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To provide for the establishment of a shipping register for vessels of Vanuatu engaged in foreign trade and for matters connected therewith.

CHAPTER 1

INTERPRETATION

1. In this Act, unless the context otherwise requires-
   "Administrator" means the Maritime Administrator appointed under section 4;
   "Commissioner" means the Commissioner of Maritime Affairs appointed under section 2;
   "Deputy Commissioners" mean the Deputy Commissioners appointed under section 3;
   "documented" means registered, enrolled or licensed;
   "dollars" mean United States dollars;
   "foreign trade" means trade between Vanuatu and a foreign country or between one foreign country and another;
   "Minister" means the Minister responsible for finance;
   "ship's document" means the Certificate of Registry whether permanent or provisional.

CHAPTER 2

ADMINISTRATION

COMMISSIONER OF MARITIME AFFAIRS

2. The Minister with the approval of the Prime Minister shall appoint a suitably qualified person to exercise the powers and perform the duties of Commissioner of Maritime Affairs under this Act.

DEPUTY COMMISSIONER OF MARITIME AFFAIRS

3. (1) The Commissioner may from time to time appoint Deputy Commissioners of Maritime Affairs.
      (2) The Commissioner may delegate to the Deputy Commissioners any of his powers and duties under the Act to be exercised in foreign ports.

MARITIME ADMINISTRATOR

4. The Minister may appoint on such terms and conditions as he deems fit, any person or persons, or body corporate to perform the functions of Maritime Administrator.
5. There shall be maintained in the office of the Commissioner at Port Vila, Vanuatu and at the office of every Deputy Commissioner a central office where there shall be recorded or filed, in properly indexed public registers, all documents of the following nature-

(a) bills of sale and other instruments of conveyance of vessels;
(b) mortgages or hypothecations of vessels;
(c) assignments of mortgages;
(d) certificates of permanent and provisional registry and licences;
(e) licences and certificates of officers and members of ship's crew;
(f) all other documents relating to vessels which are entitled to be recorded.

6. The Commissioner and every Deputy Commissioner are authorised to administer all oaths and take all acknowledgements required by this Act.

7. (1) Until such time as a permanent ship Radio Station Licence is issued by the Minister responsible for telecommunication, the Commissioner and every Deputy Commissioner are authorised to issue temporary Ship Radio Station Licences in respect of radio transmitting apparatus located on board vessels registered under this Act.

(2) The Minister responsible for telecommunication may, by Order, make such rules and regulations as he deems necessary to implement the provisions of this section.

8. (1) The Commissioner and every Deputy Commissioner are authorised to issue all such licences, certificates or other documents for officers and ship's personnel on vessels registered under this Act, as are necessary or proper for carrying out the purposes of the maritime law or of any international convention to which Vanuatu is or may become a party.

(2) In carrying out the licensing, certification and upgrading of ship's officers and personnel, the Minister upon the recommendation of the Commissioner shall from time to time, establish such standards, rules and regulations as he deems necessary and appropriate for maintaining a high standard for the merchant marine of Vanuatu.

Failure of an owner of a vessel registered under this Act to file any required report relating to officers employed on the vessel shall result in an automatic fine of 250 dollars for each offence and until paid, each such fine shall constitute a maritime lien on the vessel.

(4) Failure of an owner of a vessel registered under this Act, to ensure that each officer employed on the vessel holds a valid licence of competence to fill the position held by him duly issued under the provisions of this Act shall subject the owner thereof to a fine of 100 dollars for each officer so employed who does not hold such licence. Where such failure is admitted or is established by any required report, the fine shall be automatic. If a proper licence is obtained within 30 days of notice, from the Commissioner or Deputy Commissioner, the fine with respect thereto shall be remitted. Until paid or remitted, each fine shall constitute a maritime lien on the vessel.
SUSPENSION AND REVOCATION PROCEEDINGS

9. (1) The Commissioner shall have power to suspend or to revoke any licence, certificate, permit or document issued under the provisions of this Act.

(2) The Minister, on the recommendation of the Commissioner may from time to time make such rules and regulations as are deemed by him necessary and appropriate to the conduct of suspension and revocation proceedings.

FEES

10. The Minister may, on the recommendation of the Commissioner, establish by Order all necessary and proper fees except in cases where the fee is already provided for in this Act.

CHAPTER 3

CONSTRUCTION

ADOPTION OF GENERAL MARITIME LAW

11. Insofar as it does not conflict with any other provision of this Act or any statutory law of Vanuatu, the non-statutory general maritime law of the United States of America is hereby declared to be and is hereby adopted as the general maritime law in respect of all vessels registered under this Act.

SEPARABILITY

12. If any provision of this Act, or the application of any such provision to any circumstances or persons, natural or corporate, shall be held invalid, the validity of the remainder of this Act and the applicability of such provisions to other circumstances or persons, individual or corporate, shall not be affected thereby.

GENERAL PENALTY FOR VIOLATION

13. Except as expressly provided in this Act, any person who is convicted by a court of competent jurisdiction of a violation of any of the provisions of this Act or of rules and regulations thereunder shall, upon conviction, be liable to a fine not exceeding 10,000 dollars or imprisonment for a term not exceeding 10 years, or to both.

JURISDICTION

14. All causes of action arising out of, or under, this Act are hereby declared and shall be cognizable before the Supreme Court of Vanuatu but, except as otherwise expressly provided in this Act, the provisions of this section shall not be deemed to deprive other courts elsewhere, of jurisdiction to enforce such causes of action.

APPEAL FROM COMMISSIONER'S DECISION

15. Appeal from any decision of the Commissioner pursuant to any provision of this Act or any rules and regulations made thereunder, may be made to the Minister. Upon exhaustion of administrative remedies, appeal may be taken to the Supreme Court of Vanuatu.
CHAPTER 4

DOCUMENTATION AND IDENTIFICATION OF VESSELS

GENERAL PROVISIONS

16. No self-propelled or sailing vessel engaged in foreign trade shall fly the flag of Vanuatu or be accorded the rights and privileges of a vessel of Vanuatu unless such vessel shall be registered in accordance with the provisions of this Chapter. The home port of every vessel so registered shall be Port Vila, and the name of the home port shall be shown on the Certificate of Registry.

VESSELS ELIGIBLE TO BE DOCUMENTED OR REDOCUMENTED

Vessels of the following classes are eligible to be documented or redocumented under this Act-

(a) any sea-going vessel of more than 500 net tons engaged in foreign trade owned by a citizen or national of Vanuatu;
(b) any yacht or other vessel used exclusively for pleasure, of 50 net tons or over, owned by a citizen or national of Vanuatu;
(c) vessels on bareboat charter to a citizen or national of Vanuatu;
(d) vessels referred to in paragraphs (a) and (b) shall not be eligible for documentation if, on 1 January of the year in which documentation is sought, such vessels are over 20 years of age, computed from completion of first construction;

(2) Anything in this section to the contrary notwithstanding, the 500 net tons minimum requirement referred to in subsection (1)(a), may be waived by the Commissioner or Deputy Commissioner, and a vessel of lesser net tonnage may be registered in exceptional cases where it has been demonstrated to the satisfaction of the Commissioner or Deputy Commissioner either-

(a) (i) that the vessel meets all other requirements for registration; and
(ii) the vessel is needed to implement the operations of an owner of a ship registered in Vanuatu or its registration is otherwise desirable to carry out the objectives of the maritime programme of Vanuatu; or
(b) that the vessel is used or intended to be used solely for commercial fishing.

Anything in this section to the contrary notwithstanding, the 20 year age limit requirement referred to in subsection (1)(d), may be waived by the Commissioner or Deputy Commissioner and a vessel of more than 20 years of age may be registered in exceptional cases where it has been demonstrated to the satisfaction of the Commissioner or Deputy Commissioner that-

(a) the vessel meets all other requirements for registration, and
(b) the vessel receives the top classification of one of the ship classification societies authorised by this Act or any regulation made thereunder.

(4) Anything in this section to the contrary notwithstanding, the ownership requirement referred to in subsection (1)(a) may in exceptional cases be waived by the Commissioner or Deputy Commissioner where-

(a) the vessel meets all other requirements for registration; and
(b) it has been satisfactorily demonstrated that there is an absolute and genuine need for such waiver.

In this section, the words "citizen" or "national" shall include corporations, partnerships and associations of individuals.
18. (1) The following registration fee shall be payable upon registration-
for vessels of 5,000 tons or less ............................... 1.50 dollars per net ton
for vessels of 5,001 tons and up to 25,000 tons ........... 1.25 dollars per net ton
for vessels of 25,001 tons and over ............................ 1.00 dollar per net ton
for registration of vessels on bareboat charter, of any
 tonnage ............................................................. 0.50 dollars per net ton

(2) Anything in this section to the contrary notwithstanding, the Minister may in
exceptional cases reduce or waive the registration fee payable on the registration
of any vessel under this Act.

(3) There shall be an annual tonnage tax of 0.25 dollars per net ton:
Provided, however, that as to any vessel of less than 500 net tons registered
under this Act, the registration fee and annual tonnage tax shall be equal to that
required, for a vessel of 500 net tons:

And provided further that, where dual gross and net tonnages are shown in the
certificate of measurement of the vessel for the purposes hereof such fee and
annual tonnage tax shall be assessed on the basis of the greater of the two net
 tonnages assigned.

(4) All unpaid tonnage taxes and all other charges (not to exceed 1,000 dollars) due
to the office of the Commissioner or Deputy Commissioner shall constitute a
maritime lien on the vessel second only to liens for wages and salvage.

Tonnage taxes may be reviewed once only every 3 years, provided that where all
increase is made it shall not take effect until the first day in January in the year
next following such increase.

ANNUAL TONNAGE TAX

19. (1) Except as herein otherwise provided, the annual tonnage tax on vessels provided
for in section 18 shall be due on the first day in January in each year and may be
paid in 2 equal instalments, the first of which is payable on the first day in January
and the second on the first day in July.

(2) Upon failure to pay the tonnage tax as provided in subsection (1), the Commiss-
ioner or any Deputy Commissioner may invalidate the Certificate of Registry of
the vessel with respect to which such tax is payable.

No Certificate of Registry, either permanent or provisional, shall be issued for a
vessel not previously registered under the provisions of this Act, unless a sum
equal to the tonnage tax for 1 year is paid in respect of the vessel. In the case of a
vessel initially registered, the amount payable on the first day of January of the
year immediately following the date of its initial registration shall be computed at
the rate of 0.25 dollars per net ton for the year remaining between the first
anniversary of the date of its initial registration and the close of the calendar year.

(4) No bareboat charter certificate of registry shall be issued for a vessel registered
under section 17(1)(c) of this Act unless a sum equal to 2 years annual tonnage
tax as provided in section 18 is paid upon registration.

(5) The Commissioner and each Deputy Commissioner are authorised to collect the
tonnage tax and to issue receipts therefor.

(6) No Certificate of Registry shall be returned to the master or commander of a
vessel by any official of Vanuatu with whom it may have been deposited until
proof is furnished that the annual tonnage tax for the then current year has been
paid.
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CONDITIONS PRECEDENT TO ISSUANCE OF PERMANENT CERTIFICATE OF REGISTRY

20. Upon receipt of a written application of an owner of a vessel eligible for documentation under the provisions of this Act requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by section 21, the Commissioner or any Deputy Commissioner, upon payment of the prescribed fees, may issue a permanent Certificate of Registry for the vessel provided that the owner furnishes proof satisfactory to the issuing officer-

(a) as to his ownership of the vessel;

(b) that any foreign marine document for the vessel has been surrendered with the consent of the government that had issued it, or that it has been legally cancelled;

(c) that the vessel is in a seaworthy condition;

(d) that the owner has paid to the Administrator the registration fees due in respect of the vessel;

(e) that the markings of name, official number, net tonnage or tonnages, home port and draft required by section 42 have actually been made;

that a certificate of measurement as required by section 23 has been issued.

OATHS

21. (1) In order to document a vessel, the owner, managing owner, part owner, or his agent, authorised by power of attorney, where such vessel is owned by individuals, or, in the case of a corporate owned vessel, a director, secretary or assistant secretary of the corporation or other officer or agent authorised in writing shall take an oath declaring the name of the vessel; its net tonnage or tonnages; the place where built; the name and residence of any other owner and his citizenship; each owners proportion; the name of the affiant and his citizenship.

(2) The oath may be taken before the Commissioner or a Deputy Commissioner or a consul or consular agent of Vanuatu or, before a notary public or other officer authorised to administer oaths by the laws of the place where the oath is administered or before any other person designated by the Commissioner for the administration of such oaths.

The names of the persons owning shares in an incorporated company owning such vessel need not be stated. The oath of any other person interested and concerned in the vessel shall not be required. An agent or attorney who purchases any vessel shall take an oath with respect to the ownership of the vessel and shall declare that he is the agent or attorney for the owner and in such capacity has made such purchase in good faith.

(4) Whenever the document of any vessel is lost or destroyed, the master, or other person in command, may take the following oath before any consular or diplomatic officer or other person appointed by the Minister at or nearest to the port where the vessel is first located after such loss or destruction-

"I, (insert the name of the person swearing) being master or in command of the (insert type of vessel) or vessel called the (insert name of vessel) Official No. (insert number) owned by (insert name of owner) of (insert domicile of the owner) do swear (or affirm) that the said vessel has been, as I verily believe, registered according to the laws of Vanuatu by the name of (insert again name of vessel), and that a permanent (or provisional) Certificate of Registry bearing no. (insert number of lost Certificate) was issued for such vessel pursuant to the laws of Vanuatu at (insert place of issuance of lost Certificate) on (insert date of issuance of lost Certificate) which Certificate has been lost (or destroyed); and that the same, if found, and within my power, will be delivered up to the Commissioner or Deputy Commissioner."

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When an oath is taken as provided in subsection (4), the officer or person administering such oath shall grant to the vessel a temporary provisional document of registry and insert therein that it is issued in lieu of the one lost or destroyed. Such officer or person shall forthwith send to the Commissioner or to any Deputy Commissioner a written notice, accompanied by a copy of the oath, advising that such oath has been taken and such temporary provisional document issued. Upon receipt of such notice the Commissioner or such Deputy Commissioner upon being satisfied that the vessel is entitled to a Certificate of Registry, may grant a new Certificate of Registry, identical to that which was lost or destroyed. As soon as practicable after the issuance of such Certificate of Registry, the temporary provisional document hereinbefore referred to shall be surrendered to the Commissioner or to a Deputy Commissioner for cancellation.

MEASUREMENT

22. A vessel shall not be permanently registered until measured by a person appointed by the Commissioner or by the Deputy Commissioner. A vessel registered under this Act shall not be required to be measured anew unless her burden has been changed.

CERTIFICATE OF MEASUREMENT

23. The person or agent appointed under section 22 to measure a vessel shall certify, specifying the building of the vessel, number of decks and masts, length, breadth, depth, tonnage or tonnages, and such other particulars usually descriptive of the identity of a vessel, and that the markings required by section 42 have actually been made.

MEASUREMENT OF VESSELS

24. The Minister on the recommendation of the Commissioner shall by Order prescribe the method of measurement for all vessels registered under this Act.

TREATMENT OF SHELTER-DECK AND CERTAIN OTHER SPACES

25. The "Recommendations on the Treatment of Shelter-Deck and other `Open' Spaces", adopted on 18 October 1963, by the Assembly of the Intergovernmental Maritime Consultative Organisation, are hereby adopted and the Minister on the recommendation of the Commissioner may issue Orders for the purpose of effectuating those Recommendations.

TONNAGE STATEMENTS IN CERTIFICATE OF REGISTRY

26. (1) Each ship's Certificate of Registry shall state the gross and net tonnage or tonnages determined in accordance with such rules and regulations as the Commissioner may prescribe.

(2) Upon application by the owner or master of a vessel registered under this Act engaged in foreign trade, the Commissioner or his duly authorised agent may attach to the document an appendix for use in foreign ports, stating separately, the measurement of such space or spaces as are there permitted to be deducted from gross tonnage or tonnages.

FORMS OF DOCUMENTS

27. The Minister on the recommendation of the Commissioner shall prescribe and furnish forms of bareboat charter, provisional and permanent Certificates of Registry and other ship documents; and may prescribe forms of endorsements that may be made on ship documents from time to time, without issuance of a new document or surrender of the old document, to show liens and encumbrances.
28. The Commissioner or his duly authorised agent shall progressively number the licences and Certificates of Registry, respectively, granted by him, beginning anew at the commencement of each year, and shall make a record thereof in a book kept for that purpose. Bareboat charter Certificates of Registry shall be assigned a separate series of numbers as the Commissioner or his duly authorised agent stipulates. He shall also retain permanently copies of all such documents issued by or surrendered to him.

29. (1) Upon compliance with the provisions set forth in section 30, a provisional Certificate of Registry may be issued by the Commissioner or any Deputy Commissioner, by a Vanuatu consular or diplomatic officer or consular agent upon direction by the Commissioner or any Deputy Commissioner, or by any other person designated by the Minister, to vessels abroad which are to be documented under the flag of Vanuatu.

(2) Copies of provisional Certificates of Registry issued by persons other than the Commissioner or Deputy Commissioner shall be furnished as soon as practicable by the issuing officer to the Commissioner and all Deputy Commissioners.

(3) Unless sooner invalidated, a provisional Certificate of Registry shall entitle the vessel to the privileges of a vessel of Vanuatu in the foreign trade until the expiration of 1 year from its date.

(4) The Commissioner or his duly authorised agent shall prescribe the conditions in accordance with which provisional Certificates of Registry shall be issued and renewed and the manner in which they shall be surrendered in exchange for permanent Certificates of Registry.

30. (1) Upon receipt by the Commissioner or Deputy Commissioner of a written application of an owner of a vessel eligible for documentation under the provisions of this Act requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by section 21, and upon payment of the prescribed fees to the officer receiving such application, the Commissioner or any Deputy Commissioner or any issuing official listed in section 29(1) may issue a provisional Certificate of Registry for the vessel, provided the owner shall furnish proof satisfactory to the officer receiving such application-

(a) as to his ownership of the vessel;

(b) that if there is an outstanding foreign marine document for the vessel, the government that had issued it has consented to its surrender and that either the marine document has been surrendered for cancellation or that the owner has issued orders to the master of the vessel to surrender the foreign marine document for cancellation immediately upon receipt of the provisional Certificate of Registry on board the vessel; or that the outstanding document has been legally cancelled;

(c) that the vessel is in a seaworthy condition;

(d) that the owner has paid to the Administrator the registration fees due in respect of the vessel being the initial registration fee;

(e) that the markings of name, official number, net tonnage or tonnages, home port and draft required by section 42 have either actually been made or that the owner has issued orders to the master of the vessel to have such markings made immediately upon receipt of the Vanuatu provisional Certificate of Registry on board the vessel.
(2) Unless the owner within 30 days after issuance of the provisional Certificate of Registry shall furnish satisfactory proof to the officer to whom the application for documentation has been presented, showing that the vessel’s outstanding foreign marine document has actually been surrendered for cancellation and that the markings required by section 42 have actually been made, or if before such 30 clay period it is established that any of the obligations hereunder will not or cannot be complied with, such officer may declare the provisional Certificate of Registry to be null and void.

As soon as reasonably practicable after admeasurement of the vessel and the surrender for cancellation of any outstanding foreign marine document for the vessel, and the making of the markings required by section 42 a permanent Certificate of Registry shall be issued in place of any provisional Certificate theretofore issued, and such provisional Certificate shall be surrendered as promptly as circumstances permit to the Commissioner or Deputy Commissioner. When the permanent Certificate of Registry is issued after the issuance of a provisional Certificate, the charges originally paid shall be adjusted in accordance with the tonnage established by the certificate of measurement.

(4) For good cause shown the Commissioner or any Deputy Commissioner may, from time to time, renew a provisional Certificate of Registry for a period not exceeding 1 year.

CONDITIONS PRECEDENT TO ISSUANCE OF BAREBOAT CHARTER CERTIFICATE OF REGISTRY

31. (1) Anything in this Act to the contrary notwithstanding, a bareboat charterer of a vessel registered in a foreign registry may obtain a bareboat charter certificate of registry for a period of 2 years, which may be extended, under the provisions of this Act where permitted by the foreign registry, upon presentation to the Commissioner or Deputy Commissioner of the following-

(a) a written application;
(b) a copy of the charterparty in a form satisfactory to the Commissioner or Deputy Commissioner and certified as true and correct by any person permitted to take oaths under section 21;
(c) proof of ownership, and consent of the registered owner of the vessel;
(d) consents of holders of all mortgages, hypothecations or similar charges against the vessel in the foreign registry;
(e) true and correct copies of all the said mortgages, hypothecations or similar charges which copies shall be in the original language, and shall have affixed thereto a duly acknowledged statement in the English language indicating the name of the vessel, the names of the parties, the total original amount, the discharge amount, and the date of maturity;
(f) written consent of the country of registry, or presentation of satisfactory evidence that such consent is not required;
(g) a certificate of ownership and encumbrance, transcript of registry, or other such document from the foreign registry showing all recorded liens and encumbrances.

(2) During any period in which a vessel carries a bareboat charter Certificate of Registry, at no time shall a document indicating a transfer of ownership be recorded against the vessel in the record books maintained at the office of the Commissioner or Deputy Commissioner. Any mortgage, hypothecation or similar charge, or document related thereto, which is at any time recorded in the foreign registry shall be recorded in the office of the Commissioner or Deputy Commissioner as provided for in subsection (3).
(3) Copies of mortgages, hypothecations or charges referred to in subsection (1)(d) shall upon payment of the prescribed fee be recorded in the same order as recorded in the foreign registry in a bareboat charter mortgage book maintained at the office of the Commissioner or Deputy Commissioner and the information contained in the statement affixed to the document shall be endorsed upon the vessel's bareboat charter Certificate of Registry. Two certified copies of the recorded document shall be furnished to the bareboat charterer of which is to be placed upon and retained on board the vessel. All such foreign mortgages, hypothecations and charges shall have preferred status as under section 64.

(4) A bareboat charter certificate of registry may be extended for a period of 2 years upon filing an application, a copy of the charterparty, and a certificate of ownership and encumbrance or transcript of registry and consents of mortgagees with the Commissioner or Deputy Commissioner prior to the expiration of the current certificate and upon payment of the prescribed fees and taxes.

A bareboat charter Certificate of Registry may be cancelled prior to its date of expiration upon presentation to the Commissioner or Deputy Commissioner of the following-

(a) written consent of all holders of record of any mortgage, hypothecation or other charge on the vessel;
(b) written consent of the owner;
(c) written consent of the bareboat charterer; and
(d) surrender of the bareboat charter Certificate of Registry and the radio licence for cancellation.

If the vessel is sold or transferred during the time it carries a bareboat charter Certificate of Registry, the Certificate shall become null and void at the time of the sale or transfer and must be surrendered for cancellation within 30 days or such further time as may be allowed by the Commissioner or Deputy Commissioner.

(6) The bareboat charterer of a Vanuatu vessel may register the vessel in a foreign jurisdiction, where permitted by that jurisdiction, upon obtaining written consent of the Commissioner or Deputy Commissioner, which may be granted upon presentation of the following-

(a) written consent of the owner;
(b) written consent of all holders of record of any mortgage, hypothecation or other charges recorded in the offices of the Commissioner and Deputy Commissioner;
(c) satisfactory proof that the vessel document issued by the foreign jurisdiction shall have endorsed upon it, or upon an addendum affixed to it, evidence of all mortgages recorded against the vessel in the offices of the Commissioner and Deputy Commissioner;
(d) a copy of the foreign document, certified as true and correct, to be submitted within 30 days following registry in the foreign jurisdiction.

DENIAL OF DOCUMENT

32. The Commissioner or his agent or consular or diplomatic officer shall not grant a document or issue papers to any vessel until all applicable provisions of this Chapter have been complied with.

WAIVER OF CERTAIN REQUIREMENTS OF CHAPTER 4

33. Where an owner of a vessel registered in a foreign registry is prevented from, or incurs inordinate delay in, complying with any of the requirements of sections 20(b), 29(1), and 30(1)(b) because of abnormal conditions existing in the country of foreign registration the Commissioner or Deputy Commissioner may waive such requirements.
upon the owner furnishing proof to the satisfaction of the officer receiving such application that such owner has been so prevented or delayed because of such abnormal conditions existing in the country of foreign registration. Such owner shall provide an affidavit setting out full particulars of all mortgages, hypothecations or other charges registered or entitled to be registered on the foreign registry in respect of the vessel and upon receipt of either the written consent of all holders of mortgages, hypothecations or other charges or the release thereof the vessel may be registered and all such mortgages, hypothecations or such other charges shall be recorded in the same order of precedence as were recorded on the foreign registry.

SALE OF DOCUMENT FORBIDDEN

34. A document shall be used solely for the vessel for which it is granted, and it shall not be sold, lent, or otherwise disposed of to any person.

SALE OR TRANSFER ABROAD

35. A registered vessel sold or transferred in whole or in part while without Vanuatu, but without change of flag, shall comply with the provisions of this Chapter relating to the documentation of vessels and a new document shall be obtained.

TRANSFER TO FOREIGN REGISTRY

36. The owner of a documented vessel who desires to transfer the vessel to a foreign registry may do so provided that there are no unfulfilled obligations owing to the Republic of Vanuatu in respect of the vessel. Before such transfer is accomplished the registered owner shall surrender the ship’s document to the Commissioner or his duly authorised agent or to a consular or diplomatic officer of Vanuatu.

APPLICATION OR SURRENDER OF DOCUMENTS

37. Before a Certificate of Registry shall be accepted for surrender, the registered owner shall submit to the Commissioner or Deputy Commissioner a written application specifying the name of the vessel, the reasons for the proposed surrender, the name and nationality of the proposed new owner, if any, and, if a transfer to foreign registry is contemplated, the name of the country to whose registry transfer is desired.

SURRENDER OF CERTIFICATE OF REGISTRY

38. (1) If a registered vessel is lost, taken by an enemy, burned, broken up, or otherwise prevented from returning to the port to which she may belong, the Certificate of Registry if preserved, shall be delivered up within 8 days after the arrival of the master or person in command, to the Commissioner or his authorised agent.

(2) When an application is made for new registry of a vessel, its former Certificate of Registry shall be delivered up to the Commissioner or his duly authorised agent to whom such application is made.

Where a Certificate of Registry is granted in lieu of one lost, the lost Certificate, if found, shall be delivered up to the Commissioner or his duly authorised agent who shall thereupon cancel it.

SURRENDER OF DOCUMENTS OF VESSEL SUBJECT TO PREFERRED MORTGAGES

39. The Certificate of Registry of a vessel subject to a preferred mortgage shall not be accepted for surrender without the consent of the mortgagee except in the case of a provisional Certificate of Registry for the purpose of issuing a permanent Certificate in which case the mortgage endorsement on the provisional Certificate shall be transferred to the permanent Certificate of Registry.
40. (1) Whenever a documented vessel is sold or transferred wholly or partly, without change of flag, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, she shall be documented anew, by her former name.

Every such sale or transfer shall be evidenced by a written instrument in the nature of a bill of sale reciting the entire Certificate of Registry. Otherwise the vessel shall not be documented anew.

(2) In cases of a combination vessel that can be used either for the carriage of liquid cargo in bulk or dry cargo in bulk, if the Certificate of Registry shows the vessel in the condition or use providing the greater net and gross tonnage and has attached thereto an addendum showing the vessel in the other condition or use with the lesser gross and net tonnage, then a change of a vessel from one condition or use to the other, would not require the vessel to be documented anew.

When the Commissioner or his duly authorised agent determines that any vessel has been sold or transferred by process of law, and that her document is retained by the former owner, he may grant a new document, under such sale, upon the owner complying with the requirements of this Chapter, excepting only the delivering up of the former document. This subsection shall not remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel on a transfer or sale of such vessel.

(4) Any vessel required to be documented anew which is not so documented shall not be deemed a vessel of Vanuatu. If a former document has not been delivered up, except where it has been lost or destroyed and the oath thereto has been taken, the owner of such vessel shall be liable to a fine of not more than 500 dollars.

41. In order for the first time to register a vessel newly built and previously undocumented under any flag, the builder by whom or under whose direction the vessel has been built, shall certify as follows-

(a) that it was built by him or under his direction;
(b) the place where built;
(c) the time when built;
(d) the person for whom built;
(e) build;
(f) number of decks and masts;
(g) length;
(h) breadth;
(i) depth;
(j) tonnage or tonnages; and
(k) such other circumstances as are usually descriptive of the identity of a vessel.

42. (1) Every documented vessel shall have her name marked upon each bow and upon the stern. The home port of the vessel shall also be marked upon the stern. These names shall be painted or guilded, or consist of cut or carved or cast Roman letters in light colour on a dark background, or in a dark colour on a light background,
secured in place and distinctly visible. The smallest letters used shall not be less than 4 inches in size. If any such vessel is found without these names being so marked, the owner shall be liable to a fine of 10 dollars for each name omitted.

(2) Each vessel of Vanuatu, in addition to having her name painted on her stern, shall have such name conspicuously placed in distinct plain letters of not less than 6 inches in length, on each side of the pilot house, if any, and in case the vessel has sidewheels, also on the outer side of each wheelhouse. Any such vessel found without having her name so marked shall be subject to a fine of 10 dollars for each marking omitted.

The Commissioner or his duly authorised agent may prescribe a system of numbering documented vessels. The designated number and the net tonnages of each vessel shall be carved deeply or otherwise marked permanently on her main beam. If at any time such vessel ceases to be so marked, she shall be liable to a fine of 30 dollars on every arrival in Vanuatu.

(4) The draft of every registered vessel shall be marked upon the stern post, in English feet or in decimetres, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line.

NUMBERING OF VESSELS

43. Upon the initial registration (either permanent or provisional) of a vessel, the Commissioner either directly or through the Deputy Commissioner issuing the Certificate, shall assign to the vessel an official number.

CHANGE IN NAME OF VESSEL

44. (1) The Commissioner or his duly authorised agent may change the name of a vessel of Vanuatu on application of the owner.

(2) The Commissioner or his agent shall establish necessary rules and regulations and procure necessary evidence as to age, condition, where built, and pecuniary liability of the vessel so as to prevent injury to public or private interest. Upon granting permission the Commissioner or his agent shall cause the order for changing of name to be published in the Vanuatu Gazette. The person desiring the change of name shall pay the cost of procuring evidence and advertising.

(3) A fee of 200 dollars shall be payable by the owners of vessels for securing such changes of name.

(4) Whenever the name of a vessel of Vanuatu is changed, or any device, advertisement, or contrivance is used with intent to deceive as to its true name or character, such vessel shall be forfeited.

INSPECTION OF DOCUMENT

45. Any officer concerned in the collection of revenue may at all times inspect the document of a vessel. A master who fails to exhibit the same, when required by such officer shall be liable to a fine of 100 dollars, and if his failure is wilful shall be liable to a fine of not more than 1,000 dollars, or to imprisonment for not more than 1 year, or to both.

DISPLAY OF SHIP'S PAPERS TO CONSUL

46. (1) Upon arrival during customary business hours of a documented vessel at any foreign port where there is located the principal consular office of a Vanuatu consul or vice consul, the master, ship's agent or other authorised person shall, upon request of such consul or vice consul display to him, without payment of any fee, the vessel's Certificate of Registry and annual tonnage tax receipt.
(2) Where a request has been made and the ship’s papers have not been properly displayed, the vessel shall not be detained therefor by the Vanuatu consul or vice consul making the request, but he shall immediately notify the Commissioner or a Deputy Commissioner of such non-compliance.

Subsection (1) shall not apply to a vessel whose papers have been displayed in a foreign port within the previous 90 days.

(4) Whether local port regulations do or do not require clearance of a vessel from a Vanuatu consul or vice consul, it shall not be required in relation to such clearance that the signing on or off of crew or the execution of any ship’s papers or documents be done before a Vanautu consul or vice consul, or that any ship’s papers or documents be witnessed, visaed, stamped or otherwise legalized by a Vanautu consul or vice consul.

PERJURY

47. (1) If any owner, agent, or attorney commits perjury in the oath taken to obtain documentation of a vessel, her tackle, apparel and furniture shall be forfeited, or the value thereof recovered from such person.

(2) A master who commits perjury in taking such oath shall be liable to a fine of 1,000 dollars, but the vessel shall not thereby be forfeited.

RULES AND REGULATIONS

48. The Minister on the recommendation of the Commissioner may make such rules and regulations, not inconsistent with the provisions of this Act, for the registration, identification and regulation of transfers of vessels as he may deem to be in the best interests of the Vanuatu merchant marine and the domestic and foreign commerce of the nation.

STANDARDS OF SEAWORTHINESS

49. The Minister on the recommendation of the Commissioner may from time to time by Order establish standards of seaworthiness required for the registration of vessels and may appoint classification societies or others to determine any questions involved.

CHAPTER 5

PREFERRED SHIP MORTGAGES AND MARITIME LIENS

CONTENTS OF RECORD

50. (1) A sale, conveyance, hypothecation, mortgage or assignment of mortgage of any vessel shall not be valid in respect of such vessel, against any person other than the grantor or mortgagor, his heirs or devisees and persons having actual notice thereof, until the instrument evidencing such transaction is recorded in the office of the Commissioner or Deputy Commissioner.

(2) The Commissioner or Deputy Commissioner shall record such instruments in the order of their reception in books to be kept for that purpose and indexed to show-

(a) the name of the vessel;
(b) the name of the parties;
(c) the time and date of reception of the instrument;
(d) the interest in the vessel transferred or affected; and
(e) the amount and date of maturity of any mortgage.
DOCUMENTARY ENDORSEMENT OF PREFERRED MORTGAGE

51. A valid mortgage, which at the time it is made, includes the whole of any vessel, shall have a preferred status in respect of such vessel as of the date of its recording, if-

(a) the mortgage is endorsed upon the vessel's document;

(b) the mortgage is recorded as provided herein;

(c) an affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel; and

(d) the mortgage does not stipulate that the mortgagee waives the preferred status thereof.

TERMINATION OF MORTGAGEE'S INTERESTS

52. The interest of a mortgagee in a vessel registered under this Act shall not be terminated by a forfeiture of the vessel for a violation of any law of Vanuatu, unless the mortgagee authorised, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation.

CONDITIONS PRECEDENT TO RECORDING

53. A bill of sale, conveyance, or mortgage shall not be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed or mortgaged. A Bill of Sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof shall not be recorded unless previously acknowledged before the Commissioner or a Deputy Commissioner or a consul or consular agent of Vanuatu or before a notary public or other officer authorised by the laws of the place where the acknowledgement is made to take acknowledgements of deeds.

RECORDING OF BILLS OF SALE

54. The Commissioner or any Deputy Commissioner may accept for recording in his office upon payment of the prescribed fee any bill of sale of a vessel which recites the interest of the grantor in the vessel and the interests sold or conveyed, provided it has previously been acknowledged in accordance with the provisions of section 53, and provided further that any bill of sale of a vessel already documented under the laws of Vanuatu must have incorporated therein a true copy of its latest Certificate of Registry.

RECORDING OF MORTGAGES

55. The Commissioner or any Deputy Commissioner may accept for recording in his office, upon payment of the prescribed fee any mortgage (including a revolving credit mortgage) on a vessel which recites the interest of the mortgagor in the vessel and the interest so mortgaged, provided it has been previously acknowledged in accordance with the provisions of section 53, and provided further that written proof is furnished to him of the amounts and dates of any documents or evidence of debts in support thereof. At the time of recording the Commissioner or Deputy Commissioner will, if requested, certify without charge 2 copies of any mortgage so recorded.
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PREFERRED MORTGAGE

56. (1) A mortgage which complies with the conditions enumerated in this Chapter is designated as a preferred mortgage.

(2) There shall be endorsed upon the document of a vessel covered by a preferred mortgage-

(a) the names of the mortgagor and mortgagee;
(b) the time and date the endorsement is made;
(c) the amount and date of the maturity of the mortgage; and
(d) any amount required to be endorsed by subsections (5) and (6) of this section.

Such endorsement shall be made by the Commissioner at the port of registry or by a Deputy Commissioner or other duly appointed agent at any foreign port; and each Deputy Commissioner is hereby directed and authorised as a special agent to endorse on the document (whether a permanent or provisional Certificate of Registry) of a vessel covered by a preferred mortgage recorded in his office, a notation of such mortgage as required by subsection (2). Clearance shall not be given to the vessel until such endorsement is made.

(4) A certificate of such endorsement, giving the place, time and description of the endorsement, shall be recorded with the records of registration. Where the endorsement is made by a person other than the Commissioner, such certificate shall be promptly furnished to the Commissioner or Deputy Commissioner if recording had been accomplished by a Deputy Commissioner.

A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be endorsed upon the document of the vessel.

(6) If a preferred mortgage includes more than 1 vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion shall be endorsed upon the document of the vessel.

LIEN OF PREFERRED MORTGAGE

57. A preferred mortgage shall constitute a maritime lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel.

INTEREST ON PREFERRED MORTGAGE

58. A preferred mortgage may bear such rate of interest as is agreed by the parties thereto.

DISCLOSURE OF LIENS AND PRIORITY

59. (1) The mortgagor, before executing a preferred mortgage, shall disclose to the mortgagee in writing the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged, which is known to the mortgagor.

(2) After the execution of such mortgage and before the mortgagee has had a reasonable time in which to record it and have proper endorsements made upon the document of the vessel, the mortgagor, without the consent of the mortgagee, shall not incur any contractual obligation creating a lien upon the vessel, other than liens for wages of stevedores when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the
vessel, for general average or for salvage, including contract salvage, tonnage taxes and all other charges (not to exceed 1,000 dollars) of the Commissioner in respect of the vessel.

Whoever, being a mortgagor or an officer of a corporate mortgagor, with intent to defraud, violates this section shall be liable to a fine not exceeding 3,000 dollars or to imprisonment for a term not exceeding 2 years or to both. The mortgage indebtedness shall thereupon become immediately due and payable at the election of the mortgagee.

EXHIBITING CERTIFIED COPIES

60. (1) Upon recording a preferred mortgage, 2 certified copies shall be delivered to the mortgagor who shall place, and use due diligence to retain, 1 copy on board the mortgaged vessel and cause such copy and the document of the vessel to be exhibited by the master to any person having business which may give rise to a maritime lien or to the sale, conveyance, or mortgage of the vessel.

(2) A master who wilfully fails to exhibit such documents and copy of mortgage play have his licence suspended or revoked.

RECORD OF NOTICE OF CLAIM OF LIEN

61. The Commissioner or his duly authorised agent shall upon the request of any person record notice of his claim to a lien upon a registered vessel, together with the nature, date of creation, and amount of the lien and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded, shall upon a discharge in whole or in part or the indebtedness forthwith file a certificate of such discharge with the Commissioner or his duly authorised agent, who shall thereupon record the certificate.

DISCHARGE OF MORTGAGE

62. The mortgagor upon a complete discharge of the mortgage indebtedness shall forthwith file a certificate of such discharge duly executed by the mortgagee, his successors or assigns with the Commissioner or his duly authorised agent, who shall thereupon record the certificate and the mortgagor may similarly file a certificate of partial discharge of a mortgage covering more than 1 vessel.

FORECLOSURE AND DEFAULT JURISDICTION AND PROCEDURE

63. (1) The lien of a preferred mortgage may be enforced in Vanuatu by a suit in rem upon default of any term or condition. In addition to any notice by publication, actual notice of the commencement of suit shall be given by the plaintiff, in stitch manner as the court directs, to the master, other ranking officer, or caretaker of the vessel, and any person who has recorded a notice of claim of an undischarged lien upon the vessel, unless after search by the plaintiff satisfactory to the court, such person is not found within Vanuatu. Failure to give such notice shall not constitute a jurisdictional defect, but the plaintiff shall be liable to such person for damages in the amount of his interest in the vessel terminated by the action.

(2) The lien of a preferred mortgage may also be enforced by an action in rem in admiralty or otherwise in any foreign country in which the vessel shall be found, pursuant to the procedure of such country for the enforcement of ship mortgages constituting maritime liens on vessels documented under the laws of such country.
Notwithstanding anything in this Act, the mortgagee may, in addition to all other remedies granted by this Chapter, bring an action in personam against the mortgagor in any court of competent jurisdiction for the amount of the outstanding mortgage indebtedness or for any deficiency in the full payment thereof.

(4) This Act does not authorise the enforcement by action in rem in admiralty of the rights of the mortgagee in respect of realty or personalty other than the vessel or vessels covered by the mortgage.

64. As used in sections 57, 63, 65 and 67 of this Act, the term "preferred mortgage" shall include, in addition to a preferred mortgage made pursuant to the provisions of this Chapter, any mortgage, hypothecation or similar charge created as security upon any documented foreign vessel if such mortgage, hypothecation or similar charge has been duly and validly executed and registered in accordance with the laws of the nation where the vessel is documented; and the term "preferred mortgage lien" shall also include the lien of such mortgage, hypothecation or similar charge.

65. Upon the sale of any vessel in an action in rem in admiralty for the enforcement of a preferred mortgage lien, all pre-existing tims on the vessel, including any possessor common law lien shall terminate and shall thereafter attach, in like amount and in accordance with their respective priorities to the proceeds of sale; except that the preferred mortgage lien shall have priority over all claims against the vessel, except liens arising prior in time to the recording, and endorsement of the preferred mortgage as provided in this Chapter, liens for damages arising out of tort, for crew's wages, for general average, and for salvage (including contract salvage) and expenses and fees allowed and costs taxed by the court.

66. (1) Whoever furnishes repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any foreign or domestic vessel upon the order of the owner or person authorised by the owner, shall have a maritime lien on the vessel.

(2) The managing owner, ship's husband, master or any person to whom the management of the vessel at the port of supply is entrusted including any such appointed by a charterer, owner pro hac vice or agreed purchaser in possession, shall be presumed to have authority from the owner to procure such necessaries, but a person tortiously or unlawfully in possession or charge of the vessel shall not have authority to bind it.

This section shall not confer alien when the furnisher knows, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering necessaries was without authority to bind the vessel therefor.

67. This chapter shall not prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, or the mortgagee, from waiving his right to a lien or in the case of a preferred mortgage lien to the preferred status of such lien, at any time by agreement or otherwise.
68. In this Chapter, unless the context otherwise requires-
   "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper;
   "carriage of goods" covers the period from the time when the goods are loaded on, to the time when they are discharged from the ship;
   "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, insofar as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charterparty from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;
   "foreign trade" means the transportation of goods between ports of Vanuatu and ports of foreign countries.

RISKS

69. Subject to the provisions of section 73, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, cart; and discharge of such goods shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth.

RESPONSIBILITIES AND LIABILITIES

70. (1) The carrier shall be bound, before and at the beginning of the voyage to exercise due diligence to-
   (a) make the ship seaworthy;
   (b) properly man, equip, and supply the ship; and
   (c) make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation.

(2) The carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

(3) After receiving the goods into his charge the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things-
   (a) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts:
       Provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings, in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;
   (b) either the number of packages or pieces, or the quantity or weight as the case may be, as furnished in writing by the shipper;
   (c) the apparent order and condition of the goods:
       Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight, which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.
(4) Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with subsections (3)(a), (b) and (c) of this section. Nothing in this Chapter shall be construed as limiting the application of any part of the law governing bills of lading.

The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity and weight, as furnished by him; and the shipper shall indemnify the carrier against all loss, damages and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

(6) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

If the loss or damage is not apparent, the notice must be given within 3 days of the delivery.

Such notice of loss or damage may be endorsed upon the receipt for the goods given by the person taking delivery thereof.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of a joint survey or inspection.

In any event, the carrier and the ship shall be discharged from all liability in respect of loss or damage unless action is brought within 1 year after delivery of the goods or the date when the goods should have been delivered; provided that if a notice of loss or damage, either apparent or concealed, is not given as provided for in this section, that fact shall not affect or prejudice the right of the shipper to bring action within 1 year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading; provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

(8) Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this Act, shall be null and void and of no effect.

A benefit of insurance in favour of the carrier, or similar clause, shall be deemed to be a clause relieving the carrier from liability.

RIGHTS AND IMMUNITIES

71. (1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly
Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from-

(a) act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;
(b) fire, unless caused by the actual fault or privity of the carrier;
(c) perils, dangers, and accidents of the sea or other navigable waters;
(d) Act of God;
(e) act of war;
(f) act of public enemies;
(g) arrest or restraint of princes, rulers, or people, or seizure under legal process:
(h) quarantine restriction;
(i) act or omission of the shipper or owner of the goods, his agent or representative;
(j) strikes or lockouts or stoppage or restraint of labour from whatever cause, whether partial or general:  
Provided that nothing herein contained shall be construed to relieve a carrier from responsibilities for the carrier's own acts;
(k) riots and civil commotions;
(l) saving or attempting to save life or property at sea;
(m) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;
(n) insufficiency of packing;
(o) insufficiency or inadequacy of marks;
(p) latent defects not discoverable by due diligence; and
(q) any other cause arising without the actual fault and privity of the carrier and without the fault or neglect of the agents or servants of the carrier but then burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

(3) The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.

(4) - Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of this Act or the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom; provided, however, that if the deviation is for the purpose of loading or unloading cargo or passengers it shall, prima facie, be regarded as unreasonable.

Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the transportation of goods in an amount exceeding 600 dollars per package, or in the case of goods not shipped in packages, per customary freight unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.
This declaration, if embodied in the bill of lading, shall be prima facie evidence, but shall not be conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier, and the shipper, a maximum amount other than that mentioned in this section may be fixed; provided that such maximum shall not be less than the figure abovenamed.

In no event shall the carrier be liable for more than the amount of damage actually sustained.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with the transportation of the goods if the nature or value thereof has been knowingly and fraudently misstated by the shipper in the bill of lading.

(6) Goods of an inflammable, explosive, or dangerous nature, to the shipment whereof the carrier, master or agent of the carrier has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipments.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place, or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

SURRENDER OF RIGHTS AND IMMUNITIES AND INCREASE OF RESPONSIBILITIES AND LIABILITIES

72. (1) A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under this Chapter; provided that such surrender or increase shall be embodied in the bill of lading issued to the shipper.

(2) The provisions of this Chapter shall not be applicable to charterparties, but if bills of lading are issued in the case of a ship under a charterparty they shall comply with the terms of this Chapter. Nothing in this Chapter shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

SPECIAL CONDITIONS

73. (1) Notwithstanding the provisions of the preceding sections, a carrier, master or agent of the carrier, and a shipper shall, in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect to such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care of diligence of his servants or agents in regard to loading, handling, stowage, carriage, custody, care and discharge of the goods carried by sea; provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

(2) Any agreement so entered into shall have full legal effect; provided that this section shall not apply to ordinary commercial shipments made in the ordinary course of trade but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed are such as reasonably justify a special agreement.

CONTRACT PERMITTED AS TO DAMAGES TO GOODS WHILE NOT ON SHIP

74. Nothing contained in this Chapter shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the respon-
sibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

**EFFECT OF CHAPTER**

75. The provisions of this Chapter shall not affect the rights and obligations of the carrier under the provisions of Chapter 7 of this Act, or under the provisions of any statute for the time being in force, relating to the limitation of the liability of the owners of sea-going vessels.

**DISCRIMINATION FORBIDDEN AS TO COMPETING SHIPPERS**

76. Nothing contained in this Chapter shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this Chapter; or (b) when issuing bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities.

**BULK CARGO-WEIGHTS ASCERTAINED BY THIRD PARTIES**

77. Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bills of lading, then, notwithstanding anything in this Act, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

**SCOPE OF CHAPTER**

78. This Chapter shall apply to all contracts for carriage of goods by sea to or from ports of Vanuatu in foreign trade.

**CHAPTER 7**

**LIMITATION OF SHIPOWNERS' LIABILITY**

**OWNERS' RIGHT TO LIMITATION**

79. (1) The owner of a ship may limit his liability in accordance with section 81 in respect of claims arising from any of the following occurrences, unless the occurrence giving rise to the claim resulted from the actual fault or privity of the owner—

(a) loss of life of, or personal injury to, any person being carried in the ship, and loss of, or damage to, any property on board the ship;

(b) loss of life of, or personal injury to, any other person, whether on land or on water, loss of or damage to any other property or infringement of any rights caused by the act, neglect or default of any person on board the ship for whose act, neglect or default the owner is responsible:

Provided however, that in regard to the act, neglect or default of this last class of person, the owner shall only be entitled to limit his liability when the act, neglect or default is one which occurs in the navigation or the management of the ship or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers;
(c) any obligation or liability imposed by any law relating to the removal of any wreck and arising from or in connection with the raising, removal or destruction of any ship which is sunk, stranded or abandoned (including anything which may be on board such ship) and any obligation or liability arising out of damage caused to harbour works, basins and navigable waterways.

(2) In this Chapter the expression "personal claims" means claims resulting from loss of life and personal injury; "property claims" means all other claims set out in subsection (1).

(3) An owner shall be entitled to limit his liability in the cases set out in subsection (1) even in the cases where his liability arises, without proof of negligence on the part of the owner or of persons for whose conduct he is responsible, by reason of his ownership, possession, custody or control of the ship.

(4) Nothing in this section shall apply to—
(a) claims for salvage or claims for contribution in general average;
(b) claims by the master, by members of the crew, by any servants of the owner on board the ship or by servants of the owner whose duties are connected with the ship, including the claims of their heirs, personal representatives or dependents, if under the law governing the contract of service between the owner and such servants the owner is not entitled to limit his liability in respect of such claims or if he is by such law only permitted to limit his liability to an amount greater than that provided for in section 81.

(5) If the owner of a ship is entitled to make a claim against a claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall only apply to the balance, if any.

(6) The act of invoking limitation of liability shall not constitute an admission of liability.

CLAIMS

80. (1) The limit of liability prescribed by section 81 shall apply to the aggregate of personal claims and property claims which arise on any distinct occasion without regard to any claims which have arisen or may arise on any other distinct occasion.

(2) Where the aggregate of the claims which arise on any distinct occasion exceeds the limits of liability provided for by section 81 the total sum representing such limits of liability may be constituted as one distinct limitation fund.

(3) The fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

(4) After the fund has been constituted, no claimant against the fund shall be entitled to exercise any right against any other assets of the shipowner in respect of his claim against the fund, if the limitation fund is actually available for the benefit of the claimant.

LIMITATION FUND

81. (1) The amounts to which the owner of a ship may limit his liability under section 79 shall be—
(a) where the occurrence has only given rise to property claims, an aggregate amount of 67 dollars for each ton of ship’s tonnage;
(b) where the occurrence has only given rise to personal claims, an aggregate amount of 207.70 dollars for each ton of the ship’s tonnage;
(c) where the occurrence has given rise both to personal claims and property claims, an aggregate amount of 207.70 dollars for each ton of the ship’s tonnage, of which a first portion amounting to 140.70 dollars for each ton of
the ship's tonnage shall be exclusively appropriated to the payment of personal claims and of which a second portion amounting to 67 dollars for each ton of the ship's tonnage shall be appropriated to the payment of property claims; provided, however, that in the cases where the first portion is insufficient to pay the personal claims in full the unpaid balance of such claims shall rank rateably, with the property claims for payment against the second portion of the fund.

(2) In each portion of the limitation fund the distribution among the claimants shall be made in proportion to the amounts of their established claims.

(3) If before the fund is distributed the owner has paid in whole or in part any of the claims set out in section 79, he shall pro tanto be placed in the same position in relation to the fund as the claimant whose claim he has paid, but only to the extent that the claimant whose claim he has paid would have had a right of recovery against him under the laws of Vanuatu.

(4) Where the shipowner establishes that he may at a later date be compelled to pay in whole or in part any of the claims set out in section 79, the court may order that a sufficient sum shall be provisionally set aside to enable the shipowner at such later date to enforce his claim against the fund in the manner set out in subsection (3).

(5) For the purpose of ascertaining the limit of an owner's liability in accordance with the provisions of this section the tonnage of a ship of less than 300 tons shall be deemed to be 300 tons.

(6) For the purpose of this Chapter only, tonnage shall be calculated as follows-

(a) in the case of steamships or other mechanically propelled ships there shall be taken the net tonnage with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage;

(b) in the case of all other ships there shall be taken the net tonnage.

BAIL AND RELEASE

82. (1) Whenever a shipowner is entitled to limit his liability under this Chapter and the ship has been arrested or attached within the jurisdiction of Vanuatu or bail or other security has been given to avoid arrest a court may, in its discretion, order the release of the ship or other property or of the security given if it is established by the shipowner that he has already given satisfactory bail or security, in Vanuatu or elsewhere, in a sum equal to the full limit of his liability under this Chapter and that the bail or other security so given is actually available for the benefit of the claimant in accordance with his rights.

(2) Where, in circumstances mentioned in subsection (1), bail or other security has already been given-

(a) at the port where the accident giving rise to the claim occurred;

(b) at the first port of call after the accident if the accident did not occur in a port;

(c) at the port of disembarkation or discharge if the claim is a personal claim or relates to damage to cargo, the court shall order the release of the ship or the bail or other security given, subject to the conditions set forth in subsection (1).

The provisions of subsections (1) and (2) shall apply likewise if the bail or other security already given is a sum less than the full limit of liability under this Chapter; provided that satisfactory bail or other security is given for the balance.
(4) When the shipowner has given bail or other security in a sum equal to the full limit of his liability under this Chapter such bail or other security shall be available for the payment of all claims arising on a distinct occasion and in respect of which the shipowner may limit his liability.

83. (1) In this Chapter the liability of the shipowner includes the liability of the ship herself.

(2) Subject to subsection (3), the provisions of this Chapter shall apply to the charterer, manager and operator of the ship, and to the master, members of the crew and other servants of the owner, charterer, manager or operator acting in the course of their employment, in the same way as they apply to an owner himself; provided that the total limits of liability of the owner and all such other persons in respect of personal claims and property claims arising on a distinct occasion shall not exceed the amounts determined in accordance with section 81.

When actions are brought against the master or against the members of the crew such persons may limit their liability even if the occurrence which gives rise to the claims resulted from the actual fault or privity of one or more of such persons. If, however, the master or member of the crew is at the same time the owner, co-owner, charterer, manager or operator of the ship the provisions of this subsection shall only apply where the act, neglect or default in question is an act, neglect or default committed by the person in question in his capacity as master or as member of the crew of the ship.

84. No owner of any vessel shall be liable to answer for, or make good to any person, any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the actual fault or privity of such owner.

CHAPTER 8
RADIO

85. The Minister responsible for telecommunication, may on the recommendation of the Commissioner from time to time, make such rules and regulations as may be deemed by him necessary and appropriate to the efficient administration of maritime mobile radio stations.

CHAPTER 9
RULES OF NAVIGATION

86. The regulations approved by the International Conference on Revision of the International Regulations for Preventing Collisions at Sea, 1972, and such changes therein as in the future shall be made by an international convention to which Vanuatu subscribes, shall be followed by all vessels and seaplanes navigating all harbours, rivers, and inland waters of Vanuatu and shall be followed by all Vanuatu vessels and sea-
planes upon the high seas and in all waters connected therewith navigable by seagoing vessels except as provided in such regulations which regulations shall have effect as if specifically enacted by statute and fully set forth herein.

SMALL ROWING BOATS
87. The term "small rowing boat" as set forth in the foregoing regulations shall be interpreted to include canoes and various nondescript local craft.

PENALTY FOR VIOLATION OF RULES BY PILOT, ENGINEER, MATE OR MASTER
88. Every pilot, engineer, mate, master or other person in charge of any vessel, boat, canoe, or nondescript local craft who neglects or refuses to observe the provisions of this Chapter shall be liable to a fine of 100 dollars in addition to all damages sustained by any passenger in his person or baggage resulting from such neglect or refusal; provided that nothing herein shall relieve any vessel, owner, corporation, or other person from any liability incurred by reason of such neglect or refusal.

PENALTY FOR VIOLATION BY VESSEL
89. Every vessel that shall be navigated without complying with the provisions of this Chapter shall be liable to a fine of 200 dollars, for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any court of competent jurisdiction in Vanuatu.

ASSISTANCE IN CASE OF COLLISION
90. In every case of collision between 2 vessels it shall be the duty of the master or person in charge of each vessel, if and in so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stand by the other vessel until he has ascertained that it needs no further assistance; to render to the other vessel, and to its master, crew or passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision; and to report to the master or person in charge of the other vessel the name of its own vessel, its port of registry or the port to which it belongs, and the names of the ports from which and to which it is bound. If he fails to do so without reasonable cause for such failure, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

PENALTY FOR FAILURE TO RENDER ASSISTANCE
91. Every master or person in charge of a Vanuatu vessel or boat, who, without reasonable cause fails to render assistance or to give information as required by section 90 shall be deemed guilty of an offence and shall be liable to a fine of 1,000 dollars or imprisonment for a term not exceeding 2 years or to both; and for the above sum the vessel shall be liable and may be seized and proceeded against by any person in any court of competent jurisdiction in Vanuatu.

CHAPTER 10
WRECKS AND SALVAGE
VESSELS STRANDED ON FOREIGN COASTS
92. Consuls and vice consuls in countries on whose shores vessels of Vanuatu are stranded shall take proper measures for saving the vessels, their cargoes and appurtenance, storing and securing the effects and merchandise saved, and taking inventories thereof; and such merchandise and effects with inventories thereof shall, after payment of the expenses be delivered to the owners. A consul or vice consul shall not take possession of any such merchandise, or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same.
93. The right to remuneration for assistance of salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

94. Salvors of human life or cargo who have taken part in the services rendered in connection with the accident giving rise to salvage are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo and accessories.

95. An action for recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than 2 years from the date when such assistance or salvage was rendered, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person or corporation to be charged, in which case the right of action shall not lapse until 90 days after there has been a reasonable opportunity to secure jurisdiction.

96. The Commissioner or his agent and the crew of any vessels owned or operated by Vanuatu or its representatives, may collect and sue for salvage services rendered by such vessel and crew. Any salvage monies recovered by the Commissioner, or his agent, and not for the benefit of the crew, shall be held for the credit of the Government agency having possession or control of the vessel rendering such service.

97. In the event of any casualty involving a Vanuatu vessel where there is a loss of life or loss of or damage to property estimated to be in excess of 50,000 dollars, the master shall immediately forward a report thereon to the Commissioner or Deputy Commissioner in accordance with such regulations as the Minister on the recommendation of the Commissioner may make from time to time. Where there is a failure to execute and file a report as required hereunder, the master and vessel shall each be liable to a fine of 250 dollars upon notice from the Commissioner.

98. The Minister on the recommendation of the Commissioner may, from time to time, make such rules and regulations as are deemed by him necessary and appropriate to the investigation of marine casualties involving vessels registered under this Act or otherwise occurring within the jurisdiction of Vanuatu.

CHAPTER 11

MERCHANT SEAMEN

99. (1) The rights and obligations of every person employed on any ocean going merchant vessel registered under this Act and any persons employing such person shall, with respect to terms and conditions of employment and other matters relating to employment and the internal order of such vessel be governed by this Chapter.
(2) The provisions of this Chapter shall not apply to-
(a) persons employed on vessels of less than 75 net tons;
(b) persons employed solely in ports in repairing, cleaning, stevedoring and loading or unloading the vessels; and
(c) pilots.

INTERPRETATION

100. In this Chapter unless the context otherwise requires-
"crew" means collectively the persons, other than the officers and the master, serving in any capacity on board a vessel;
"fishing vessel" means a vessel used for catching fish, seals, walrus and other living creatures at sea;
"foreign trade" means trade between foreign countries or between Vanuatu and foreign countries;
"master" means any person having command of a vessel;
"seaman" means any or all members of the crew and officers other than the master and pilots, employed or engaged in any capacity on board any vessel;
"shipowner" includes the charterer of any vessel where he mans, victuals and navigates such vessel at his own expense or by his own procurement;
"vessel" means any vessel registered under this Act.

FULL COMPLEMENT REQUIRED

101. A Vanuatu vessel shall not be navigated unless it has in its service and on board such complement of officers and crew as is necessary for safe navigation. The Minister or the recommendation of the Commissioner may, from time to time, make such rule, and regulations as are deemed by him necessary and appropriate to ensure compliance with this section.

OFFICERS' LICENCES

102. Except when prevented by force majeure, all officers of vessels of Vanuatu shall obtain licences to fill their relative positions from the Commissioner or any Deputy Commissioner authorised to issue licences.

PENALTY

103. Any person who shall receive or shall have in his possession any licence or certificate of competency issued to officers or crew by the Commissioner or Deputy Commissioner to which he is not lawfully entitled, with intent to use the same unlawfully; or who, without lawful authority, shall alter or change any such certificate or licence by addition, interpolation, deletion or erasure; or who shall in any manner transfer or arrange for the transfer of any such licence or certificate; or who shall aid or abet the perpetration of any of the foregoing acts, shall, for each offence, be liable to a fine of not more than 500 dollars or to imprisonment for not more than 1 year, or to both.

TERMINATION OF EMPLOYMENT OF MASTER

104. Any contractual provision to the contrary notwithstanding, the shipowner, with or without good cause, may at any time terminate the employment of and dismiss the master.
DUTIES OF THE MASTER

105. The master shall among others, have the following duties-

(a) to enter into shipping articles with seamen as hereinafter provided;
(b) to maintain discipline on board the vessel and to take all such steps as are necessary and appropriate in connection therewith;
(c) to assume responsibility for the receipt of cargo by the vessel, stowage of cargo on board the vessel insofar as such stowage affects the safety or navigability of the vessel, and for the discharge of cargo from the vessel;
(d) to assume full responsibility for the safety of the members of the crew and passengers, if any, and to take all necessary and appropriate steps in connection therewith;
(e) to assume full responsibility for the navigation of the vessel at all times;
(f) to assume full responsibility for the vessel's funds and the disbursement thereof;
(g) to ascertain that the vessel's log books are properly and accurately kept;
(h) to keep in his custody all of the vessel's documents;
(i) to make all reports required by or under this Act or by any regulation made hereunder or by the regulations of any ports at which the vessel may call;

   to render assistance in the saving of life and property at sea.

SPECIAL POWERS OF MASTERS

106. When a vessel is at sea, the master is authorised to-

(a) marry passengers or other persons aboard;
(b) issue birth certificates for children born at sea;
(c) bury persons who have died on board the vessel while at sea.

CERTAIN SEAMEN'S RIGHTS PROVIDED FOR MASTER

107. Except as otherwise provided, the master of a Vanuatu vessel shall have the same rights in respect of wages, maintenance, cure and repatriation as are hereinafter provided for seamen.

WRONGFUL DEATH OF MASTER

108. The personal representative of the master of a Vanuatu vessel shall have the same rights in case of the master's wrongful death as hereinafter provided in respect of seamen.

SHIPPING ARTICLES REQUIRED FOR SEAMEN

109. Before the master of any Vanuatu vessel of 75 net tons or more shall sail from any port, there shall be in force shipping articles (sometimes referred to as articles) with every seaman on board his vessel, except with persons who are apprenticed to, or servants of, himself or the vessel's owner. The shipping articles shall be written or printed and shall be subscribed by every seaman shipping on the vessel and shall state the period of engagement or voyage and the term or terms for which each seaman shall be shipped and the rate of pay for each and such other items as may be required by regulations made under this Act.
EXEMPTIONS WITH RESPECT TO SHIPPING ARTICLES

110. Any other provisions of this Act to the contrary notwithstanding, shipping articles between the master and crew shall not be a requirement with respect to Vanuatu vessels engaged in the search for and development of offshore oil, gas or mineral resources or in the support thereof, where the master and crew of such vessels have entered into written contracts of employment with the owners or operators of such vessels; provided such contracts meet the requirements established by the Commissioner or a Deputy Commissioner. In the event such employment contracts take the place of shipping articles as provided in this section, all references in the Act to shipping articles or articles shall, except to the extent that it would be inconsistent with this section, be deemed to refer to such employment contract.

PENALTY FOR ALTERATION OF SHIPPING ARTICLES

111. If any person fraudulently alters, or makes any false entry in any shipping article, and if any person aids in committing, or procures to be committed, any such offence, he shall, in respect of each offence, be liable to a fine not exceeding 500 dollars.

PENALTY FOR SHIPPING WITHOUT SHIPPING ARTICLES

112. If any person shall be carried to sea as an officer or one of the crew on board any vessel making a voyage as hereinbefore specified, without entering into shipping articles with the master of such vessel, in the form and manner and at the place and times in such cases required, the vessel shall be held liable for each such offence to a fine not exceeding 200 dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed himself away without the knowledge of the master, mate or of any of the officers of the vessel, or who shall have falsely personated himself to the master or officers of the vessel, for the purpose of being carried to sea.

DURATION AND EXTENSION OF SHIPPING ARTICLES

113. (1) Shipping articles for the duration of a single voyage terminate as soon as unloading of the cargo is completed at the last port of destination.

(2) Shipping articles for the duration of a round voyage terminate as soon as unloading of any cargo is completed at the port where the seamen were engaged.

If the voyage is extended to a port other than that port designated in the shipping articles as the end of the voyage, the articles shall be extended and the wages shall be continued accordingly. If the voyage is shortened, the wages shall be paid to the date of termination of the voyage.

(4) Where shipping articles are not for a stated period they shall be deemed to be for a period of not less than 1 year and shall terminate at the expiration of the 1 year period, provided that at least 5 days prior notice has been given. In the absence of such notice the agreement shall continue but shall be terminable thereafter upon at least 5 days notice by either party. Nothing in this subsection shall apply to, or preclude, shipping articles for a stated period of time.

When shipping articles expire while the voyage is still incomplete, they shall be extended until the vessel arrives at the port of her destination, and the wages shall be continued accordingly.

TERMINATION OF SHIPPING ARTICLES

114. Where the shipping articles have terminated because of-

(a) transfer of registry; or

(b) transfer of ownership; or
(c) abandonment of vessel; or
(d) loss of vessel,
the seamen shall be entitled to compensation equal to 15 days base wages or the base wages until the expiration of the period for which he was engaged, whichever shall be least; provided however that the seaman is not employed as a seaman during such period and provided further that during such period the seaman has not refused substantially equivalent seagoing employment.

CERTIFICATE OF SERVICE
115. (1) The master shall sign and give to a seaman discharged from his vessel, either on his discharge or on payment of his wages, a certificate of service in a form approved by the Commissioner, specifying the period of his service and the time and place of his discharge.

(2) If any person forges or fraudulently alters any certificate of service, he shall be guilty of an offence.

EXEMPTIONS WITH RESPECT TO CERTIFICATES OF SERVICE
116. No certificate of service shall need to be given covering the service of any person exempted from the shipping articles requirement in terms of section 110.

MINIMUM AGE AT SEA
117. (1) Children under the age of 16 years shall not be employed on Vanuatu vessels engaged in foreign trade, except on vessels upon which only members of the same family are employed, school ships or training ships.

(2) The master shall keep a register of all persons under the age of 16 years employed on board his vessel.

PAYMENT OF WAGES
118. (1) Wages shall commence on the day specified and agreed to in the shipping articles or at a time of presence on board the vessel for the purpose of commencing work, whichever occurs first and shall terminate on the day of discharge or termination of the articles.

(2) In the absence of any agreement to the contrary, the shipowner or the master of the vessel shall pay to every seaman his wages within 2 days after the termination of the articles, or at the time when the seaman is discharged, whichever occurs first.

A seaman is entitled to receive in local currency, on demand, from the master one half of his wages actually earned and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any 10 day period. In case of wrongful failure to pay a seaman wages on demand, the seaman shall become entitled to a payment of full wages earned.

(4) Every master shall deliver to the seaman, before payment, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever, and in default shall, for each offence, be liable to a fine not exceeding 25 dollars.

WAGES FOR UNJUSTIFIABLE DISCHARGE
119. Any seaman who has signed shipping articles and is afterward discharged before the commencement of the voyage or before 1 month's wages are earned, without fault on
his part justifying such discharge and without consent, shall be entitled to receive in
addition to his earned wages a sum equal in amount to 1 month's wages as compensa-
tion.

STOWAWAY ENTITLED TO WAGES, IF THERE IS AN AGREEMENT

120. A stowaway signing the vessel's articles is entitled to wages, but not to maintenance
and cure as herein provided. The master shall discharge him at the first convenient
port of call. Nothing in this section shall require a stowaway to be signed on shipping
articles.

GROUNDS FOR DISCHARGE

121. The master may discharge a seaman for justifiable cause, including any of the follow-
ing grounds-

(a) unjustified failure to report on board at such times and dates as may be specified
by the master;

(b) incompetence to perform duties for which the seaman has represented himself as
qualified;

(c) theft, embezzlement or wilful destruction of any part of the vessel, its cargo or
stores;

(d) serious insubordination or wilful disobedience or wilful refusal to perform
assigned duties;

(e) mutiny or desertion;

(f) habitual intoxication, quarelling or fighting;

(g) possession of dangerous weapons, narcotics or contraband articles;

(h) intentional concealment from the shipowner or master at or prior to engagement
under the shipping articles of a condition which resulted in sickness or injury.

ADVANCES AND ALLOTMENT OF WAGES

122.(1) It shall be unlawful to pay any seaman wages in advance of the time when they are
actually earned, or to pay such advance wages, or to make any order or note or
other evidence of the indebtedness therefor to any other person, or to pay to any
person for the shipment of any seaman when payment is deducted or to be
deducted from a seaman's wages. Any person violating any of the provisions of
this section shall be liable to a fine not exceeding 50 dollars.

(2) It shall be lawful for the master and any seaman to agree that an allotment of a
portion of the seaman's earnings may be payable to a spouse, children, grandchil-
dren, parents, grandparents, brothers or sisters, or to a bank account in the name
of the seaman.

WAGES AND CLOTHING EXEMPT FROM ATTACHMENT

123. The wages and clothing of a seaman shall not be subject to attachment or arrestment
from any court; and any assignment or sale of wages or of salvage made prior to the
accruing thereof shall not bind the seaman, except allotments.
124. (1) Every master and seaman shall be entitled after 12 months on continuous service on a vessel or for the same employer to receive an annual vacation allowance equivalent to-
   (a) in the case of masters and officers not less than 12 days base wages;
   (b) in the case of other members of the crew not less than 5 days base wages.
(2) Every seaman shall be entitled to a minimum of 5 paid holidays per year.

125. No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship or to abandon any right which he may have obtained in the nature of salvage shall be wholly void and inoperative.

126. No right to wages on the part of any seaman shall be dependent on the earnings of freight by the vessel.

127. (1) Subject to subsection (3) in the event of disabling sickness or injury, while a seaman is on board a vessel under signed shipping articles or off the vessel pursuant to an actual mission assigned to him by, or by the authority of, the master, the seaman shall be entitled to-
   (a) full wages, as long as he is sick or injured and remains on board the vessel;
   (b) medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared to have reached a maximum cure or to be incurable, but in no event more than 30 weeks from the day of the injury or commencement of sickness;
   (c) an amount equal to board and lodging up to a maximum period of 30 weeks, and one third of his base wages during any portion of such period subsequent to his landing from the vessel but not to exceed a maximum period of 16 weeks commencing from the day of injury or commencement of the sickness;
   (d) repatriation as provided in section 133 including, in addition, all charges for his transportation, accommodation and food during the journey and his maintenance up to the time fixed for his departure.

(2) The shipowner or his representative shall take adequate measures for safeguarding property left on board by sick, injured or deceased seaman.

(3) The seaman shall not be entitled to any of the benefits provided under subsection (1) if-
   (a) such sickness or injury resulted from his wilful act, default or misconduct;
   (b) such sickness or injury developed from a condition which was intentionally concealed from the employer at or prior to his engagement under the articles;
   (c) he refuses medical treatment for such sickness or injury or is denied such treatment because of his misconduct or default;
   (d) at the time of his engagement he refused to be medically examined.

(4) The seaman shall have a maritime lien against the vessel for any wages due to him under this section.
WRONGFUL DEATH

128. Whenever the death of a seaman, resulting from an injury, shall be caused by wrongful act, omission, neglect or default occurring on board a vessel, the personal representative of the deceased seaman may maintain an action for damages, for the exclusive benefit of the deceased's wife, husband, parent, child or dependent relative, against the vessel, person or corporation which would have been liable if death had not ensued.

DEATH ON BOARD

129. In the event of a death on board a vessel, an entry shall be made into the vessel's logbook by the master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the Commissioner or to the Deputy Commissioner. The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude), date and time of death and the names of next-of-kin, if known, and the name of the vessel. If the deceased person is a seaman, the entry and statement shall contain, in addition, his rank, rating, place and address of his residence or domicile and the number of his licence with date of issuance. The statement submitted by the master shall be countersigned by any attending physician aboard, otherwise by one of the ship's officers. A list of personal effects and amounts of money left on board the vessel shall be attached.

ISSUANCE OF DEATH CERTIFICATE

130. Upon the request of anyone having legal interest and where a death has been reported in accordance with the requirements of section 129, the office of the Commissioner or of the Deputy Commissioner shall issue a death certificate containing the particulars set forth in section 129. Where the deceased was a citizen or a resident of Vanuatu, such certificate shall be recorded there as required by law.

BURIAL EXPENSES

131. In the case of the death of a seaman occurring on board the vessel or in the case of his death occurring on shore, if at that time he was entitled to medical care and maintenance at the shipowner's expense, the shipowner shall be liable to defray reasonable local funeral expenses and make payment of the base wages of the deceased seaman up to the end of the month in which the death occurs.

WORKING HOURS OVERTIME

132. In relation to members of the crew on a vessel engaged in foreign trade the following shall apply-

(a) the normal hours of work in port and at sea shall be 8 per day;
(b) work performed over and above the 8 hour period shall be considered as overtime and shall be compensated for at overtime rates;
(c) a sufficient number of men shall be employed to promote safety of life at sea; and to avoid excessive overtime;
(d) whenever the master of any vessel shall fail to comply with this section, he shall be liable to a fine not exceeding 100 dollars for every offence under this section.
CAP. 131.]  

MARITIME

REPATRIATION

133. (1) Any seaman who is put ashore at a port other than the one where he signed the shipping articles and who is put ashore for reasons for which he is not responsible, shall be returned as a crew member or otherwise, but without expense to him-

(a) at the shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port of the seaman's own country; or

(b) to another port, agreed upon between the seaman and the shipowner or the master.

However, in the event that the seaman's contract period of service has not expired, the shipowner shall have the right to transfer him to another of the shipowner's vessels to serve thereon for the balance of the contract period of service.

(2) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or by expiration of his contract period of employment shall be entitled to repatriation, at no expense to him, to the port at which he was engaged or to such other port as may be agreed upon.

The right to repatriation shall be lost by failure of the seaman to request repatriation within 1 week from the time that he is in a condition to be repatriated.

LOSS OF RIGHT OF REPATRIATION

134. A seaman shall forfeit his right of repatriation in any of the following events-

(a) desertion;

(b) entering into a new agreement with the same owner after his discharge;

(c) entering into a new agreement with another owner after his discharge;

(d) contravening sections 137, 139 and 140;

(e) unjustifiable repudiation of the shipping articles.

OFFENCES AGAINST THE INTERNAL ORDER OF THE VESSEL

135. (1) Any seaman on a Vanuatu vessel who commits any of the following offences may in addition to any other penalty provided herein, be punished by the master as follows-

(a) for neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time, without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than 2 days wages or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute;

(b) for quitting the vessel without leave before she is placed in security, by forfeiture from his wages of not more than 1 month's wages;

(c) for intoxication or wilful disobedience to any lawful command or continued wilful neglect of duty by being placed in restraint until such intoxication or disobedience shall cease, and by forfeiture from his wages of not more than 4 day's wages;

(d) for continued intoxication or wilful disobedience to any lawful command or continued wilful neglect of duty by being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every 24 hours continuance of such intoxication, disobedience or neglect, a sum of not more than 12 day's wages;
(e) for wilfully damaging the vessel or embezzling or wilfully damaging any part of the stores or cargo, whether on board the vessel, in boats or ashore, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained;

(f) for any act of smuggling, whereby loss or damage is occasioned to the master or shipowner, by payment to such master or shipowner of such a sum as is sufficient to reimburse the master or shipowner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or in account of such liability;

(g) for assaulting any master, pilot or officer, by forfeiture from his wages of not more than 3 months pay;

(h) for mutiny or desertion, by forfeiture of all accrued wages.

(2) All earnings forfeited as a result of penalties imposed by the master pursuant to this section shall be applied to reimburse the master or shipowner for any loss or damage resulting from the act for which the forfeiture was imposed, and the balance with an accounting thereof shall thereupon be forwarded to the Commissioner or Deputy Commissioner.

PROHIBITION OF CORPORAL PUNISHMENT

136. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and any master who shall violate the provision of this section shall be guilty of an offence.

DRUNKENNESS, NEGLECT OF DUTY

137. Whoever, being a master, seaman or other person on any vessel, by wilful breach of duty or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or her cargo, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel, or by wilful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel and her cargo from immediate loss, destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be liable to a fine not exceeding 2,500 dollars.

DESERTION

138. (1) Any seaman who deserts from his vessel with the intention of not returning to duty and who remains unlawfully in a foreign country shall be guilty of desertion and shall be liable to answer for any damages or losses suffered by the shipowner as a consequence of such desertion.

(2) The master shall make an entry of all desertions in the logbook and file a report with the consul, or, if there be no consul at the port, with the office of the Deputy Commissioner. The local authorities of the port shall be notified and requested to apprehend and deliver the deserter.

INCITEMENT OF SEAMEN TO REVOLT OR MUTINY

139. Whoever, being of the crew of a vessel of Vanuatu, endeavours to make a revolt or mutiny on board such vessel, or combines, conspires or confederates with any other person on board to make such revolt or mutiny, or solicits, incites or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officers of such vessel, or to refuse or neglect his proper duty on board thereof, or to betray his proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be liable to a fine not exceeding 1,000 dollars or to imprisonment for a term not exceeding 5 years or to both.
CAP. 131.1

MARITIME

REVOLT OR MUTINY OF SEAMEN

140. Whoever, being a crew of a vessel of Vanuatu, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny and shall be liable to a fine not exceeding 2,000 dollars or to imprisonment for a term not exceeding 10 years, or to both.

ENTRY OF THE OFFENCES IN LOGBOOK

141. Upon the commission of any offence, an entry thereof shall be made in the official logbook of the vessel on the day on which the offence was committed and any penalty or fine imposed and shall be signed by the master and by the mate or one of the crew; and the offender, if still on the vessel, shall before her next arrival at any port or, if she is still at the time in port, before her departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished or the same has been read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner.

ABANDONMENT OF SEAMEN

142.(1) Whoever, being master or in charge of a vessel of Vanuatu, maliciously and without justifiable cause forces any member of the crew of such vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring to such place as is required under the articles any member of the crew of such vessel in condition and willing to proceed when the master is ready to proceed, shall be liable to a fine not exceeding 500 dollars.

(2) The abandoned seaman shall retain his right to repatriation.

FREEDOM OF ASSOCIATION

143. Seamen and their employers, without' distinction whatsoever, shall have the right to establish, and to become members of, organizations of their choosing, always subject to the jurisdiction of Vanuatu.

PROTECTION OF FREEDOM OF ASSOCIATION

144. It shall be unlawful for any employer, employer organization or labour organization to coerce any seaman in the exercise of his choice whether to establish, become a member or participate in any labour organization; provided that any provision in a labour contract entered into pursuant to section 146 shall not be deemed to be in violation of this section.

BARGAINING AND EXECUTION OF LABOUR CONTRACT

145. It shall be lawful for any employer or employer organization and any labour organization representing seamen to bargain and enter into a labour contract concerning wages and other terms and conditions of employment; provided that no labour contract provisions may be contrary to the laws or regulations of Vanuatu or deprive Vanuatu of any jurisdiction over labour relations.

PROVISIONS AUTHORIZED IN LABOUR CONTRACTS

146. It shall be lawful for any employer or employer organization and any labour organization to agree to be bound by any provisions in entering into a labour contract; provided that such provisions are not prohibited by the laws or regulations of Vanuatu.
PROVISIONS PROHIBITED IN LABOUR CONTRACTS

147. It shall be unlawful for any employer or employer organization or labour organization to attempt to bargain for, or to enter into, any labour contract containing any provisions which violate the laws of Vanuatu or which prescribe terms or conditions of employment less favourable to seamen than those set forth in this Chapter or which discriminate as to terms and conditions of employment on the basis of race, colour or creed.

PROTECTION OF LABOUR CONTRACT

148. Whenever an employer or employer organization and a labour organization have entered into a labour contract providing that such labour organization shall be sole bargaining representative of seamen pursuant to section 146 it shall be unlawful-

(a) for the employer or employer organization to bargain with or enter into labour contract pertaining to such seamen with any other labour organization; or

(b) for any other labour organization to attempt to bargain with or enter into a labour contract pertaining to such seamen with the employer or employer organization, prior to 30 days before the termination of such agreement or before the expiration of 3 years from the effective date of such agreement, whichever event shall occur first.

STRIKES, PICKETING AND LIKE INTERFERENCE

149. (1) It shall be unlawful for any person or labour organization subject to this Chapter to promote or to engage in a strike or picketing or like interference with the internal order or operation of a vessel, unless such strike, picketing or like interference-

(a) takes place at a port at which the shipping articles terminate; and

(b) a majority of seamen on the vessel involved have voted by secret ballot that such action be taken; and

(c) at least 30 days written notice of intention to take such action has been given to the employer or master.

(2) Nothing contained in subsection (1) shall be deemed to permit any strike, picketing or like interference with the internal order or operation of a vessel contrary to the provisions in any existing labour contract.

CONCILIATION AND MEDIATION OF LABOUR DISPUTES

150. It is declared to be the policy of Vanuatu to place the primary responsibility upon employers and employer organizations, and employees and labour organizations for the avoidance of any interruption in foreign maritime commerce. To this end, upon application of all parties to any dispute to the Minister, the Commissioner or Deputy Commissioners are authorized to hold themselves available to assist in efforts of conciliation, mediation and final resolution.

TIME LIMIT

151. (1) Claims arising out of the shipping articles are subject to 1 year's prescription.

(2) The following rights of action are subject to 2 years prescription-

(a) the right of action for death of a seaman caused by wrongful act, neglect or default on the high seas;

(b) claims of the shipowner against the master for acts committed during the performance of his duties;

(c) all other claims in tort.
(3) All other claims are subject to 3 years prescription.

(4) The period of prescription of the claims, laid down in the preceding subsections, runs from the time when the right of action accrues.

MINISTER TO MAKE RULES AND REGULATIONS

152. The Minister may make rules and regulations not contrary to the provisions of this Act relating to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, compensation for sickness, injury or death of masters, seamen, and seagoing labourers employed on vessels documented under the provisions of this act.
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CHAPTER 1

GENERAL

1. In these regulations unless the context otherwise requires—

"Act" means the Maritime Act, Cap. 131;

"Administrator" means the Maritime Administrator appointed under section 4 of the Act;

"Commissioner" means the Commissioner of Maritime Affairs appointed under section 2 of the Act;

"Deputy Commissioner" means the Deputy Commissioner appointed under section 3 of the Act;

"documented" means registered, enrolled or licensed;

"Dollars" or "$" means the United States Dollar;

"foreign trade" means trade between Vanuatu and a foreign country or between one foreign country and another;

"Minister" means the Minister responsible for finance;

"oil and mineral service vessel" means any vessel engaged in the search and development of oil, gas, and other minerals, or in the support thereof, but does not include vessels whose primary purpose is to transport crude oil, petroleum products, gas, or other mineral resources in bulk in their cargo tanks;

"ship's document" means the Certificate of Registry, whether permanent or provisional.

2. (1) All documents required to be submitted to the Commissioner or to the Deputy Commissioners, as the case may be, under the provisions of the Act shall be submitted in triplicate, except—

(a) mortgages and amendments or assignments thereof which shall be submitted in duplicate; and

(b) mortgage satisfactions or releases and claims of maritime liens, which shall be submitted in quadruplicate.

(2) Upon recording or filing any document in the office of the Commissioner or of any Deputy Commissioner or the issue of any provisional or permanent Certificate of Registry or of a licence or certificate for a ship's officer or a member of a ship's crew, copies shall promptly be forwarded for duplicate recording or filing in the office of all other Deputy Commissioners, if any, and in the office of the Commissioner.
3. (1) A person holding a valid licence or certificate issued by a maritime nation and which the Commissioner or Deputy Commissioner to whom application is made recognises, shall be entitled to an equivalent licence or certificate issued under this regulation.

(2) Any person not holding a licence issued by a maritime nation desiring a licence or certificate shall be required to pass such written, oral, or physical examination as shall from time to time be required by the Commissioner.

(a) Applicants for deck officer licences shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required:
- Navigation
- International rules of the road
- Cargo handling and stowage
- Instruments and accessories
- Seamanship
- Chart navigation
- Ocean winds, weather and currents
- Rules and regulations
- Firefighting
- Lifesaving
- Radar navigation
- Signalling
- Star identification
- Aids to navigation
- Ship’s business
- Sea terms and definitions

(b) Applicants for engineering officer licences shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required:
- Marine boilers
- Turbines
- Electricity
- Refrigeration
- Diesel engines
- Engineering mathematics
- Rules and regulations
- Firefighting
- Propulsion machinery

However, applicants for motor licences only shall not be examined as to steam engines nor shall applicants for steam engines licences only be examined as to motor engines.

(c) Applicants for radio officer licences shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required:
- International regulations
- Taxation of telegrams
- I.N.R. Code
- Frequency allocations
- International publications
- Basic operator procedure
- Basic electricity
- Radio tubes
- Transmitting and receiving
- Telegraphy and telephony
Radio direction finders
Practical operation of equipment including starting, stopping, tuning, transmission and receiving

(d) Applicants for Lifeboatman's Certificates shall be examined to show their proficiency in all the operations connected with launching lifeboats and other life-saving appliances and in the use of oars and propelling gear; to show that they are acquainted with the practical handling of lifeboats, and of other life-saving equipment; and further, that they are capable of understanding and answering the orders relative to all kinds of life-saving appliances.

(e) Applicants for Radar Observer Certificates shall be examined as to their knowledge of basic principles of radar observation and their applications, and the use of the maneuvering board.

Officers licences of competence shall be valid for a period of 5 years and may be renewed. Any licence may be revoked at any time upon proof of-
(a) incompetency;
(b) physical or mental disability;
(c) habitual drunkenness or drug use;
(d) wilful failure to comply with the provisions of the Act or regulations thereunder;
(e) criminal conduct; or
(f) other conduct incompatible with the proper performance of duties and obligations as an officer serving on board a Vanuatu Flag Vessel.

(4) Renewals of licences shall not be granted more than 1 year after the expiry date of the previous licence, without special authorisation from the Commissioner. A renewal during the 1 year period after the expiry date shall be permitted only upon payment of a special fee of $50 in addition to the regular renewal fee.

Prior to the issuance of any provisional Certificate of Registry, and thereafter as of 1 April and 1 October of each year, the owner of each Vanuatu vessel shall produce for that vessel a report of ships officers in official form. Each semi-annual report shall be filed with the office of the Deputy Commissioner within 30 days.

FEES

4. (1) The following fees shall be payable-

(a) Vessel Documentation
   (i) for issuing a Certificate of Registry (permanent or provisional) .......... $200
   (ii) for the re-issuing of a Certificate of Registry (permanent or provisional) $150
   (iii) for each permitted endorsement of a Certificate of Registry (permanent or provisional) ........................................... $50
   (iv) for 3 months extension of a provisional Certificate of Registry ............ $300
   (v) for documentation in connection with re-registration (but does not include issuing a permanent or provisional Certificate of Registry) ........ $1,000
   (vi) for issuing a certificate of permission to sell for re-registration ............ $50
   (vii) for issuing a certificate of permission for transfer of a Vanuatu Flag Vessel and, subsequently, a certificate of cancellation of registry of a Vanuatu vessel ................................................................. $100

(b) Recording
   (viii) for recording a bill of sale of a vessel ........................................ $50
   (ix) for recording a mortgage on a vessel or vessels or any instrument whether designated an amendment, supplement, or otherwise relating thereto, that involves the addition of new security or the coverage of an obligation unrelated to that described in the original mortgage, including the certification of 2 copies thereof ........................................ $425
(x) for recording a mortgage assignment, assumption, amendment or supplement (other than an amendment or supplement described in paragraph (ix) above), including certifying 2 copies thereof $150
(xi) for recording a mortgage satisfaction, release or discharge $100
(xii) for any other unspecified recording or filing $75

(c) Personnel Licensing
(xiii) for examining an applicant, and/or initial issuing of a licence or certificate upon qualification-
Master, Chief Engineer $150
Re-examination $100
Chief Mate, 1st Asst. Engineer $125
Re-examination $85
All other officers $100
Re-examination $75
Radar Observer $25
Certified Lifeboatman $15
(xiv) for certifying transcripts of examination results $10
(xv) renewing an officer licence prior to expiration $50
within 1 year after expiration $100
(xvi) for issuing a temporary permit under-
regulation 32(3)(a) $50
regulation 32(3)(b) $100
(xvii) for replacing a lost or destroyed licence or certificate $15
(xviii) for issuing a certificate for a non-licenced crewmember $10

(d) Certification, Authentication, Approval
(xxiv) for issuing each certificate of ownership and encumbrance, in duplicate $10
(xx) for approving grain loading arrangements required under the provisions of the International Convention for Safety of Life at Sea $125
(xxi) for issuing a Marriage, Birth, Death or Burial at Sea Certificate $20
(xxii) for certifying articles of agreement $10
(xxiii) for signing on or off articles of agreement, each seaman $5
(xxiv) for certificate of extract from log-book $10
(xxv) for noting or receiving Note of Protest in duplicate, and certifying 2 copies thereof $10
(xxvi) for authenticating proof of sea service $2

(e) Miscellaneous
(xxvii) for issuing any other unspecified certificate or document in addition to costs $25
(xxviii) for authenticating any document not otherwise specified $15
(xxix) for providing certified copies of documents- for each document provided and certified, in addition to costs $10
additional certified copies- each in addition to costs $5

(2) All fees chargeable under the provisions of this regulation shall be invoiced and collected by the Commissioner or Deputy Commissioner.

APPEAL FROM COMMISSIONER’S DECISION
5. Any person appealing under section 15 of the Act, against a decision of the Commissioner shall send a memorandum of the appeal by registered post to the Minister within a period of 60 days from the date of such decision, and shall send a copy thereof to the Commissioner. All documents in support of the appeal shall be attached with the memorandum of appeal.
COMMITMENTS

6. (1) It shall be unlawful, without the approval in writing of the Commissioner or Deputy Commissioner or any one of his authorized agents, to make, enter into or execute any commitment, agreement or arrangement whereby a Vanuatu vessel is to be made available for the use of, to be chartered or sold to, or requisitioned by, another country. The granting of such approval shall also constitute approval for making the vessel available under the terms of the said commitment, agreement or arrangement.

(2) Copies of any such proposed commitments, agreements or arrangements shall be submitted together with the application for approval, and, if approved, a true copy shall be filed with the Commissioner or Deputy Commissioner within 30 days after the formal execution of such commitment, agreement, or arrangement.

This regulation shall not apply to day to day current commercial transactions providing for the carriage of cargo under booking contracts, contracts of affreightment, voyage charters and time charters.

(4) In addition to any penalty that may be provided under the provisions of the Act, the Commissioner or Deputy Commissioner may cancel the Certificate of Registry of the vessel of any person who violates the provisions of this regulation.

Any tax or fee payable under the Act or regulations made thereunder shall be remitted in full. Any amount unpaid 90 days after the due date shall incur a penalty equal to 10 per cent of the amount due, for each month or part thereof for which the amount remains unpaid; and the amount plus the penalty shall be payable without regard to other measures taken to ensure payment.

CHAPTER 2

DOCUMENTATION AND IDENTIFICATION OF VESSELS

CONDITIONS PRECEDENT TO ISSUING PERMANENT CERTIFICATES OF REGISTRY

7. (1) In cases of the sale or transfer of Vanuatu flag vessels which previously had been documented under another registry and flag, where the buyer or transferee desires to re-register the vessel under the Vanuatu register and such vessel is immediately entitled to a permanent Certificate of Registry such certificate shall be issued unless the owner, in addition to filing the documents and papers required for registration, shall file an affidavit that no further consent is required from a Government of a former non-Vanuatu registry or if such consent is required, file copies of such official consent.

(2) In all other cases, no permanent Certificate of Registry shall be issued in respect of a vessel seeking registration under the Act, unless, to the extent required by any international convention ratified or acceded to by Vanuatu, a valid certificate is issued by any of the classification societies referred to in regulation 8 in respect of cargo or passenger ship safety equipment; cargo or passenger ship safety construction; international loadline and measurement; and such other certificates as may be applicable pursuant to the referenced conventions.

All documents and papers required to be forwarded from foreign ports to the Commissioner shall be forwarded through the offices of the Deputy Commissioner at the foreign port to the Commissioner at Port Vila.

AUTHORIZED AGENTS FOR MEASUREMENT AND SURVEY OF VESSELS

8. (1) The following international ship classification societies shall be the authorized agents for measuring vessels in accordance with the provisions of regulation 9 and for surveying vessels for the issue of the Vanuatu certificates referred to in regulation 7-

(a) American Bureau of Shipping;
(b) Bureau Veritas;
9. (1) Except as otherwise provided in these regulations, measurement shall be in accordance with the regulations set forth in the International Convention on Tonnage Measurement of Ships 1969, as from time to time amended, which are hereby adopted as the standard of measurement for vessels under the Vanuatu flag. Measurements shall be verified by an acceptable Certificate of Measurement.

(2) In cases of vessels previously documented in a foreign country and in cases of vessels never before documented but which have been measured by a representative of a foreign country, an admeasurer, without physically measuring the vessel, may accept the figures contained in her latest marine document or Certificate of Measurement (making all adjustments as may be required to make the same conform to the standard of measurement prescribed in subregulation (1)) in determining her principal measurements and gross and net tonnages; provided that the admeasurer is furnished with a sworn statement by the owner or some authorized person on behalf of the owner that no changes affecting measurement or tonnage have been made in the vessel since the issue of the marine document or Certificate of Measurement. In the event that such sworn statement shall disclose that changes affecting measurement or tonnage have been made, the admeasurer may limit his physical measurement to such spaces as are affected by such changes.

The owner or master of a Vanuatu vessel or person authorized to act on his behalf shall advise the Commissioner or a Deputy Commissioner of any alteration, change or construction of the vessel which could affect her classification, measurement, tonnage or load line, within 30 days from the completion of such alteration or change or construction setting forth the details thereof.

10. (1) Where a vessel may be used alternately as one category or another (e.g. ore carrier or tanker), the Certificate of Registry shall describe the vessel in the category which produces the highest gross and net tonnages. The Commissioner or Deputy Commissioner may attach to the Certificate of Registry an appendix stating separately the description of the vessel, including measurements, that would be applicable if the vessel were trading in the other category.

(2) Where a vessel is fitted with a tonnage mark and assigned dual gross and net tonnages, the length, depth and breadth stated in the Certificate of Registry shall be the dimensions for the condition with the tonnage mark submerged.

11. (1) Each vessel's permanent Certificate of Registry shall state the name of the vessel, her official number, call sign, service and home port of Port Vila; the name of the person making the required oath; the names, residences, citizenships and proportion of the owners of the vessel; the former name or designation of the vessel; the year and place of the build of the vessel; the name of the builder; the number of masts and decks; the material of the hull; the type of her stern and stem; the kind of her propulsion; her length; depth, breadth and height of the uppermost deck to the hull above the tonnage deck; her gross and net tonnage or tonnages; the name of the person or agent who measured the
vessel and the number and date of the Certificate of Measurement issued by such person or agent; the name of the person who, as or on behalf of the owner, countersigned the said Certificate of Measurement and agreed to the description and measurement therein stated.

(2) Each ship's provisional Certificate of Registry shall state the name of the vessel, her official number, call sign, service and home port of Port Vila; the name of the person making the required oath; the names, residences, citizenships and proportion of the owners of the vessel; the month, year and place of purchase; the former name or designation of the vessel; the year and place of build of the vessel; the name of the builder; and the best particulars with respect to her tonnage or tonnages, build, description, dimensions and motive power which the issuing officer is able to obtain.

In cases where there has been a change of name or ownership of a vessel, a new Certificate of Registry, permanent or provisional, shall be issued, and in no event shall such change or changes, be accomplished by means of endorsement of the existing ship's documents.

NUMBERS OF CERTIFICATES OF REGISTRY AND LICENCES

12. The Commissioner, upon the issue of Certificates of Registry and licences, shall assign to such documents numbers progressively, and shall as soon as possible notify all Deputy Commissioners so that, when a licence, or Certificate of Registry is subsequently issued by a Deputy Commissioner, the number assigned by the Deputy Commissioner will be that next following the number assigned by the Commissioner. The Deputy Commissioner, upon the issue and numbering of licences and Certificates of Registry, shall as soon as possible notify the Commissioner and other Deputy Commissioners so that the same procedure may be followed.

CONDITIONS PRECEDENT TO THE ISSUE OF A PROVISIONAL CERTIFICATE OF Registry

13. (1) In any case where a vessel is acceptable in the first instance for documentation or registration under the Act, and is eligible for a provisional Certificate of Registry, the owner, in addition to filing the documents for the issue of a provisional Certificate (if Registry, shall file an affidavit that no further consent is required from the Government (if a former non-Vanuatu registry and flag or, if such consent is required, file copies of such official consent.

(2) All documents and papers required to be forwarded from foreign ports to the Commissioner shall be forwarded through the offices of the Deputy Commissioner in the foreign port to the Commissioner at Port Vila.

TRANSFER TO FOREIGN REGISTRY

The owner of a vessel documented under the Act, in order to transfer the vessel to a foreign registry, or to leave the Vanuatu registry for any other reason, shall file a written statement setting out the information specified in section 37 of the Act.

(2) A Certificate of Cancellation from the Vanuatu registry shall be issued upon filing with the Commissioner or a Deputy Commissioner or with a consular or diplomatic officer of Vanuatu acting under specific instructions from the Commissioner or a Deputy Commissioner, of-

(a) the vessel's Certificate of Registry;
(b) Ship Radio Station Licence; and
(c) Bill of Sale in triplicate in the event that title has been transferred:

Provided however, that all outstanding taxes, fees and charges due to the Government of Vanuatu or payable under the Act or regulations thereunder, have first been paid.

CHANGE OF NAME OF VESSEL

15. The Commissioner or Deputy Commissioner shall not approve the application of an owner for the change of name of a vessel of Vanuatu if the said vessel is subject to a preferred ship mortgage duly recorded under section 50 of the Act unless the mortgagee has consented to, or given approval for, such change of name.
16. (1) It shall be the responsibility of owners and masters to ensure that their vessels are in compliance with the requirements of the following international conventions and agreements—

- INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
- INTERNATIONAL LOAD LINE CONVENTION, 1966
- INTERNATIONAL TELECOMMUNICATIONS CONVENTION AND RADIO REGULATIONS, 1965
- INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954 (as amended)
- INTERNATIONAL SANITARY REGULATIONS, 1951 (as amended)
- PROTOCOL OF 1978 AMENDING THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
- INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969
- INTERNATIONAL CONVENTION ON MARINE POLLUTION, 1973
- INTERNATIONAL CONVENTION ON TANKER SAFETY POLLUTION PREVENTION, 1978
- REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL; AND GUIDELINES FOR SURVEYS ORDER ANNEX 1 OF MARPOL 1973/78
- INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS 1969 (TONNAGE 69)
- FACILITATION OF INTERNATIONAL MARITIME TRAFFIC (1966)
- INTERNATIONAL CONVENTION FOR SAFE CONTAINER 1972 (CSC 72) (and amendments)
- ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA 1974 (PAL 74) (including protocol 1976)
- AMENDMENTS TO INTERNATIONAL CONVENTION ON LOAD LINERS

The following I.L.O. Conventions—

- CONVENTION NO. 53-CONVENTION CONCERNING THE MINIMUM REQUIREMENT OF PROFESSIONAL CAPACITY FOR MASTER AND OFFICERS ON BOARD MERCHANT SHIPS, 1936.
- CONVENTION NO. 55-CONVENTION CONCERNING THE LIABILITY OF THE SHIPOWNER IN CASE OF SICKNESS, INJURY, OR DEATH OF SEAMEN, 1936.
- CONVENTION NO. 58-MINIMUM AGE (SEA) (REVISED), 1936.

(2) In the event of failure to comply with the requirements of the conventions and agreements referred to in subregulation (1), the Commissioner or Deputy Commissioner of Maritime Affairs may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed $5,000 and/or set such other conditions as may be necessary to bring about compliance with maritime or maritime-related conventions and other international agreements to which the Republic of Vanuatu is a party, and which are in force, or the provisions of which are applied by Vanuatu in advance of entry into force.

(3) The Commissioner or Deputy Commissioner of Maritime Affairs shall cause a list of such applicable conventions and other international agreements to be published periodically.
STANDARDS OF SEAWORTHINESS

17. The current classification of a vessel with any of the classification societies referred to in regulation 8 and appointed agents for Vanuatu for the issue of documents required by the International Convention for the Safety of Life at Sea and the International Load Line Convention to which Vanuatu is, or may become, a signatory, shall be accepted as evidence that she is in a seaworthy condition.

CHAPTER 3
PREVENTION OF POLLUTION OF THE SEA BY OIL

INTERPRETATION

18. In this Chapter-

"coastal waters" means all portions of the sea within the territorial jurisdiction of Vanuatu and all navigable inland waters in which the tide ebbs and flows;

"discharge" in relation to oil or an oily mixture means any discharge or escape, however caused;

"oil" means oil of any kind or in any form, including fuel oil, oil sludge and oil refuse;

"person" means an individual, partnership or corporation owning or operating a vessel and any master, officer or employee of a vessel;

"prohibited zone" means any geographical area delineated by Annex A to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, or by any amendment thereto ratified by Vanuatu, excluding Vanuatu coastal waters;

"vessel" means any ship which uses oil as a propulsion fuel or as a lubricant or which is engaged in transporting an oil cargo.

POLLUTION BY OIL PROHIBITED

Except in cases of emergency endangering life or property, or of collision, stranding or unavoidable accident, and except as may by regulation be otherwise permitted, it shall be unlawful to discharge from a vessel any oil or oily mixture into or upon-

(a) the coastal waters of Vanuatu; or

(b) such other waters as are included within any prohibited zone; provided, however, that this paragraph shall be inapplicable to any vessel not documented under the Act.

(2) Any violation of subregulation (1)(a) shall be punishable by a penalty of not less than $5,000 or more than $25,000 to be recovered in a proceeding brought against the vessel or her owner or operator in a Vanuatu court of competent jurisdiction. Notice of any such violation shall be given to a foreign government under whose flag the offending vessel is registered.

Any violation of subregulation (1)(b), except where punished by local authorities having and exercising jurisdiction, shall be punishable by a penalty of $5,000 for the first offence, $15,000 for the second offence and $25,000 for the third or subsequent offences for which the vessel has been found liable. Such penalty shall be assessed by the Commissioner or Deputy Commissioner against a Vanuatu vessel or her owner or operator when either the Commissioner or Deputy Commissioner, as the case may be, shall determine that such a violation has been committed.
(4) Any person who shall have paid a penalty assessed pursuant to subregulation (3) may, not more than 90 days after such payment, petition any Vanuatu court of competent jurisdiction for the remission thereof in whole or in part.

Any penalty assessed pursuant to subregulation (3) shall constitute a maritime lien against the vessel and shall be so recorded by the Commissioner or Deputy Commissioner unless paid within 90 days after service of written notice of such assessment by registered mail upon the person, so assessed. After such recording and until such lien has been satisfied or remitted, clearance of such vessel from a Vanuatu port shall be denied.

OIL RECORD BOOK

20. (1) On every vessel, other than unmanned vessels under tow, there shall be kept and maintained an oil record book approved by the Commissioner or Deputy Commissioner. The oil record book shall be readily available for inspection at all reasonable times.

(2) The oil record book shall remain on board each vessel required to maintain it-
   (a) until such time as insufficient space for additional entries remains; or
   (b) for a period of at least 6 months from the date of the last entry,

whichever circumstance first occurs, whereupon it shall be delivered to the Commissioner or a Deputy Commissioner and a book containing unused pages shall be retained on board.

The oil record book of a vessel which is sold, or transferred from the Vanuatu registry, shall be delivered to the Commissioner or a Deputy Commissioner.

(4) The competent authorities of any country which has ratified the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (as amended), may inspect on board any Vanuatu vessel to which these regulations apply, while within a port of the territory of such country, the oil record book required to be carried in the vessel in compliance with this regulation, and may make a true copy of any entry in that book and may require the master of the ship to verify that the copy is a true copy of such entry. Any copy so made, which purports to have been certified by the master as a true copy of an entry in the vessel's record book, shall be admissible in any judicial proceeding as evidence of the facts stated in the entry.

Failure of the master of any Vanuatu vessel to have on board an official oil record book and to comply in all other respects with the requirements of this regulation shall subject the vessel to a fine of not more than $1,000 and may also constitute grounds for the suspension or revocation of the licence of competence of such master by the Commissioner or Deputy Commissioner.

LOAD LINES

21. (1) The master shall enter into a vessel's deck logbook prior to a vessel's departure from her loading port or place-
   (a) a statement of the load line marks applicable to the voyage;
   (b) a statement of the position of the load line mark, port and starboard, at the time of departure from such port or place; and
   (c) the actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from such port or place.

(2) Load line inspection of Vanuatu vessels shall be conducted on an annual basis. The Commissioner or a Deputy Commissioner shall be provided with the results or proof of such inspections.

COSTS OF MARINE INVESTIGATION, INTERNATIONAL PARTICIPATION AND NAUTICAL TRAINING

22. (1) The costs of marine investigation, nautical training and international participation shall be defrayed by the annual payment of a fee of $725 plus 4 cents per net ton of the vessel's registered tonnage by the owner of each vessel.
(2) The fees collected under this regulation shall be applied as follows:

(a) marine investigation: the cost covered shall relate only to investigations which culminate in formal proceedings or the imposition of a fine or penalty;

(b) international participation: the costs covered shall relate to assessments and dues payable under the terms of international maritime conventions and maritime agreements of which Vanuatu is a party, to attendance and support of delegations or representatives of the Republic of Vanuatu at international maritime meetings and conferences, and in support of diplomatic negotiations;

(c) nautical training: from the fees collected under this regulation, an amount computed at 1 per cent per net ton shall be placed in a trust fund administered by the Minister responsible for finance and dedicated solely to covering the costs of nautical vocational training for seafaring personnel in support of the Vanuatu maritime programme.

CHAPTER 4
PREFERRED SHIP MORTGAGES AND MARITIME LIENS ON VANUATU VESSELS
RECORDING

23. (1) Every acknowledgement of a bill of sale, conveyance or mortgage shall be in a form substantially as follows, subscribed by an official designated under section 53 of the Act--

(a) (where corporate seal used):

CITY OF .................................................................
NATION OF ............................................................. I SS

On this ................................... day of ................................... 19..............., before me personally appeared ........................................, to me known, who being by me duly sworn, deposes and says that he resides at ........................................, that he is president (or attorney-in-fact, etc.) for (name of shipyard or corporation), the corporation (or company) described in and which executed the foregoing instrument; that he knows the seal of the corporation; that the seal affixed to the instrument is such corporate seal and that it was so affixed by order of the board of directors (or whatever group has corporate authority) of the corporation and that he signed his name thereto by like order.

Notary Public (or Deputy Commissioner, Vanuatu consul, or other person designated in section 53 of the Act)

(b) (no corporate seal):

CITY OF ................................................................. I SS.
NATION OF .............................................................

On this ................................... day of ................................... 19..............., before me personally appeared ........................................, to me known, who being by me duly sworn, deposes and says that he resides at ........................................, that he is president (or attorney-in-fact, etc.) for (name of corporation), the corporation (or company) described in and which executed the foregoing instrument; and that he signed his name thereto pursuant to authority granted to him by the board of directors of said corporation.

Notary Public (or Deputy Commissioner, Vanuatu consul, or other person designated in section 53 of the Act)
(2) Acknowledgements before consuls other than those of the Republic of Vanuatu, or of other countries nominated by the Minister by notice published in the Gazette shall not be valid.

BILL OF SALE RECORDING
24. (1) Where a Vanuatu vessel is sold or transferred and re-registered under the Act, a bill of sale issued in connection with such sale or transfer shall be recorded in the office of the Commissioner or any Deputy Commissioner, as soon as practicable thereafter.

(2) In cases of new buildings, the builder's certificate, or, in cases of transfer from another flag, the bill of sale may be, but is not required to be, recorded.

MORTGAGE RECORDING
25. No mortgage shall be recorded unless it is submitted in original and 5 counterparts, all duly executed, acknowledged and having affixed thereto an affidavit of good faith. All mortgages shall be in the English language.

AGENTS FOR PURPOSE OF MAKING ENDORSEMENTS
26. Each Vanuatu consular or diplomatic officer and consular agent and each special agent appointed by the Commissioner is hereby appointed a special agent within the meaning of section 56 of the Act and shall make any endorsements contemplated by that section whether or not within his own district, when directed to do so by the Commissioner or a Deputy Commissioner.

SUBMISSION OF NOTICE OF CLAIM OF LIEN
27. Every notice of claim of lien presented for recording under section 61 of the Act shall be submitted in quadruplicate, each copy acknowledged as provided by section 53 of the Act and regulation 23 and there shall be attached to the whole a certified legal opinion from a lawyer admitted to practise in the jurisdiction in which the claim arose, asserting that it constitutes a maritime lien under the laws of such jurisdiction.

CHAPTER 5
MARINE INSPECTION

NAUTICAL INSPECTORS
28. The Commissioner or Deputy Commissioner may, at such times and in such places or areas as may be suitable appoint nautical inspectors to board and examine or inspect vessels registered under the Vanuatu flag. Nautical inspectors shall render a report with respect to each such boarding to the Commissioner as required and to the Deputy Commissioner in charge of marine inspection.

(2) It is the responsibility of owners and operators of Vanuatu flag vessels to present each such vessel for boarding when required, and to cooperate fully with the Commissioner, Deputy Commissioner and nautical inspectors, particularly in enabling them to board and examine or inspect each such vessel including any documents and equipment and the use thereof. Failure to present a vessel for inspection prior to the due date, failure to co-operate as above, or the existence of a condition on board in violation of established requirements, may subject the vessel in question to immediate detention and suspension of registration, in addition to any penalty prescribed by law. Such detention and suspension shall be cancelled upon satisfactory completion of the inspection or examination and any required rectification.
It is the duty of all holders of licences of competence or other certification issued to mariners under the Act or any regulations thereunder to co-operate fully with the Commissioner; Deputy Commissioner and/or nautical inspectors, particularly in enabling them to board and examine or inspect Vanuatu flag vessels including any documents and equipment and the use thereof. Failure of such co-operation on the part of any holder of a licence or certificate may subject him to formal charges of a marine offence, together with the possible suspension or revocation of such licence or certificate, in addition to any other penalty prescribed by law.

(4) For the purpose of funding marine inspection and matters related thereto, the owner of a vessel registered under the Act shall with respect to each inspection regularly due or otherwise required-

(a) for each vessel of less than 500 tons used solely for commercial fishing, pay a fee of $250; and

(b) for each other vessel pay a fee of $525.

Vessels required to be regularly inspected annually or more often will be invoiced annually for fees in advance with respect to all regular inspections falling due within a calendar year. When an inspection is required as a condition for the issue of a document or certificate, the fee for such inspection shall be paid at the time of issue of the document or certificate. The owner of a vessel boarded under this regulation shall pay incidental travel costs when the boarding officer must travel outside his station area to reach the vessel; and if a boarding is for the purpose of examining rectification of a deficiency, the owner of the vessel so boarded shall pay all costs incidental thereto. All fees and costs chargeable under the provisions of this regulation shall be invoiced and collected by the Commissioner or Deputy Commissioner.

CHAPTER 6
MARINE CASUALTIES AND OFFENCES AND MARINE INVESTIGATIONS

29. In this Chapter-

"marine casualty" means any casualty or accident involving any vessel if such casualty or accident occurs upon the territorial waters of Vanuatu, or any casualty or accident wherever occurring, where such casualty or accident involves any vessel documented under the Act.

"marine offence" means any act or offence contrary to the Act or any regulations thereunder.

30. (1) The owner or master of a Vanuatu vessel involved in a marine casualty shall immediately forward a report thereon, signed by the master or highest available officer or ship's representative, to the Commissioner or a Deputy Commissioner whenever the casualty results in any of the following:

(a) actual physical damage to property in excess of $50,000;
(b) material damage affecting the seaworthiness or efficiency of a vessel;
(c) stranding or grounding;
(d) loss of life; or
(e) injury causing any persons to remain incapacitated for a period in excess of 72 hours.
(2) The report referred to in subregulation (1) shall set forth-
   (a) the name and official number of the vessel;
   (b) the type of the vessel;
   (c) the name and address of the owner;
   (d) the date and time of the casualty;
   (e) the exact locality of the casualty;
   (f) the nature of the casualty and the circumstances under which it took place;
   (g) if the casualty involves collision with another vessel, the name of such other vessel;
   (h) where the casualty involves personal injury or a loss of life, the names of all persons
       injured or whose lives are lost;
   (i) where damage to property is involved, the nature of the property damaged and an
       estimate of the extent of the damage.

   Such reports may be upon forms obtained from the Commissioner or a Deputy Commissioner.

The persons in charge of any vessel involved in a marine casualty referred to in subregulation (1) shall retain for 2 years or until otherwise instructed by the Commissioner or a Deputy Commissioner the complete records of the voyage upon which the casualty occurred, as well as any other material which might be of assistance in the investigation and determination of the cause and scope of the casualty, and they shall make all such records and materials available, upon request, to the Commissioner, a Deputy Commissioner, the chairman of a marine board of investigation, or a designated investigating officer.

31. (1) The Commissioner or any Deputy Commissioner, upon receipt of information of a marine casualty or offence, may institute such investigation as may be necessary to determine as closely as possible the cause or any contributing causes of the casualty or circumstances of the offence, and whether there has been any act or misconduct, inattention to duty, or negligence upon the part of any licenced or certificated person, or violation of law or regulation, so that appropriate action may be taken.

   (2) (a) It is the duty of all owners of Vanuatu vessels to co-operate with the Commissioner, Deputy Commissioner, or persons appointed by them, in the formal or informal investigation of marine casualties or offences and to produce when called upon, witnesses in their employ and relevant books, papers, documents and other records in their possession, and to permit the Commissioner, Deputy Commissioner or their appointees to board and examine vessels and their appurtenances.

   (b) In the event of failure of owners or their representatives to co-operate fully in any marine investigation, any or all of the following consequences may result, with respect to the vessel directly involved or to any other vessel of the same ownership-
       (i) cancellation from Vanuatu registry;
       (ii) revocation of the Certificate of Registry;
       (iii) refusal to issue a Certificate of Cancellation from Vanuatu registry or otherwise to give the consent of the Government of Vanuatu to a transfer of ownership or registry;
       (iv) refusal to accept registration or re-registration under the Vanuatu flag;
       (v) liability for a monetary penalty not to exceed $3,000.
(3) (a) It is the duty of all holders of licences of competence or other certification issued to mariners under the Act or regulations thereunder to co-operate with the Commissioner, Deputy Commissioner, or persons appointed by them, in the formal or informal investigation of marine casualties or offences; to attend any hearings to which they may be summoned; to testify orally or in writing; or to produce when called upon, relevant books, papers, documents and other records in their possession; and to permit the Commissioner, Deputy Commissioner or their appointees to board and examine vessels and their appurtenances.

(b) In the event of failure of holders of licences or other certification to co-operate fully in any marine investigation, any or all of the following consequences may result-
(i) suspension or revocation of the licences or other certification held;
(ii) refusal to renew or reissue any licences or other certification held, before or after expiration.

(4) (a) The Commissioner or a Deputy Commissioner, or other persons appointed by them as investigating officers, shall where appropriate make a preliminary investigation under subregulation (1) to determine the matters specified therein, or to determine whether there ought to be a formal investigation of the casualty or offence.

(b) In connection with any preliminary investigation, the Commissioner, Deputy Commissioner or investigating officers may collect evidence, interview witnesses, examine relevant papers, documents and records, board and examine vessels or equipment and visit the scene of the casualty or offence.

(5) (a) A formal investigation of a marine casualty or offence may be made by the Commissioner or Deputy Commissioner or an investigating officer appointed by either; or, where the casualty or offence is considered by the Commissioner to be of a major character, he may order to be convened a marine board of investigation, and he may appoint three or more members thereof, designating one as chairman.

(b) In any formal investigation, the Commissioner, Deputy Commissioner, investigating officers or chairman of a marine board of investigation shall have power to set hearings; administer oaths; require the attendance of witnesses; require persons having knowledge of the subject matter of the investigation to answer written interrogatories; require the production of relevant evidence including but not limited to books, papers, documents and records; rule upon the nature and admissibility of evidence; board and inspect vessels and their appurtenances and visit the scene of a casualty or offence.

(c) Prior notice of any formal hearing, specifying the date, time, place and subject matter, shall be given by public announcement or otherwise to all the following-
(i) known parties directly affected;
(ii) interested parties;
(iii) interested states.

(d) An investigating officer or chairman of a marine board of investigation may, in his discretion, admit the public, interested parties or their representatives, and interested states by official representatives or observers to any formal hearing; and he may equally, where matters of confidentiality or questions of public security arise, preclude such persons temporarily or otherwise.

(e) An investigating officer or chairman of a marine board of investigation may, in his discretion, put or permit to be put to witnesses such questions pertinent to the subject of the inquiry as may be offered by interested parties or states or their representatives; parties directly affected shall be permitted to put such questions to any witness; An investigating officer or chairman of a marine board of investigation may, in his discretion, permit parties directly affected to produce and introduce relevant evidence or testimony of witnesses, and permit such parties or their counsel to argue any relevant contentions, either orally or by way of memorandum.
(g) A record shall be made of the proceedings of any formal hearing.

(6) (a) When the proceedings of any investigation under this Chapter have been terminated, there shall be a written report to the Commissioner setting forth findings, conclusions, and any recommendations for appropriate action.

(b) Where an investigation has been carried out by investigating officers or a marine board of investigation appointed by the Commissioner, the report shall be forwarded to the Commissioner together with the investigation file.

(c) Where an investigation has been carried out by investigating officers appointed by a Deputy Commissioner, the report shall be submitted to that Deputy Commissioner, who may add comments, and shall then be forwarded to the Commissioner together with the investigation file.

(7) (a) Upon receiving an investigation report, the Commissioner may-

(i) adopt the report and carry out its recommendations, if any; or

(ii) call for further investigation; or

(iii) where a report recommends the suspension, revocation or cancellation of any licence, certificate, permit or other document issued by Vanuatu, review the evidence, adopt or modify all or part of the report and take any appropriate action.

(b) In aid of his decision, the Commissioner may call for further written argument on any point in issue. A copy of the argument shall be forwarded to the Commissioner, and shall become a part of the investigation file.

(8) (a) The Commissioner may, in his discretion, release upon written request and payment of costs, copies of records, reports or evidentiary matter pertaining to a marine investigation, or any portions thereof, unless such is considered confidential by the Government of Vanuatu for reason of public security.

(b) The Commissioner may, in his discretion, release for public information or cause to be published any records, reports, documents, evidentiary matter or official statements pertaining to a marine investigation, or any portions thereof, unless such is considered confidential by the Government of Vanuatu for reason of public security.

CHAPTER 7

MERCHANT SEAMEN

32. (1) (a) No vessel registered under the Act of 100 gross tons and over shall be navigated unless she shall have on board and in her service a duly licensed master.

(b) Every vessel registered under the Act other than a passenger vessel, of 100 gross tons but less than 200 gross tons, shall have on board and in her service at least two licensed mates in addition to her master but if such vessel is engaged upon a voyage in which the time of passage from port of initial departure to port of final destination is less than 24 hours, then she shall have on board and in her service at least one licensed mate in addition to her master.

(c) Every vessel registered under the Act other than a passenger vessel, of 200 gross tons but less than 1,600 gross tons, shall have on board and in her service at least two licensed mates in addition to her master.
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MARITIME

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(d) Every vessel registered under the Act other than a passenger vessel, of 1,600 gross tons and over, shall have on board and in her service, in addition to her master, at least three mates, licensed in appropriate grades, who shall stand in 3 watches while such vessel is in navigation; but if such vessel is engaged upon a voyage in which the time of passage from port of initial departure to port of final destination is less than 24 hours, then she shall have on board and in her service at least two mates, licensed in appropriate grades, in addition to her master.

(e) The number of mates required on Vanuatu passenger vessels, and the grades in which they shall be licensed, shall be prescribed for each such vessel by the Commissioner. Nothing in this regulation shall be so construed as to prevent the Commissioner from increasing the required number of licensed deck officers for any vessel, if in his judgment such vessel is not sufficiently manned for her safe navigation.

(2) (a) No vessel registered under the Act propelled by machinery of 500 horsepower or greater shall be navigated unless she shall have on board and in her service a duly licensed chief engineer.

(b) Every vessel registered under the Act propelled by machinery of more than 500 but less than 1,200 horsepower shall have on board and in her service at least two assistant engineers in addition to her chief engineer; but if such vessel is engaged upon a voyage in which the time of passage from port of initial departure to port of final destination is less than 24 hours, then she shall have on board and in her service at least one assistant engineer in addition to her chief engineer.

(c) Every vessel registered under the Act propelled by machinery of 1,200 horsepower or greater shall have on board and in her service in addition to her chief engineer, at least three assistant engineers, licensed in appropriate grades, who shall stand three watches while such vessel is in navigation; but if such vessel is engaged upon a voyage in which the time of passage from port of initial departure to port of final destination is less than 24 hours, then she shall have on board and in her service at least two assistant engineers, licensed in appropriate grades, in addition to her chief engineer.

(d) The number of assistant engineers required on vessels registered under the Act with automated engine rooms, or the grades in which they shall be licensed, may be altered in individual cases by the Commissioner.

(e) Nothing in this regulation shall be so construed as to prevent the Commissioner from increasing the required number of licensed engineers for any vessel, if in his judgment such vessel is not sufficiently manned for her safe navigation.

Where it has been established by the Commissioner that an emergency situation exists which reasonably precludes the engagement of the required complement of duly licensed mates or assistant engineers prescribed in subregulations (1) and (2), the Commissioner or a Deputy Commissioner may authorize temporary service of qualified persons in mate and assistant engineer capacities on board any Vanuatu vessel, other than a passenger vessel, as follows-

(a) a duly licensed mate or assistant engineer, who has completed at least 6 months of service in the capacity for which he is licensed and while holding such licence, may be authorized to serve temporarily in the capacity next highest to that for which he is presently licensed, but not as master or chief engineer, for a period not to exceed 6 months, provided he is in all other respects eligible for examination for licence in such higher capacity, has submitted an application for such examination, and undertakes to complete the examination prior to the expiration of the 6 months period.

(b) A person not duly licensed may be authorized to serve temporarily in capacities not higher than second mate, or second assistant engineer, for a period not to exceed 12 months, provided he is in all other respects eligible for examination for a licence in one of such capacities, has submitted an application for such examination and undertakes to complete the examination prior to the expiration of the 12 month period;
and provided also that he has first successfully completed such preliminary examination as to his qualifications and competence as shall be required by the Commissioner or Deputy Commissioner to whom application is made.

An authorization granted pursuant to this regulation shall be in the form of a temporary permit issued by the Commissioner or a Deputy Commissioner, which permit shall be valid only for service on board a specific ship named therein.

Not more than one mate and one assistant engineer shall be authorized to serve on board the same ship at the same time under a temporary permit.

Temporary permits may be revoked or suspended on the grounds set forth in regulation 3(3) or at any time upon notice by the Commissioner or a Deputy Commissioner when the Commissioner declares that the emergency situation referred to above no longer exists.

Every passenger vessel registered under the Act shall have for every lifeboat carried a number of certified lifeboatmen in accordance with the following schedule-

<table>
<thead>
<tr>
<th>Prescribed Complement of Lifeboat</th>
<th>Minimum Number of Certified Lifeboatmen Shall Be</th>
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<tbody>
<tr>
<td>Less than 41 persons</td>
<td>2</td>
</tr>
<tr>
<td>From 41 to 61 persons</td>
<td>3</td>
</tr>
<tr>
<td>From 62 to 85 persons</td>
<td>4</td>
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<tr>
<td>Above 85 persons</td>
<td>5</td>
</tr>
</tbody>
</table>

A certified lifeboatmen is any member of the crew who holds a Lifeboatman’s Certificate issued by the Commissioner or a Deputy Commissioner.

MANNING SCALES FOR OIL AND MINERAL SERVICE VESSELS

33. Any other regulation to the contrary notwithstanding, the manning scale for Vanuatu flag oil and mineral service vessels shall be set, on an individual vessel basis, by the Commissioner or by the Deputy Commissioner and shall be generally similar to internationally recognised standards. In deciding on a suitable manning scale for a particular vessel, the Commissioner or the Deputy Commissioner shall consider all relevant factors, including, but not limited to the vessel’s size, horsepower, equipment, design, degree of automation and purpose.

DISPLAY OF LICENCE OF COMPETENCE OR TEMPORARY PERMIT

34. (1) Every master, mate, chief engineer, assistant engineer and radiotelegraph operator shall cause his licence of competence or temporary permit to be displayed on board the vessel in which he is currently working in a conspicuous location. The licence or temporary permit shall be framed under glass or other suitable transparent covering and shall be displayed as soon as practicable after the licensee or the holder reports on board a vessel for duty and shall remain displayed during the service of the licensee or holder. Wilful failure of any officer to comply with this provision may be ground for the revocation of his Vanuatu licence or temporary permit.

(2) All owners of Vanuatu vessels shall file annually a report of officers employed on such vessels and the licences which they hold. Such report shall be on a form prescribed by the Commissioner.

CHANGE OF COMMAND

35. (1) Whenever there occurs a change of master of a Vanuatu vessel, the shipowner or his authorized agent shall designate and appoint the new master in writing and the new master shall enter the following statement in the vessel’s logbook-

prescribed complement of lifeboat | minimum number of certified lifeboatmen shall be
----------------------------------|-----------------------------------------------|
Less than 41 persons             | 2                                             |
From 41 to 61 persons            | 3                                             |
From 62 to 85 persons            | 4                                             |
Above 85 persons                 | 5                                             |

A certified lifeboatmen is any member of the crew who holds a Lifeboatman’s Certificate issued by the Commissioner or a Deputy Commissioner.
In addition, the master or shipowner, within 48 hours after the change of command shall notify the Commissioner or a Deputy Commissioner, by the most expeditious means of communication available, advising of the name and citizenship of the new master, and the date and port on and at which the change of command was effected.

The reports required of the owners of Vanuatu vessels pursuant to regulations 34(2) and 35(2) shall not be required with respect to oil and mineral service vessels; provided, however, that the owners of such vessels shall, make available to the Commissioner or a Deputy Commissioner the information required pursuant to regulations 34(2) and 35(2).

At each anniversary of registration of such vessels the owner shall submit to the Commissioner or Deputy Commissioner a certificate to the effect that the master and all officers employed on the vessel during the preceding 12 months were properly qualified and licensed. Such certificate shall be in the form prescribed by the Commissioner.

Every self-propelled vessel registered under the Act, of 100 gross tons or over shall carry a navigation and an engine room logbook which shall be maintained in bound volumes aboard ship until the end of the voyage. All entries made in such logbooks shall be signed by the master or officer designated by the master who shall make such entries, and all such entries shall be made as soon as possible after the occurrences to which they relate.

In addition to the keeping of navigation and engine room logbooks, every such vessel shall carry a bridge and an engine room record wherein shall be contained the times and nature of all orders passed between the navigation bridge and the engine room. Every such vessel shall carry a radio log (diary of the radio service) in the operating room during the voyage. Every radio operator shall enter in the radio log his name, the times at which he goes on and off watch, and all incidents occurring during his watch connected with the radio service of importance to safety of life at sea.

Every master of such vessel shall make, or cause to be made, in the logbook entries including, but not limited to, the following-

- every offence and any penalty or fine imposed;
- every death occurring on board and every burial at sea, with all information required by section 129 of the Act;
- every marriage taking place on board, with the names, citizenship and residences of the parties, and every birth occurring on board, with the sex of the infant and the names of parents;
- the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;
- wages due to any seaman or apprentice who dies during the voyage, and the total amount of all deductions made therefrom;
- a statement of any collisions made immediately after the occurrence or as soon thereafter as practicable;
- before departing from any port, the information required by regulation 21(1);
- time of muster of crew at their boat and fire stations, followed by drills, respectively, at least once a week, either in port or at sea, or reason why not held.
(Z) the closing and opening of watertight doors and of all inspections and drills as required by regulations 13 and 14 of the International Convention for the Safety of Life at Sea, 1960 (as amended);

drill of ship's crew in the use of line-throwing gun at least once every 3 months; but the actual firing of the gun shall be discretionary with the master in the case of tank vessels;

(k) search for stowaways and contraband, which shall be conducted prior to the vessel's departure from each port;

upon each change of master, the information required by regulation 35(1).

(2) (a) Every vessel registered under the Act shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In determining the contents of the chest consideration shall be given to the recommendations of the International Labour Organisation.

(b) All required medicine chests shall contain a medical guide sufficiently detailed to assist persons other than a ship's doctor in administering to the ordinary needs of sick or injured persons on board without supplementary medical advice by radio or radiotelephone.

(c) The master, and such other officers as the master may designate in his discretion, shall be instructed to make full use of all available medical advice by radio or radiotelephone and in the providing of information to assist a doctor in giving such advice.

(d) Every vessel registered under the Act shall carry a medical log book in which shall be entered every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

(3) (a) The master shall place in charge of each lifeboat, a deck officer (or certified lifeboatman, if a passenger vessel) and shall also designate a second-in-command. The person so placed in charge shall have a list of the crew of the lifeboat, and shall assure himself that the men placed under his orders are acquainted with their duties. The master shall also assign to each liferaft a member of the crew practised in the handling and operation of liferafts.

(b) The master shall assign to each motor lifeboat at least one member of the crew capable of working the motor. He shall similarly assign to each lifeboat equipped with radio and searchlight apparatus, at least one member of the crew capable of working such equipment.

(4) The master of every vessel registered under the Act of 500 or more gross tons shall allot to each member of the crew special duties to be undertaken in the event of an emergency and shall cause to be drawn up and posted a muster list showing such assignments which shall indicate the particular station to which each crew member must go. The muster list shall assign such duties as the master considers necessary for the safety of the vessel, its crew and cargo. The master shall also specify and publish definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals to all the crew and passengers.

(5) (a) The master of every vessel registered under the Act shall cause the crew to be exercised at fire and boat drill at least once every week, and such drills shall be conducted as if an actual emergency existed. All fire pumps shall be started and sufficient outlets opened in order to determine that the system is in proper working order.

(b) Persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment.

(c) All watertight doors in use while the vessel is underway shall be operated.
(d) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended and the boats swung out to ascertain that the gear is in good working order. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition.

(c) Passengers shall report to their stations and shall be instructed in the use of life preservers.

Each lifeboat shall be lowered to the water at least once in every 3 months, when in port, and the crew shall be exercised in the use of oars and other means of propulsion where fitted.

(6) On vessels fitted with a line-throwing appliance, the master shall cause the crew to be exercised in the use of such appliance and shall require it to be fired at least once in every 3 months, except that the actual firing of the gun shall be discretionary on the part of the master in the case of tank vessels. The service line shall not be used for drill purposes. In lieu thereof, any flexible line of proper size and length, suitably flaked or laid out, may be used.

CERTIFICATES TO BE GIVEN BY MASTER

38. Each exercise of a special power granted to masters under section 106 of the Act shall be evidenced by an appropriate certificate, referring to a log entry of the event, and shall be signed by the master and executed upon a form to be supplied, on request and payment of fees, by the Commissioner or Deputy Commissioner.

SHIPPING ARTICLES

39. (1) Shipping articles, otherwise referred to as articles of agreement, shall be in the English language and shall be in a form prescribed by the Commissioner, as set forth in subregulation (4) hereof or in such form as the Minister may from time to time approve upon application being made therefor in each particular case. No other form shall be used in lieu of the official form except that a foreign language version may be appended thereto or otherwise made a part thereof; provided that on any vessel the initial form of shipping articles prescribed herein shall be required only upon expiration of the articles currently in effect or within 1 year from the effective date of these regulations, whichever is later.

(2) Every seaman joining a vessel to commence employment on board shall sign the shipping articles prior to the departure of the vessel from the port at which the seaman joined the vessel. The master shall officiate at the signing-on of each seaman and shall sign his name to the shipping articles in attestation of his having so acted.

(3) The signing off of shipping articles by a seaman at the time of his discharge from employment on board shall not constitute a waiver on his part of any claim he may have against the vessel or its master at that time.

(4) The following shall be the form of shipping articles-

"ARTICLES OF AGREEMENT BETWEEN THE MASTER AND SEAMEN IN THE MERCHANT SERVICE OF THE REPUBLIC OF VANUATU

Name of vessel .................................................................

Gross tonnage .................................................................

Horsepower .................................................................

IT IS AGREED between the master and the undersigned seamen of the (steam) (motor) vessel ................................................................., that:

(1) ........................................................................ of which ...............................................

(2) ........................................................................ is at present (or shall be under the command of ................................................................. master, or whoever shall become master) now bound from the port of .................................................. to ............................................... and such other ports and places in any part of the world as the master may direct, for a term (of) (not exceeding) .................................................. calendar months, that-
CAP. 131.1  
MARITIME

(a) Seamen shall conduct themselves in an orderly, faithful, honest and sober manner, and shall at all times be diligent in their respective duties and obedient to the lawful commands of the master, or of any person who shall lawfully succeed him, and their superior officers, in everything relating to the vessel, its stores and cargo, whether on board, in boats or on shore. In consideration of this service, to be duly performed, the master agrees to pay the undersigned seamen the wages expressed herein and/or set forth in supplemental provisions and/or agreements.

(b) Wages shall commence no later than on the day specified and agreed to in these Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.

(c) Seamen are entitled to receive on request, in local currency, from the master one half of the balance of basic wages actually earned and payable at every intermediate port where the vessel shall load or discharge cargo before the end of the voyage, but not more than once in any ten-day period.

(d) If the master and a seaman agree, a portion of such seaman's earnings may be allotted to such seaman's spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seaman.

(e) Any seaman who is put ashore at a port other than the one where he signed on these Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a seaman or otherwise, but without expense to him (a) at the shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port in such seaman's own country; or (b) to another port agreed upon between the seaman and the shipowner or master. However, in the event such seaman's contract period of service has not expired, the shipowner shall have the right to transfer him to another of the shipowner's vessels, to serve thereon for the balance of the contract period of service, unless otherwise provided for herein.

Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or of expiration of his contract period of employment, shall be entitled to repatriation at no expense to him to the port at which he was engaged or to such other port as may be agreed upon.

If any person enters himself as qualified for a duty which he is incompetent to perform, his rank or rating may be reduced in accordance with his incompetency or he may be discharged.

(h) The master shall sign and give to a seaman discharged from his vessel either on his discharge or on payment of his wages, a certificate of service in a form approved by the Commissioner, specifying the period of his service and the time and place of his discharge.

8 hours per day shall constitute a working day while in port and at sea. Work performed over and above an 8 hour period shall be considered overtime and be compensated for at overtime rates.

Work performed in excess of 8 hours per day shall not be compensated for when necessary for the safety of the vessel, its passengers, crew, cargo or for the savings of other vessels, lives, or cargo or for the performance of fire, lifeboat or other emergency drill.

(k) Seamen shall keep their respective quarters clean and in order.

(l) No dangerous weapons, narcotics or contraband articles, and no alcoholic beverages except as provided by the shipowner as part of the vessel's provisions, shall be brought on board the vessel nor allowed in the possession of the crew, and any crew member bringing the same on board or having the same in his possession on board, shall be subject to discharge and/or shall be liable for such fines as the master may direct, and all such articles shall be confiscated.
The amount of the fine levied against the vessel by the proper authority of the port wherein the vessel is then located, for possession of narcotics and/or contraband cargo, shall be made good to the shipowner out of the wages of the crew member or crew members guilty of such possession.

No seaman shall go ashore in any foreign port except by permission of the master. However, the master shall not refuse the reasonable request of any seaman for shore leave for the purpose of presenting a complaint against the vessel or master to a Vanuatu consul or other proper Vanuatu official.

(n) The shipowner and master may issue such rules and regulations as may be necessary for the safe and proper operation of the vessel; provided nothing contained therein shall be contrary to law.

(o) If any seaman considers himself aggrieved by any breach of these Articles, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such corrective action as the case may require.

All rights and obligations of the parties to these Articles shall be subject to the laws of Vanuatu.

IT IS ALSO AGREED THAT:
(Additional provisions may be included or referenced herein or attached hereto)

IN WITNESS WHEREOF the said seamen have subscribed their names herein on the days mentioned against their respective signatures.

Articles opened at .................................... on ................................

Entries to be made in columns provided therefor:

<table>
<thead>
<tr>
<th>Name of seaman</th>
<th>Capacity in which engaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizenship</td>
<td>Base wages per month</td>
</tr>
<tr>
<td>Passport or identification number</td>
<td>Date and place signed on Article.</td>
</tr>
<tr>
<td>Licence or certificate number</td>
<td>Signature of seaman</td>
</tr>
<tr>
<td>Age</td>
<td>Signature of master</td>
</tr>
<tr>
<td>Home address</td>
<td>Date and place signed off Article.</td>
</tr>
<tr>
<td>Name and address of next-of-kin</td>
<td>Signature of seaman</td>
</tr>
<tr>
<td>Date and place wages commence</td>
<td>Signature of master</td>
</tr>
</tbody>
</table>

Note 1 Enter name of vessel
Note 2 Enter full name of master
Note 3 Enter name of first port of departure
Note 4 Enter here a description of the voyage and the names of the places at which the ship is to touch, or if that cannot be done, the general nature and the probable length of the voyage and the port or country at which the voyage is to terminate. For ships engaged in world-wide trading without definite itineraries or schedules, insert "world-wide trading".

Note 5 Strike out word or words not applicable.

CERTIFICATE OF SERVICE

40. (1) Certificates of service shall be in a form prescribed by the Commissioner and shall contain the information set forth in subregulation (4) hereof. No other form shall be used in lieu thereof.

(2) Where a seaman has served in more than one capacity on board a vessel during a period of continuous service thereon, the certificate of service issued to him upon his discharge shall indicate separately the total service served in each capacity.
CAP. 131.]

[Subsidiary]

(3) Certificates of service shall be issued under the signature of the master and the seal or stamp of the vessel shall be affixed thereon.

The following shall be the form of certificate of service-

"Form of certificate of service"

(a) Name of seaman
(b) Citizenship
(c) Rank or rating
(d) Licence, book or certificate number
(e) Place of engagement
(f) Date of engagement
(g) Place of discharge
(h) Date of discharge
(i) Total service (month and days)

I hereby certify to the best of my knowledge that all entries herein were made by me and are correct.

In witness whereof I have this date affixed my signature and the seal (or stamp) of the vessel.

………………………………………..……………………………………………………
Date                                     Signature of Master

REGISTER OF CHILDREN

41. The master of each vessel upon which only members of the same family are employed, school ship or training ship and upon which vessels children under the age of 16 years are employed shall maintain a register of all such persons and shall record therein, with respect to each such child, his name, date and place of birth, citizenship, residence, and address of next-of-kin or legal guardian, capacity in which employed, date and place of employment and the date and place of discharge.
REGULATION
1. Interpretation
2. Ship radio station licences
3. Radio call and signal letters, frequency assignments
4. Radio operators
5. Service contract required
6. Fees

SCHEDULE
Part 1-Application for authority to establish and use station for radiocommunication on board a ship
Part 2-Ship Station Licence
MARITIME (RADIO) REGULATIONS

To provide regulations for radio on Vanuatu vessels.

INTERPRETATION

1. In these regulations-

   "Act" means the Maritime Act, Cap. 131;
   "Administrator" means the Maritime Administrator appointed under section 4 of the Act;
   "Commissioner" means the Commissioner of Maritime Affairs appointed under section 2 of the Act;
   "Deputy Commissioner" means the Deputy Commissioner appointed under section 3 of the Act;
   "Dollar or $" means the United States Dollar;
   "Minister" means the Minister responsible for telecommunication.

SHIP RADIO STATION LICENCES

2. (1) The Minister, or a Deputy Commissioner at a foreign port, may licence ship radio transmitting stations on Vanuatu vessels registered under the Act and may issue licences therefor. No licence so issued shall be assigned or in any way transferred.

   (2) A licence issued under subregulation (1) shall be valid for a period of 4 years from the date of issue and may be renewed. A licence may be revoked at any time by the Minister.

   Applications for ship radio transmitting station licences, modifications or renewals thereof, shall be submitted to the Minister, or a Deputy Commissioner at a foreign port.

   (4) An application for authority to establish and use a station for radiocommunication on board a ship shall be in the form set out in part 1 of the Schedule.

       A ship station licence shall be in the form set out in part 2 of the Schedule.

RADIO CALL AND SIGNAL LETTERS, FREQUENCY ASSIGNMENTS

3. The Minister, or a Deputy Commissioner at a foreign port, may assign radio call and signal letters and frequencies to a vessel which satisfies all the requirements for the issue of a Certificate of Registry under the Act.

RADIO OPERATORS

4. (1) On every Vanuatu vessel registered under the Act, the service of ship radiotelegraph and ship radiotelephone stations shall be controlled by an operator holding a valid certificate of competency in the proper class or category, issued or recognised by the Minister, or a Deputy Commissioner at a foreign port. Provided the station is controlled by such operator, other persons besides the holder of the certificate may use the radiotelephone equipment.

   (2) Every operator who is eligible for the issue of a radiotelegraph or radiotelephone certificate, shall, as a condition precedent to the issue of such certificate, submit to the Minister, or a Deputy Commissioner at a foreign port, a sworn or affirmed statement that he will maintain the secrecy of radio correspondence which is not intended for the general use of the public, and that he will conform to the regulations annexed to the International Telecommunication Convention in force.
SERVICE CONTRACT REQUIRED

5. Every Vanuatu vessel registered under the Act, shall be covered by a properly executed contract with a radio company recognised and approved by the Commissioner, or Deputy Commissioner at a foreign port, under which contract the radio company assumes all accounting obligations and the obligation to secure a ship radio station licence.

(2) Upon determination by the Commissioner, or a Deputy Commissioner at a foreign port, based upon evidence submitted by a ship owner sufficient to show inability to secure a proper contract with any recognised and approved radio company, an application for a ship radio station licence which designates the Administrator accounting agent, may be accepted.

FEES

6. The following fees shall be payable to, and shall be invoiced and collected by, the Minister, or a Deputy Commissioner at a foreign port-

(a) issue or renewal of a Ship Radio Station Licence, valid for 4 years; $780
(b) issue or renewal of Temporary Authority to Operate a Ship Radio Station, valid for 3 months; $50
(c) examination of an applicant for a Certificate of Competency including the initial issue of certificate upon qualification.$100
CAPP. 131.) MARITIME [Subsidiary]

SCHEDULE

MARITIME (RADIO) REGULATIONS

PART 1

(regulation 2(4))

REPUBLIC OF VANUATU

APPLICATION FOR AUTHORITY TO ESTABLISH AND USE STATION FOR RADIOCOMMUNICATION ON BOARD A SHIP

<table>
<thead>
<tr>
<th>Name of ship</th>
<th>Port of registry</th>
<th>Official number</th>
<th>Name of owner in full</th>
<th>Address of owner or agent responsible for settlement of accounts</th>
<th>Date from which licence is required</th>
</tr>
</thead>
</table>

DETAILED EQUIPMENT INSTALLED

<table>
<thead>
<tr>
<th>Make/Model</th>
<th>Power</th>
<th>Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal transmitters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telegraphy:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephony:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency transmitters:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survival craft transmitters:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other transmitting equipment: (including automatic devices, mobiles, radar, etc.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I, the undersigned, declare that the particulars given above are true to the best of my knowledge and belief. I understand that I am required to conform to the provisions of the radio regulations annexed to the International Telecommunication Convention and to the provisions of the Vanuatu Maritime (Radio) Regulations.

.............................................. Place .............................................. Date

Signature of Applicant

76
In accordance with the Vanuatu Maritime (Radio) Regulations and with the radio regulations annexed to the International Telecommunication Convention now in force, this authorization is herewith issued for the installation and for use of the radio equipment described below:

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Name of ship</td>
<td>Call sign</td>
<td>Owner of ship</td>
<td>Public correspondence category</td>
</tr>
<tr>
<td>5</td>
<td>Transmitters</td>
<td>a</td>
<td>b</td>
<td>c</td>
</tr>
<tr>
<td></td>
<td>Make and model</td>
<td>Power (watts)</td>
<td>Class of emission</td>
<td>Frequency bands or assigned frequencies</td>
</tr>
<tr>
<td>6</td>
<td>Ship’s emergency transmitters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Survival craft transmitters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Other equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

By direction of the Minister:

lace | Date | Commissioner Maritime Affairs ..