



Tuvalu

**MERCHANT SHIPPING (AMENDMENT)
ACT 2018**



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MERCHANT SHIPPING (AMENDMENT) ACT 2018

Act No.5 of 2018

AN ACT TO AMEND THE MERCHANT SHIPPING ACT 1988 TO UPDATE AND ENSURE COMPLIANCE WITH THE INTERNATIONAL MARITIME ORGANIZATION CONVENTION AMENDMENTS AND INVESTIGATION CODE

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [28th November, 2018]

1 Short Title

This Act may be cited as the Merchant Shipping (Amendment) Act 2018.

2 Amendment to section 47 (3)

Section 47 (3) is amended by inserting the bolded words below to read:

“In the event any amendment is effected to a Convention referred to in subsection (1) or any of the international maritime conventions which the Minister may add to the list of Conventions stated in subsection (1) pursuant to subsection (2), such amendment shall not apply in Tuvalu, unless Tuvalu expressly consent to the amendment.”.

3 Amendment to section 47 (4)

Section 47 (4) is amended by deleting the word “is” before “deemed” and inserting the bolded words below to read:

“Any Regulation or Code made under a Convention referred to in subsection (1) (either before or after this section takes effect) or a Convention added by the

Minister pursuant to subsection (2), shall be deemed to be part of the relevant Convention and has the force of law in Tuvalu.”.

4 Amendment to section 47 (5)

Section 47 (5) is amended by inserting the bolded words below to read:

“The requirements to comply with the Conventions referred to in subsection (1) (h) – (k) and the Conventions to be added pursuant to subsection (2) are in addition to and do not derogate from the obligations and requirements under the Maritime Pollution Act (CAP. 48. 16).”.

5 Amendment to section 66 (a)

Section 66 (a) is amended by inserting the bolded words below to read:

“(a) a preliminary investigation to be carried out in accordance with the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) adopted by the International Maritime Organization; and”.

6 Amendment to section 66 (c)

Section 66 (c) is amended by inserting the bolded words below to read:

“(c) a preliminary investigation in accordance with subsection (a) to be carried out and Marine Inquiry to be held.”.