



Tuvalu

**MERCHANT SHIPPING (AMENDMENT)
ACT 2017**



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Tuvalu

MERCHANT SHIPPING (AMENDMENT) ACT 2017

AN ACT TO AMEND THE MERCHANT SHIPPING ACT 1987 TO UPDATE THE ACT AND TO ENSURE THAT THERE IS COMPLIANCE WITH CURRENT INTERNATIONAL MARITIME CONVENTION AND FOR RELATED PURPOSES.

Commencement [24th November, 2017]

1 Short Title

This Act may be cited as the Merchant Shipping (Amendment) Act 2017.

2 Commencement

This Act shall come into force on such date as the Minister may appoint by notice.

3. Insertion of Part IA

The Merchant Shipping Act is amended by inserting a new Part IA as follows:

“PART IA – ADMINISTRATION OF THIS ACT”

3A Functions of the Ministry in relation to maritime regulation and safety

- (1) The functions of the Ministry in relation to the management of the maritime sector and the promotion of maritime safety include aspects of maritime administration and regulation under this Act, any other relevant law and all applicable international maritime conventions, including all of the following;

- (a) the registration of ships and the maintenance of registers of ships in accordance with Part II;
- (b) the inspection and survey of ships;
- (c) the regulation of small craft;
- (d) the certification of seafarers, and of marine pilots;
- (e) the employment and welfare of seafarers;
- (f) all aspects related to safety of navigation, and all matters provided for under Chapter V of the Safety Convention, including:
 - (i) the regulation and operation of marine navigation aids;
 - (ii) functions involving hydrography, including the collection and management of hydrographic data; the preparation and approval of charts and surveys for maritime purposes, sharing of information concerning charting and the giving of Notices to Mariners;
 - (iii) navigational and meteorological warnings;
 - (iv) regulation of and support for effective search and rescue services and operations;
 - (v) ship reporting and tracking control systems;
 - (vi) manning of ships and setting operational limitations;
 - (vii) imposition of requirements applicable to pilotage of ships, and regulation of pilotage services;
 - (viii) design and maintenance of ships;
 - (ix) navigational systems and equipment;
 - (x) operational and testing requirements for equipment, including communications equipment, steering gear and sources of electrical power.
- (g) the imposition and enforcement of requirements related to maritime security;
- (h) authority over wrecks and salvage;
- (i) other responsibilities involving the regulation, management, application and enforcement of requirements applying to the maritime sector to achieve compliance with applicable international maritime conventions, agreements and arrangements;
- (j) all aspects of flag state control over ships entitled to fly the Tuvaluan flag;
- (k) all aspects of port state control over ships within the jurisdiction of Tuvalu;
- (l) marine pollution prevention and response, including ballast water management, the regulation of anti-fouling, and other related matters;

- (m) regulation of the construction, use and inspection of maritime infrastructure;
 - (n) setting and enforcing standards of construction of ships within Tuvalu, and standards applying to the repair or salvage of ships;
 - (o) the regulation of ships undertaking research in Tuvalu waters;
 - (p) other maritime functions under applicable laws, or as approved by Cabinet.
- (2) During periods of emergency and in the event of natural disasters, the Ministry shall perform such roles, functions and powers in relation to the protection of shipping and maritime infrastructure and the safety of life at sea, as are consistent with any applicable law relating to emergencies and disaster management.
- (3) The Ministry shall be responsible for the application, implementation and enforcement of international maritime conventions as provided for in Part III.

3B Authority of Minister

- (1) The Minister shall have the requisite authority and responsibility in relation to this law for the regulation of the maritime sector and the promotion and enforcement of maritime safety in Tuvalu, and for the preparation and implementation of such additional policy and legislation as the Minister sees fit.
- (2) The Minister may take such measures as are necessary to:
- (a) ensure that the maritime sector is properly managed and regulated;
 - (b) ensure that shipping and related services are operated and provided in a safe manner;
 - (c) achieve compliance with obligations under international maritime conventions, and to ensure that all shipping and related services are operated and provided in a manner which is consistent with international maritime conventions;
 - (d) promote opportunities for the employment of Tuvaluan seafarers.
- (3) The Minister may enter into an agreement with any person or government, or agency of any government or international agency or competent organization for any regulatory purpose under this Act.
- (4) The Minister may delegate in writing to the Director any function or authority under this Act as the Minister considers necessary for carrying out the purposes and provisions of this Act.
- (5) The Minister has authority to establish advisory, technical or regulatory committees or bodies for any purpose under this Act, and may delegate functions and authority to such committees or bodies.

3C Authority of Director

- (1) The Director has authority to perform such duties and functions as may be required in accordance with this Act and to exercise such authority that arises from or which is incidental to the duties and functions under this Act, any other relevant law and any international maritime convention.
- (2) The Director has authority to exercise the functions and powers given to the Harbour Master and to inspectors under this Act, and is deemed to hold the office of Registrar of Seamen if no other appointment to that office has been made under section 110.
- (3) The Director shall hold the office of Maritime Safety Information Coordinator for all matters associated with hydrography as referred to in section 3A(1)(f).
- (4) Without limiting the authority provided for in this section, the Director has authority to:
 - (a) require the owner or master of any ship entitled to fly the Tuvaluan flag, or which is within Tuvalu waters, to provide any information, document, record or report which relates to any aspect of compliance with this Act, any other relevant law or an international maritime convention;
 - (b) initiate any legal proceedings to enforce this Act, any other relevant law, and any international maritime convention;
 - (c) take any action necessary for or incidental to the effective application, implementation or enforcement of an international maritime convention;
 - (d) enforce this Act, any other relevant law and any international maritime convention by;
 - (i) detaining any ship which is in breach of a regulatory or operational requirement and which constituted a danger to safety or security, or to the maritime environment;
 - (ii) directing the owner or master of a ship to take any action which is necessary to avoid or remedy any breach of a regulatory or operational requirement;
 - (iii) instituting disciplinary action against any master or other crew member who appears to be responsible for the breach, or to be complicit in it;
 - (iv) reporting any breach to the maritime administration responsible for the ship and to any regional or international agency, if the ship is not a Tuvaluan ship;

- (v) otherwise applying flag state control and port state control authority in accordance with accepted best international practice.
- (5) The Director may delegate, in writing, any of the Director's powers and authority to such officials as may be approved by the Minister.

4 Repeal and Replacement of Section 4

Section 4 of the Merchant Shipping Act is repealed and replaced with the following;

4 Registrar of Ships and appointment of registry administrator

- (1) The Director shall hold the office of Registrar of Ships, and has authority to exercise all powers of that office under this Act.
- (2) The Minister has authority, with the consent of Cabinet, to approve the appointment of an administrator for the register of foreign vessels established under section 5A.
- (3) Nothing in this section affects the legal rights of any person who is operating and managing the register of foreign vessels on behalf of the government prior to this section taking effect.
- (4) The administrator of the register of foreign vessels has authority to exercise the powers of the Registrar under Part II in relation to the registration of foreign vessels, and is accountable to the Registrar for the proper, lawful and efficient management of the register under its control.
- (5) For the purpose of subsection (4) the Registrar has authority to:
 - (a) require that any record or document related to the register of foreign vessels be provided within a specified time;
 - (b) require that any information related to the register of foreign vessels, or to any ship on the register, be provided within a specified time;
 - (c) give directions to the administrator to ensure that this Act, any other relevant law, approved government policies and all international maritime conventions, are complied with in relation to the management of the register, and by ships which are registered on the register;
 - (d) require that the registration of a foreign vessel be suspended or cancelled on any of the following grounds;
 - (i) the vessel has breached this Act or any relevant law or government;

- (ii) the vessel has breached any applicable international maritime convention; or
 - (iii) if the registration of that ship compromises the good standing of Tuvalu as a maritime nation in any manner.
- (6) If the administrator of the register of foreign vessels fails to comply with any requirement or direction imposed by the Registrar under subsection (4), the administrator, and any officer or employee of the administrator who is directly responsible for the breach, are all guilty of an offence and are each liable to a fine not exceeding:
 - (a) \$50,000 if the offence is committed by an individual, and
 - (b) \$250,000 if the offence is committed by a company.
- (7) The commission of an offence under subsection (6) is grounds for the revocation of approval for the administration of the register of foreign vessels, without any right to compensation for the revocation of such rights.

5 Amendment to Section 5

Section 5 of the Merchant Shipping Act is amended as follows:

- (a) by amending the title of the section to be **“5 Registrar of Domestic Ships”**;
- (b) by deleting the words “Register of Ships: wherever they appear in the section and replacing them with “Register of Domestic Ships”
- (c) by deleting the word “ships” from subsection (2) and replacing it with the words “domestic ships”;
- (d) by adding the following subsections:
 - “(4) The Registrar is responsible for the safekeeping of the Seal of the Register of Domestic Ships and has authority to affix the Seal to any document for a lawful purpose under this Act.
 - (5) No other person has the right to affix the Seal of the Register of Domestic Ships to any document, and any person who breaches this subsection is guilty of an offence and is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 3 months.”

6 Insertion of Section 5A

The Merchant Shipping Act is amended by inserting section 5A as follows:

“5A Register of foreign vessels

- (1) A register of foreign vessels may be established and maintained in accordance with this Part, and any Regulations made under this Act.
- (2) The register of foreign vessels must be kept at a place approved by the Minister.
- (3) A copy of the register of foreign vessels must be maintained, and kept current, at Funafuti in accordance with any requirements or directions given by the Registrar.
- (4) The administrator of the Register of Foreign Vessels is responsible for the safekeeping of the Seal of the Register of Foreign Vessels and has authority, subject to any conditions imposed by the Minister from time to time, to affix the Seal to any document related to the Register of Foreign Vessels for a lawful purpose under this Act.
- (5) No other person has the right to affix the Seal of the Register of Foreign Vessels to any document, unless authorised in writing by the Minister, and any person who breaches this subsection is guilty of an offence and is liable to a fine not exceeding \$10,000 or to a term of imprisonment for a term of up to 3 months.
- (6) The administrator of the register of foreign vessels is responsible for ensuring that:
 - (a) all registered ships on that register comply with the requirements of Part III;
 - (b) that necessary notifications and reports are given in accordance with international maritime conventions, where the requirements for such notifications and reports relate to ships registered of foreign vessels;
 - (c) the administrator of the register of foreign vessels otherwise complies with all of the obligations which the government of Tuvalu has assumed under all international maritime conventions, where such obligations arise from the administration of the register, and from the ships registered on the register;
 - (d) the registration of a registered ship is cancelled or suspended if its registration compromises the good standing of Tuvalu as a maritime nation in any mannerand despite any provision of a law to contrary is liable to and indemnifies the government for the consequences arising from any non-compliance.”

7 Amendment of Part III

Part III of the Merchant Shipping Act is repealed in its entirety and replaced with the following:

“PART III – COMPLIANCE WITH INTERNATIONAL CONVENTIONS”**47 International maritime conventions**

- (1) Subject to this Act, the following international maritime conventions are applied and enforced under this Act and have the force of law in Tuvalu:
 - (a) The International Convention for the Safety of Life at Sea, 1974 as amended;
 - (b) The Protocol of 1998 relating to the International Convention for the Safety of Life at Sea 1974, as amended
 - (c) The International Convention on Standards of Training, Certification and Watch-keeping for Seafarers 1978, as amended;
 - (d) The International Convention on Load Lines 1996, as amended;
 - (e) The Protocol of 1988 relating to the International Convention on Load Lines 1966 as amended;
 - (f) The International Convention on Tonnage Measurement of Ships 1969, as amended;
 - (g) The Convention on the International Regulations for Preventing Collisions at Sea 1972, as amended;
 - (h) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;
 - (i) The Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;
 - (j) The International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001, as amended;
 - (k) The International Convention for the Control and Management of Ships’ Ballast Water and Sediments 2004, as amended.
- (2) The Minister may add to or vary the list of international maritime conventions in subsection (1) by Regulations made under this Act, and any additional international maritime convention shall have the force of the law in Tuvalu as provided for in this section.
- (3) An amendment made to a Convention referred to in subsection (1) does not apply if Tuvalu has refused to consent to the amendment.
- (4) Any Regulation or Code made under a Convention referred to in subsection (1) (either before or after this section takes effect) is deemed to be part of the relevant Convention and has the force of the law in Tuvalu.
- (5) The requirements to comply with the Conventions referred to in subsection (1) (h)-(k) are in addition to, and do not derogate from, the obligations and requirements under the *Maritime Pollution Act [Cap.48.16]*.

48 Ships to comply with convention obligations and requirements

- (1) This section applies to:
 - (a) all ships entitled to fly the Tuvaluan flag;
 - (b) all ships which are in Tuvaluan waters –
which are subject to the requirements of an international maritime convention as provided for by this Act, any other law or under the provisions of an applicable Convention (whether based upon the class, type, size, use or voyage of the ship, or otherwise).
- (2) Subject to this Act and the Regulations, a ship to which an international maritime convention applies in accordance with subsection (1) must:
 - (a) be operated in a manner that complies with the requirements specified in all the Conventions applicable to the ship;
 - (b) maintain all records and plans required under all the Conventions applicable to the ship;
 - (c) provide all information and notifications required under all the Conventions applicable to the ship;
 - (d) hold current certificates as required under all the Conventions applicable to the ship;
 - (e) comply with the design requirements specified under all the Conventions applicable to the ship;
 - (f) carry equipment required under all the Conventions applicable to the ship, and ensure that it is maintained in good working order;
 - (g) provide the manning, training and levels of competency required under all Conventions applicable to the ship;
 - (h) otherwise comply with the requirements specified in an applicable Convention, subject to any exemptions or exclusions provided for in specific convention.
- (3) An owner or master of a ship which contravenes subsection (2), is guilty of an offence and is liable:
 - (a) if the ship is more than 24 meters – to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months, or both; or
 - (b) if the ship is 24 meters or less – to a fine not exceeding \$20,000, or to imprisonment for a term not exceeding 6 months, or both.
- (4) In addition to any penalty imposed under subsection (3) and to any action which may be taken in accordance with law, the following action can be taken by the Registrar in relation to a ship which has breached a requirement applying under this section:
 - (a) the ship may be detained on the order of the Registrar;

- (b) the registration of a ship registered under this Act can be suspended or cancelled on the order of the Registrar;
- (c) notification of a breach by a ship which is not registered under this Act shall be given by the Registrar to the maritime administration responsible for regulating the ship;
- (d) disciplinary action can be taken against the master of any other crew member who is responsible for or involved in the breach;
- (e) the owner of the ship can be ordered by a court to reimburse or cover the cost of any remedial action, if the breach has resulted in damage to property or to the environment in any way.

49 Regulations to apply and enforce international maritime conventions

- (1) Regulations may be made under this Act to implement, apply and enforces any international maritime convention.
- (2) Regulations made under subsection (1) may provide for:
 - (a) the payment of fees;
 - (b) offences and additional penalties for failure to observe or comply with requirements and obligations under any international maritime convention;
 - (c) powers of inspection and enforcement for any purpose under this Part.”

8 Insert Part VIA

The Merchant Shipping Act is amended by inserting a new Part VIA as follows:

“PART VIA – LIMITATION ON LIABILITY FOR CARGO CARRIED ON GOVERNMENT SHIPS”

124A Limited liability for cargo on government ships

- (1) The Minister may by written Order, set a monetary limit on the liability which the government has for loss or damage caused by any means to cargo carried on government owned and operated ships.
- (2) The monetary limit set under this section applies to any ship which is chartered by the government for the purposes of operating shipping services.
- (3) A limitation of liability applied under subsection (1) applies from time to time that the cargo is delivered to the ship for carriage, until the time that the cargo is off-loaded from the ship and received by or on behalf of the consignee.

- (4) The onus is on the consignor to prove the value of the loss or damage to the cargo, and the Director has authority to determine that compensation will be withheld, or paid at an amount that is less than the monetary limit, if satisfactory proof of the value of the loss or damage is not provided, or if the proof provided indicates a value that is lower than the monetary limit.
- (5) The consignor is responsible for ensuring that all cargo is adequately packaged, and that it is protected from damage, including from rain or seawater, and liability for any loss or damage to it may be denied if cargo has not been adequately packaged.
- (6) An Order made under subsection (1) may apply different limits based upon the size, value or nature of cargo carried on government ships.
- (7) In the absence of an Order under subsection (1) the limitation of liability for all types of cargo carried on government ships is \$50 for each package.
- (8) The limitation of liability under this section does not apply to cargo consigned under an Act of Lading, and in such cases the provisions of applicable international conventions apply in determining the extent of liability for the loss of or damage to cargo carried on government owned and operated ships.

124B Courts may not make compensation orders in excess of the limited liability

When considering any matter concerning loss of or damage to cargo which has been carried on a government owned and operated ship, a court may not make an order for compensation which exceeds any amount set under section 124A.

9 Amendment to Section 141

Section 141 of the Merchant Shipping Act is amended by inserting a new subsection (9) as follows:

- (9) The Regulations may make provisions for any matter connected with or incidental to the performance of the functions of the Ministry under this Act, and the exercise of any power provided for under this Act, including Regulations which make provisions for:
 - (a) the licensing or certification of any matter related to a function of the Ministry;
 - (b) the enforcement of any matter provided for under this Act, including additional powers of inspection and enforcement;
 - (c) the application, implementation and enforcement of any obligation or requirement arising from an international maritime convention,

- and the exercise of flat state control and port state control function by the Government;
- (d) any matter associated with the regulation of pilots and the provisions of pilotage services, including the obligations of any ship to use a pilot in any prescribed area; and the duties, responsibilities and liabilities of masters and pilots, and immunities and protections from liability, when such services are utilized or provided;
 - (e) the liability of owners, masters, crewmen, consignors of cargo, port service operators and other persons for breaches of the Regulations, including officers of a company if the breach is committed by a corporation; and
 - (f) the prescription of any offences under such Regulations, and the imposition of penalties, which can include fines not exceeding \$250,000 and terms of imprisonment of up to 12 months.”

10 Insertion of Section 142

The Merchant Shipping Act is amended by inserting section 142 as follows:

“142 Approved rules and standards etc.

- (1) For the purposes of implementing the provisions of this Act, the Minister may make approved rules, standards, guidelines, operating procedures or codes of practice.
- (2) Without limiting the generality of subsection (1), approved rules, standards, guidelines, operating procedures or codes of practice may be applied in relation to:
 - (a) any matter associated with the operation of shipping and the movement of passengers and cargoes on ships;
 - (b) the effective regulation, maintenance and protection of maritime infrastructure;
 - (c) any matter associated with the promotion of safety and security in the maritime sector, and
 - (d) the effective application, implementation or enforcement of an international maritime convention.
- (3) An approved rule, standards, guidelines, operating procedures or codes of practice made by the Minister under this subsection takes effect when it is approved by the Minister.
- (4) The Ministry must take all necessary steps to notify ship owners and masters, and port service operators, of any actions taken under this section.

- (5) Failure to provide any notification under subsection (4) does not affect the validity of an approved rule, standard, guideline, operating procedure or code of practice.
- (6) An approved rule, standard, guideline, operating procedure or code of practice made by the Minister under this subsection may specify the person or persons to whom it applies, and any such person who refused or fails to comply with the approved rule, standard, guideline, operating procedure or code of practice is guilty of an offence and is liable to a fine not exceeding \$5,000.”

11 Insertion of Section 143

The Merchant Shipping Act is amended by inserting section 143 as follows:

“143 Approved forms and fees

- (1) If any necessary form is not prescribed by Regulations, the Director may approve a form for any purpose under this Act.
- (2) If a fee for any matter associated with this Act is not prescribed by Regulations, the Minister may determine and fix the fee which is payable for any regulatory requirement or service provided in accordance with this Act.”

12 Insertion of Section 144

The Merchant Shipping Act is amended by inserting section 144 as follows:

“144 General offence against this Act and Regulations

A person who breaches any requirement applying to that person under this Act or Regulations made under this Act, or who refuses or fails to comply with any direction or requirement given under the authority of this Act or Regulations, and for which no specific offence or penalty is prescribed, if guilty of an offence and is liable to a fine up to \$5,000.”

13 Insertion of Section 145

The Merchant Shipping Act is amended by inserting section 145 as follows:

“145 Immunities

The Minister, the Ministry, the Director and all officers, employees and persons acting under the authority of this Act, including committees and persons acting with delegated authority for the purposes of implementing this Act, are not subject to any action, liability, claim or demand for any matter or thing done or omitted to

be done in good faith (whether negligently or not) in the performance or purported performance of any function or duty, or the exercise or purported exercise of any power under this Act, or any other relevant law.”

14 Amendment to Schedule 1

Schedule 1 of the Merchant Shipping Act is amended as follows:

(a) by adding the following definitions in the appropriate alphabetical order:

(i) **“any other relevant law”** includes the Marine Pollution Act 1992 and any other law which regulates the maritime sector and for which the Ministry is responsible;

(ii) **“the administrator of the Register of Foreign Vessels”** and **“administrator”** means the administrator approved under section 4(2);

(iii) **“consignee”** means any person to whom cargo has been sent on a government vessel by another person, and includes any persons who is entitled to receive the cargo;

(iv) **“consignor”** means any person who sends cargo on a government vessel to another person’

(v) **“Director”** means the person holding the office of Director of Marine and Port Services, and includes any person lawfully acting in that position in the Division of the Ministry responsible for the regulation of maritime transport;

(vi) **“domestic ship”** means a ship which is owned by qualified persons and for which an application for registration under section 8(1) may be made, and includes a Government ship’

(vii) **“Minister”** means the Minister responsible for maritime transport, and includes any Minister lawfully acting in that capacity;

(viii) **“Ministry”** means the Ministry responsible for maritime transport;

(ix) **“prescribed”** means prescribed by Regulations or stipulated in an approved rule, standard, guideline, operating procedure or code of practice;

(x) **“the register of foreign vessels”** means the register maintained under section 5A;

(xi) **“registered ship”** means a ship registered under the register of domestic ships or the register of foreign vessels.

(b) by deleting the definition of **“International Maritime Convention”** and replacing it with the following:

“International Maritime Convention” means:

- (a) all conventions, and protocols to a convention, referred to in section 47;
- (b) any additional international maritime convention applied by Regulations made under section 47(2);
- (c) all international or regional maritime protocols, agreements, programs and initiatives:
 - (i) to which Tuvalu is a party, member or participant; or
 - (ii) which are adopted as domestic law under any law in Tuvalu; or
 - (iii) adopted, applied, implemented or enforced by Regulations made under this Act –and includes any Regulation or Code made under such as Convention and which are current in force.
- (c) by deleting the definition of “**the Load Line Convention**” and replacing it with the following:

“**the Load Line Convention**” means the International Convention on Load Lines, 1966, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966;
- (d) by deleting the definition of “**the Register**” and replacing it with the following:

“**the Register**” means:

 - (i) the Register of Domestic Ships established under section 5, when the matter relates to a domestic ship; or
 - (ii) the Register of Foreign Vessels established under section 5A, if the matter relates to a foreign vessel.”
- (e) by deleting the definition of “**the Safety Convention**” and replacing it with the following:

“**the Safety Convention**” means the International Convention for the Safety of Life at Sea, 1974 as amended, and the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea 1974, as amended.”

15 Repeal and Replacement of Schedule 2

Schedule 2 of the Merchant Shipping Act is repealed and replaced with the following:

SCHEDULE 2**PENALTIES**

(Section 125)

<i>1</i>	<i>2</i>	<i>3</i>
Section	Description of Offence	Penalty Imprisonment or Fine, or both
12(3)	Failing to keep marks	\$10,000
12(4)	Removing etc. marks	\$10,000
16(3)	Using illegal certificate of registry	2 years; \$50,000
16(4)	Failing etc. to deliver certificate of registry	\$10,000
18(5)	Failing to deliver up provisional certificate	\$5,000
21(9)	Failing etc. to give notice of loss of ship	\$25,000
22(2)	Failing etc. to apply to register alterations	\$10,000
37	Concealing Tuvaluans character etc.	2 years; \$50,000
39(2)	Failing to hoist National Flag	\$5,000
40	Using colors other than National Flag	\$10,000
41(2)	Failing to give information to Register of Ships	\$10,000
46(1)	Describing ship by name not registered	\$10,000
52(2)	Sending or taking unsafe ship to sea	2 years; \$100,000
53(2)	Failing to carry proper equipment	2 years; \$50,000
54(3)	Failing etc. to notify serious danger to navigation	\$10,000
55(3)	Failing etc. to make radio report to ship	\$10,000
56(3)	Failing to assist person in danger of being lost	2 years; \$50,000
57(3)	Failing to assist in case of collision	2 years; \$100,000
61(1)	Sending etc. dangerous goods to sea without notice	\$10,000
61(2)	Sending etc. dangerous goods to sea falsely described	\$25,000
70	Failing to deliver up cancelled etc. certificate	\$1,000
75(3)	Permitting ship to go to sea improperly	2 years; \$50,000

	manner	
77	Unqualified person going to sea as qualified	2 years; \$50,000
78	Failing to produce certificate of competency etc.	2 years; \$10,000
79(3)	Failing etc. to deliver up suspended certificate	\$10,000
83	Seeking etc. rewards for employment	\$10,000
86	Refusing etc. to give seaman account of wages	\$5,000
90(2)	Permitting ship to go to sea without proper crew accommodation	\$10,000
93	Permitting ship to go to sea without medical stores etc.	\$20,000
94(3)	Master failing to make arrangements for seaman's complaint	\$1,000
96(2)	Misconduct endangering ship etc.	2 years; \$50,000
97	Continued or concerted disobedience etc.	\$5,000
98	Absence without leave	\$1,000
105	Stowing away on ship	3 months; \$1,000
106	Unauthorized presence on ship	\$1,000
108(2)	Failing to make return of birth or death on Tuvalu ship	\$5,000
109(2)	Failing to make return of birth or death on foreign ship	\$5,000
113(2)	Failing to carry or keep Official Log Book	\$10,000
113(3)	Destroying etc. Official Log Book	\$20,000
115(1)	Master failing to notify death or serious injury	\$5,000
133(1)	Making etc. false declaration	2 years; \$10,000
138(6)	Obstructing etc. inspector	6 months; \$10,000

16 Consequential Amendment to Cap 48.08 and 48.08.01

- (1) Harbours Act is amended by repealing Part IV.
- (2) Harbours Regulation is amended by repealing Regulation 3-5.

17 Application of this Act

- (1) The provisions of this Act apply to the Tuvalu Registration of Foreign Ships Administration created under the Merchant Shipping (Registration of Foreign Ships) Regulations 2004, where applicable.
- (2) The Shipping (Registration of Foreign Ships) Regulations 2004 are hereby validated and are deemed to have been lawfully made.
- (3) All actions by the Tuvalu Registration of Foreign Ships Administration created under the Merchant Shipping (Registration of Foreign Ships) Regulations 2004 prior to the commencement of this Act are deemed to have been validly done under the authority of the amended provisions of the Act, and to that extent the provisions of this Act are deemed to have retrospective effect.