored in wharf warehouses.

### LOADING AND UNLOADING OF ANIMALS

20. No animal may be unloaded from a ship onto a wharf or be loaded onto a ship unless it is in the charge of a competent person.

### REPAIRS OF SHIP WHEN ALONGSIDE A GOVERNMENT WHARF

21. When alongside a wharf owned by the Government, the master of a ship shall not permit or undertake any repairs to its hull or fuel tanks or remove or dismantle its main engines.

### FUMIGATION OF A SHIP

22. A ship shall not be fumigated or deratised in the port without the permission of the harbour-master who shall order any necessary precautions to be taken.

### UNNECESSARY NOISE

23. (1) Except in an emergency to attract attention, ships' sirens or whistles shall not be used in the port between the hours of 8 p.m. and 6 a.m.:  
Provided that this rule shall not apply to recognised manoeuvring and bad visibility signals.  
(2) The engines of every power driven ship using the port shall be fitted with effective silencers.

### DUMPING OF REFUSE

24. No fuel oil, lubricating oil, or waste oil shall be thrown or pumped overside from any ship within the port and no refuse or other matter shall be dumped overside within the port without the prior permission of the harbourmaster.

### EXPECTORATING

25. No person shall expectorate, urinate or defecate within the port except in the places provided for such purposes.

### WAITING AREA

26. Every ship awaiting clearance from the port health authorities or the customs or carrying explosives shall anchor in the position indicated by the harbourmaster.

### DOCUMENTS REQUIRED FOR CLEARANCE

27. The master of any ship seeking customs clearance shall produce the following documents-
  - (a) 3 copies of the export manifest;
  - (b) 3 copies of the passenger list;
  - (c) 2 copies of a declaration of departure.

### DELIVERY OF DOCUMENTS TO AUTHORITIES

28. The documents referred to in paragraphs (b), (c), (d), (e), (f) and (g) of regulation 6 and in regulation 27 shall be delivered to the authorities for inclusion in the port register.

CAP. 26.]

PORTS

[Subsidiary]

HURRICANES

29. (1) In the event of bad weather and especially if a hurricane is reported approaching the vicinity, any ship anchored or moored in the port shall either leave the port or move to a hurricane shelter position in the port at the earliest opportunity or when ordered to do so by the harbourmaster.
- (2) No ship shall return to its original position until authorised to do so by the harbourmaster.

REFUSAL OF PERMISSION TO BERTH TO DAMAGED SHIP

30. The harbourmaster in the case of wharves owned by the Government and the owners in the case of private wharves may refuse permission to come alongside a wharf to any ship that is damaged or making water or if it is already alongside may order its immediate departure from the wharf.

RESPONSIBILITY FOR DAMAGE

31. (1) The master or owner of a ship shall be liable for any damage that the ship may cause to a wharf owned by the Government or private wharf or its installations.
- (2) The master of the ship shall report such damage to the harbourmaster and it shall be examined jointly by the harbourmaster and the master or in the absence of the latter, the local representative of the ship's owners, and a joint report prepared.
- Any necessary repairs carried out by the Government shall be at the expense of the owners of the ship.
- (4) The harbourmaster may submit a written report in any case where the provisions of these Regulations have been contravened.

PORTS

[CAP. 26.

[Subsidiary]

SUBSIDIARY LEGISLATION

PORTS (OPERATIONS IN PORT OF LUGANVILLE) REGULATIONS

Joint Rules 3 of 1957  
Joint Rules 1 of 1960  
Joint Rules 1 of 1961  
Joint Rules 3 of 1962  
Joint Rules 13 of 1976  
Joint Rules 1 of 1977

ARRANGEMENT OF REGULATIONS

PART I

General Provisions

REGULATION

1. Interpretation<sup>R</sup>
2. Declaration of a port
3. Delimitation of the customs area
4. Regulations regarding vessels in the port
5. Waiting area
6. Indication of currents and tides
7. Speed in port
8. Right of way
9. Unnecessary noise
10. Advance information of arrival
11. Documents for inspection
12. Documents required for clearance
13. Responsibility for damage
14. Hurricanes
15. Refusal of permission to berth damaged vessel
16. Fire on board
17. Fumigation of a vessel
18. Exemptions

PART II

Regulations regarding operations on the wharf

19. Unloading of dangerous cargo
20. Loading of dangerous cargo
21. Leaking drums
22. Wet copra
23. Disposal of contaminated or unclaimed goods
24. Loading and unloading animals

**CAP. 26.]**

**PORTS**

[Subsidiary]

- 25. Entry of customs area by the public
- 26. Entry of customs area by vehicles

**PART III**

**Regulations regarding the main wharf**

- 27. Priority of vessels at the wharf
- 28. Priority of vessels of the same category
- 29. Vessel ordered to make way for another
- 30. Hours of mooring and casting off
- 31. Double berthing at the wharf
- 32. Rate of cargo handling
- 33. Precaution to be taken by master
- 34. Offence to deposit rubbish or discharge liquid on wharf
- 35. Repairs of vessels berthed at wharf
- 36. Precautions against fire

**PART IV**

**Regulations regarding the small ship wharf**

- 37. Priority at small ship wharf
- 38. Vessel not to go alongside while other vessel is manoeuvring at main wharf
- 39. Loading or unloading to begin at once
- 40. Maximum period allowed at wharf
- 41. Repairs of vessel when alongside wharf
- 42. Precautions against fire

## SUBSIDIARY LEGISLATION

## PORTS (OPERATIONS IN PORT OF LUGANVILLE) REGULATIONS

To regulate operations in the port of Luganville.

## PART I

## GENERAL PROVISIONS

## INTERPRETATION

1. In these Regulations unless the context otherwise requires-
  - "customs area" means the area defined in regulation 3;
  - "port" means the port of Luganville;
  - "passenger ship" means a vessel possessing a safety certificate for a ship carrying more than 12 passengers;
  - "wharf" means the Government wharf at Luganville and includes the "main wharf" and the "small ship wharf".

## DECLARATION OF A PORT

2. The port of Luganville is hereby declared to be a port for the purposes of the Ports Act, Cap. 26 and its limits shall be defined by reference to a line joining the following points-
  - A: 15° 31' S and 167° 14' E
  - B: 15° 32' S and 167° 14' E
  - C: Point Chapuis (Black Rock Point) the North coast on the island of Aore as far as point
  - D: 15° 34' S and 167° 08.3' E
  - E: 15° 34' S and 167° 07.5' Ethence returning to point A along the South coast of the island of Espiritu Santo.

## DELIMITATION OF THE CUSTOMS AREA

3. For the purpose of section 13 of the Customs Act, Cap. 3, the unloading of goods imported from outside Vanuatu, and the loading of goods intended for export from Vanuatu shall in the port of Luganville take place at the Government wharf at Luganville which, for the purpose of this regulation, is taken as being the area enclosed on the landward and northern side by the boundary fence of the wharf area, and on its eastern, southern and western sides by an imaginary line running parallel to the earthworks of the wharf and at a distance of 50 metres therefrom on the seaward side:
  - Provided that the port customs officer, may, on payment of such fees and subject to such conditions as may be prescribed by regulations, authorise the loading and unloading of goods at some other place within the port of Luganville.

## REGULATIONS REGARDING VESSELS IN THE PORT

4. Except when an express order or authorisation to the contrary has been given by the harbour-master, vessels may not heave to or anchor in the zone hereafter defined-
  - On the North, by a line running from a marker (No. 3) situated on the west corner of Pier 4 to the dolphin west of the wharf (No. 2), and thence by a straight line extending eastwards in line with the front edge of the wharf.
  - On the West, by a line running North/South defined by a marker on Santo (No. 3) and a marker on Aore (No. 4).

CAP. 26.]

PORTS

[Subsidiary]

On the South, by a line West/East extending from Chaverot Point.

On the East, by a line running North/South defined by a marker on Santo (No. 1) and a marker on Aore (No. 5).

Markers (1) and (3) bear the words "Limit of Anchorage".

**WAITING AREA**

5. Vessels awaiting clearance from the port health authorities, carrying explosives or waiting to come alongside the main wharf shall anchor within the area enclosed by the following limits-

On the East, a line running from North to South through Clemenceau Point.

On the West, a line running from North to South through Chaverot Point.

On the North, the 5 fathom line.

On the South, a line on a bearing of 70° from a point situated 1,200 metres to the South of Chaverot Point.

**INDICATION OF CURRENTS AND TIDES**

6. (1) The following signal flags shall be exhibited from the wharf by the harbourmaster to indicate to ships berthing at the main wharf the direction of surface currents along the face of the wharf-

Flag	Meaning
Red	Current running to the East towards Tutuba
Yellow	Current running to the West towards the Renee
Red and yellow	No appreciable current

- (2) The following signals shall be exhibited on the wharf to indicate to ships the state of the tide-

Signal	Meaning
Black cone, apex uppermost	Rising tide
Black cone, apex downmost	Falling tide
Black ball	Slack water

**SPEED IN PORT**

7. Whilst within the port limits vessels shall move at a moderate speed and shall not exceed a speed of 8 knots when less than 100 metres from the wharf.

**RIGHT OF WAY**

8. Small boats, launches, and lighters used within the port limits shall give way to sea going vessels.

**UNNECESSARY NOISE**

9. (1) Ships sirens or whistles shall not be used between the hours of 8 p.m. and 6 a.m. provided that this shall not apply to recognised manoeuvring and bad visibility signals.
- (2) The engines of all motor-vessels entering the port limits shall be fitted with effective silencers.

**ADVANCE INFORMATION OF ARRIVAL**

10. Not later than 24 hours before his expected time of arrival, the master of a vessel coming from a place outside Vanuatu shall send a radio message to the harbourmaster indicating-
  - (a) the expected time of arrival;
  - (b) the maximum draught of the ship;

PORTS

[CAP. 26.]

[Subsidiary]

- (c) the tonnage and nature of the cargo to be unloaded;
- (d) whether there are explosives on board;
- (e) the state of health of the ship;
- (f) the state of health at the last port of call.

**DOCUMENTS FOR INSPECTION**

11. The master of a vessel coming from a place outside Vanuatu, and which anchors off Luganville or ties up at the wharf shall have available for inspection by the port authorities the following documents-
  - (a) the certificate of registry of the vessel;
  - (b) 6 copies of the manifest of cargo to be unloaded;
  - (c) 3 copies of a list of the crew;
  - (d) 3 copies of a list of the passengers;
  - (e) a list of ship's stores;
  - (f) 2 copies of the declaration of arrival;
  - (g) a customs clearance from the last port of call;
  - (h) the bill of health;
  - (i) a statement of mail destined for Espiritu Santo.

**DOCUMENTS REQUIRED FOR CLEARANCE**

12. The master of any vessel seeking customs clearance shall produce the following documents-
  - (a) 3 copies of the export manifest;
  - (b) 3 copies of a list of the passengers embarked in Vanuatu;
  - (c) 2 copies of a declaration of departure.

**RESPONSIBILITY FOR DAMAGE**

13. The master shall be responsible for any damage that his vessel may cause to the wharf or its installations. He shall report such damage to the harbourmaster and it shall be examined jointly by the harbourmaster and the master or, in the absence of the latter, the local representative of the ship's owners, and a joint report prepared. Any necessary repairs shall be carried out by the Government at the expense of the owners of the vessel.

**HURRICANES**

14. If the weather requires it and especially if a hurricane is in the vicinity, vessels in the wharf area or alongside the wharf will be expected to get under way as soon as possible and at the very latest when ordered to do so by the harbourmaster. They may not return to the wharf area without the prior authority of the harbourmaster.

**REFUSAL OF PERMISSION TO BERTH TO DAMAGED VESSEL**

15. The harbourmaster may refuse permission to berth at the wharf to any ship that is damaged or making water or if it is already berthed may order its immediate departure from the wharf.

**FIRE ON BOARD**

16. In the event of a fire on board a vessel, the master or his deputy shall immediately inform the harbourmaster who may order the vessel to leave the wharf and may take all necessary steps to ensure that his order is obeyed. The master of the vessel or his deputy shall be in sole charge of fire fighting operations on board the vessel.



*CAP. 26.]*

*PORTS*

[Subsidiary]

FUMIGATION OF A VESSEL

17. A vessel may not be fumigated or deratised while at the wharf without the permission of the harbourmaster, who may order that necessary fire precautions shall be taken and that the moorings shall be strengthened.

EXEMPTIONS

18. Regulations 5, 10 and 11 shall not apply to Government owned vessels.

PART 11

REGULATIONS REGARDING OPERATIONS ON THE WHARF

UNLOADING OF DANGEROUS CARGO

19. Priority shall be given to the unloading of dangerous or inflammable goods, which shall be stored in a place set aside for the purpose or, with the approval of the port customs officer, removed from the customs area at once.

LOADING OF DANGEROUS CARGO

20. Dangerous or inflammable goods to be loaded on a ship berthed at the wharf shall not be kept in the customs area save with the authority of the harbourmaster and at a place set aside for the purpose and shall be the last cargo loaded into the ship.

LEAKING DRUMS

21. No leaking drum of fuel may be left on the wharf.

WET COPRA

22. Wet copra or copra contained in wet bags shall not be stored in the wharf warehouses.

DISPOSAL OF CONTAMINATED OR UNCLAIMED GOODS

23. (1) The harbourmaster may direct-
- (a) that goods that have perished and become objectionable or dangerous be destroyed at once; any necessary expenses being debited to the consignee;
  - (b) that any perishable goods of which the owner cannot be traced shall be sold;
  - (c) the sale 1 year after the date of deposit in the customs area of all other goods unclaimed by their owners.
- (2) Any money realised from the sale of goods under subregulation (1)(b) and (c) shall be deposited with the Treasury after deduction of any unpaid wharf, storage, or customs dues and any expenses incurred by the Government in the sale.

LOADING AND UNLOADING ANIMALS

24. No animal may be unloaded from a ship onto the wharf or brought into the customs area for loading on a ship unless it is in the charge of a competent person.

ENTRY OF CUSTOMS AREA BY THE PUBLIC

25. No person shall have the right to enter or remain within the customs area without good reason.

ENTRY OF CUSTOMS AREA BY VEHICLES

26. No vehicle other than official vehicles on duty, shall enter the customs area without the express permission of an officer of the Customs Department. While in the customs area no vehicle shall exceed a speed limit of 10 kilometres per hour.

*PORTS*

[CAP. 26.

[Subsidiary]

PART III

REGULATIONS REGARDING THE MAIN WHARF

PRIORITY OF VESSELS AT THE WHARF

27. (1) Vessels shall berth at the main wharf in the following order of priority and any vessel already at the main wharf will be required to leave in the event of a vessel of a higher priority wishing to come alongside-

- (a) cruise vessels;
- (b) vessels maintaining a regular scheduled service to Vanuatu from any area;
- (c) merchant vessels loading chilled or frozen meat for export;
- (d) other merchant vessels on a first come first served basis;
- (e) warships.

(2) Tankers shall have priority during the hours from sunset to sunrise except where vessels already alongside the wharf can complete operations and sail that same night.

Vessels in categories (a) and (b) in subregulation (1) shall lose their priority in the event that less than 1 month's notice is given to the harbourmaster of any change in the scheduled date of arrival, other than a change necessitated by "force majeure".

(4) The order of priority set out above shall also be observed at the Government wharf at Port Vila.

Notwithstanding the provisions of subregulations (1) and (2), the Director of Ports and Marine may where circumstances so require, permit a vessel to berth or remain berthed at a Government wharf even though a vessel of higher priority wishes to come alongside.

PRIORITY OF VESSELS OF SAME CATEGORY

28. When 2 vessels having equal priority arrive at the same time priority shall be given to the vessel that first enters the port limits.

VESSEL ORDERED TO MAKE WAY FOR ANOTHER

29. (1) The master of a vessel required to give way under regulation 27 shall leave the wharf when instructed to do so by the harbourmaster.

(2) The harbourmaster may instruct the master of a vessel which has completed working cargo more than 3 hours before the time fixed for its departure to give way to another vessel whatever may be its position in the order of priority.

The harbourmaster may at his discretion postpone a vessel's departure until the end of the shift being worked.

For the purpose of this regulation "shift" shall mean a period of work of 8 hours.

HOURS OF MOORING AND CASTING OFF

30. Vessels may not draw alongside the main wharf between the hours of sunset and sunrise. They may not leave the main wharf during the same period without the written authority of the harbourmaster.

DOUBLE BERTHING AT THE WHARF

31. At the request of the masters of the vessels concerned the harbourmaster may authorise a vessel to moor alongside another already at the main wharf.

RATE OF CARGO HANDLING

32. Weather permitting, an average loading or unloading rate of not less than 120 tons per hold for each working day shall be required of any vessel at the main wharf counting from the first full

CAP. 26.1

PORTS

[Subsidiary]

day after the vessel's coming alongside. If any other vessel is waiting, any vessel unable to achieve this average shall leave the wharf as soon as required to do so by the harbourmaster.

PRECAUTION TO BE TAKEN BY MASTER

33. During the time a vessel is at the wharf the master shall provide-
- (a) a net under each gangway;
  - (b) a light at the head of each gangway, during the hours of darkness;
  - (c) a net, covered where necessary by a tarpaulin, under each derrick overhanging the wharf;
  - (d) an effective rat-guard on each mooring line.

OFFENCE TO DEPOSIT RUBBISH OR DISCHARGE LIQUID ON WHARF

34. No rubbish shall be deposited on the wharf or any liquid discharged thereon, and all outlets, offal shutes and scupper holes of a vessel berthed at the wharf shall be covered on the side facing the wharf.

REPAIRS OF VESSELS BERTHED AT WHARF

35. Except with the express permission of the harbourmaster, which shall not be given between 15 December and 15 April of any year, the master of a vessel berthed at the wharf shall not allow any repair or dismantling of his vessel which may immobilise it for more than 24 hours. No repairs may be carried out on the hull of a vessel or her fuel tanks without the prior authority of the harbourmaster.

PRECAUTION AGAINST FIRE

36. The master of a vessel at the main wharf shall take all necessary precautions against fire and shall ensure that there is always on board the vessel at least one man on watch, that the fire fighting system is always under pressure and that at least 1 pump is always in working order.

PART IV

REGULATIONS REGARDING THE SMALL SHIP WHARF

PRIORITY AT SMALL SHIP WHARF

37. The first vessel arriving in front of the small ship wharf shall have priority for coming alongside it.

VESSEL NOT TO GO ALONGSIDE WHILE OTHER VESSEL IS MANOEUVERING AT MAIN WHARF

38. Vessels may not draw alongside or leave the small ship wharf while any other vessel is berthing at, leaving or hauling off from the main wharf.

LOADING OR UNLOADING TO BEGIN AT ONCE

39. Ships berthed at the small ship wharf during working hours shall begin loading or unloading operations forthwith. No merchandise or produce may be left on the wharf.

MAXIMUM PERIOD ALLOWED AT WHARF

40. The berthing of ships at the small ship wharf is limited to 12 working hours. Any ship having completed loading or unloading shall leave the wharf as soon as another ship arrives.

REPAIRS OF VESSEL WHEN ALONGSIDE WHARF

41. The master of a vessel shall not allow or undertake any repairs to its hull or fuel tanks or remove or dismantle its main engines while the vessel is berthed at the small ship wharf.

PORTS

[CAP. 26.

[Subsidiary]

PRECAUTIONS AGAINST FIRE

42. The master of a vessel at the small ship wharf shall take all necessary precautions against fire. He shall not allow any open fire on his vessel and shall ensure that there is at least one man on watch.