

REPUBLIC OF VANUATU

THE MARITIME (REGULATIONS)

ORDER NO 104 OF 1981

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REPUBLIC OF VANUATU

The Maritime (Regulations)

Order No of 1981

To provide Regulations for the better carrying into effect of the provisions of the Maritime Act No 8 of 1981.

IN EXERCISE of the powers contained in the Maritime Act No 8 of 1981, I hereby make the following Order :-

CHAPTER 1 - GENERAL

Interpretation. 1. In this Order unless the context otherwise requires -

"Act" means the Maritime Act No 8 of 1981;

"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 Commissioners" means the Deputy Commissioners 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 of Finance;

"Ship's Document" means the Certificate of Registry, whether permanent or provisional.

Records. 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 sextuplicate; 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 Certificate of Permanent or Provisional Registry or of a License 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.

Licences,
Certificates
of officers
and members
of crew.

3. (1) A person holding a valid license 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 Order.

(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 licenses shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required :

- | | |
|-----------------------------------|---------------------------|
| Navigation | Rules and Regulations |
| International Rules of the Road | Firefighting |
| Cargo Handling and Stowage | Lifesaving |
| Instruments and Accessories | Radar Navigation |
| Seamanship | Signalling |
| Chart Navigation | Star Identification |
| Ocean Winds, Weather and Currents | Aids to Navigation |
| | Ship's Business |
| | Sea Terms and Definitions |

(b) Applicants for engineering officer licenses 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	Engineering Mathematics
Turbines	Rules and Regulations
Electricity	Firefighting
Refrigeration	Propulsion Machinery
Diesel Engines	

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

(c) Applicants for radio officer licenses 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	Transmitting and Receiving Telegraphy and Telephony
Taxation of Telegrams	Radio Direction Finders
"G" Code	Practical Operation of Equipment including Starting, Stopping, Tuning, Transmission and Receiving
Frequency Allocations	
International Publications	
Basic Operator Procedure	
Basic Electricity	
Radio Tubes	

(d) Applicants for Lifeboatmen'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 lifesaving appliances.

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

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

(4) Renewals of Licenses shall not be granted more than one year after the expiry date of the previous license, without special authorisation from the Commissioner. A renewal during the one year period after the expiry date shall be permitted only upon payment of a special fee of \$20 in addition to the regular renewal fee.

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 two 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 two 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 license 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 license prior to expiration..... \$ 50
within one year after expiration..... \$ 100

(xvi) for issuing a temporary permit under
regulation 32 (3) (a) of this Order..... \$ 50
regulation 32 (3) (b) of this Order..... \$ 100

(xvii) for replacing a lost or destroyed license or certificate..... \$ 15

(xviii) for issuing a certificate for a non licensed crewmember..... \$ 10

(e) Certification, Authentication, Approval

(xvii) 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 two copies thereof..... \$ 10

(xxvi) for authenticating proof of sea service..... \$ 2

(f) 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 thirty days after the formal execution of such commitment, agreement, or arrangement.
- (3) This regulation shall not apply to day to day current commercial transactions providing for the carriage or 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.

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 no 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 a valid certificate is issued by any of the classification societies referred to in regulation 8 in respect of cargo ship safety equipment; cargo ship safety; radio telegraphy or telephony; cargo ship safety construction; passenger ship safety; international load line and measurement and such other certificates as may be required by any international convention ratified or acceded to by Vanuatu.
- (3) 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.

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;
- (c) Det Norske Veritas;
- (d) Germanischer Lloyd;
- (e) Lloyd's Register of Shipping; and
- (f) Nippon Kaiji Kyokai.

Measurement.

9.

- (1) Except as otherwise provided in this Order, measurement shall be in accordance with the regulations set forth in Title 19, Chapter 1, Part 2, of the Code of Federal Regulations of the United States of America, as amended through March 10, 1966, 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 sub-regulation (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.

(3) 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.

Tonnage statements in Certificates of Registry.

(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.

Contents
of
Certificates
of Registry.

11. (1) Each ship'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.

- (3) In cases where there has been a change of name or ownership of a vessel, a new Registry Certificate, 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
Registry
Certificates
and Licences.

12.

The Commissioner, upon the issue of Registry Certificates and Licenses, shall assign to such documents numbers progressively, and shall as soon as possible notify all Deputy Commissioners so that, when a License, or Registry Certificate 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 Licenses and Registry Certificates, 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 re-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 of Registry, shall file an affidavit that no further consent is required from the Government of 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.

14. (1) 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 35 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 License; 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 Orders 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 48 of the Act unless the mortgagee has consented to, or given approval for, such change of name.

Non-compliance
with internat-
ional convent-
ions.

16. The Commissioner or Deputy Commissioner may cancel a vessel's Certificate of Registry, or impose such conditions as may be required on the grounds of failure to comply with the applicable requirements of the following international conventions or regulations to which the Republic of Vanuatu is a party or may accede to :

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

INTERNATIONAL LOAD LINE CONVENTION, 1966

INTERNATIONAL TELECOMMUNICATION 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)

THE FOLLOWING I.L.O. CONVENTIONS :

Convention No 53 - Convention concerning the minimum requirement of professional capacity for masters 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.

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.

19 (1) 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 sub-regulation (1) (a) shall be punishable by a penalty of not less than \$5000 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.

- (3) Any violation of sub-regulation (1) (b), except where punished by local authorities having and exercising jurisdiction, shall be punishable by a penalty of \$5000 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 sub-regulation (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.
- (5) Any penalty assessed pursuant to sub-regulation (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 six 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.
- (3) 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 this Order applies, while within a part 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.
- (5) 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 \$1000 and may also constitute grounds for the suspension or revocation of the license of competence of such master by the Commissioner or Deputy Commissioner.

ad
lines.

21. (1) The Master shall enter into the vessel's deck log book prior to the 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
Invest-
igations and
International
Participations.

22. The costs of marine investigations and participation in international maritime conventions, agreements and conferences shall be defrayed by the annual payment of a fee of \$725 plus four cents per net ton to be paid by the owner of each vessel registered under the Act. All fees chargeable under the provisions of this regulation shall be invoiced and collected by the Commissioner or any Deputy Commissioner.

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 51 of the Act :-

(a) (where corporate seal used) :

CITY OF.....)
NATION OF.....) 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 51 of the Act)

(b) (no corporate seal) :

CITY OF.....)
NATION OF.....) 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 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 51 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 five 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 54 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 59 of the Act shall be submitted in quadruplicate, each copy acknowledged as provided by section 51 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.

- (1) 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.

- (3) It is the duty of all holders of licenses of competence or other certification issued to mariners under the Act or any Orders 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 license or certificate may subject him to formal charges of a marine offence, together with the possible suspension or revocation of such license 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.
- (5) 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

Interpretation. 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 Orders thereunder.

Reporting.

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)

A report provided for in sub-regulation (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.

- (3) The persons in charge of any vessel involved in a marine casualty referred to in sub-regulation (1) shall retain for two 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 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.

Marine
Investigation.

- 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.

(3) (a) It is the duty of all holders of licenses of competence or other certification issued to mariners under the Act or Orders 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 licenses or other certification held;
- (ii) refusal to renew or reissue any licenses 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 sub-regulation (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.

- (f) 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 license, 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

**Manning
Require-
ments.**

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 1600 gross tons, shall have on board and in her service at least two licensed mates in addition to her master.
- (d) Every vessel registered under the Act other than a passenger vessel, of 1600 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 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 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.

(f) 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 1200 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 1200 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 in 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.

(3) 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 sub-regulations (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 six months of service in the capacity for which he is licensed and while holding such license, 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 six months, provided he is in all other respects eligible for examination for license in such higher capacity, has submitted an application for such examination, and undertakes to complete the examination prior to the expiration of the six-month 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 twelve months, provided he is in all other respects eligible for examination for a license in one of such capacities, has submitted an application for such examination and undertakes to complete the examination prior to the expiration of the twelve 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.
- (c) 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.
- (d) 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.
- (e) 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.

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

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 lifeboatman is any member of the crew who holds a Lifeboatmen's Certificate issued by the Commissioner or a Deputy Commissioner.

Display of License of Competence or temporary permit.

- 33. (1) Every master, mate, chief engineer, assistant engineer and radiotelegraph operator shall cause his License of Competence or temporary permit to be displayed on board the vessel in which he is currently working in a conspicuous location. The license 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 license or temporary permit.

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

Change of Command.

- 34. (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 log book :

"I, (name of new master), a citizen of (country of citizenship), holder of Vanuatu License of Competence No. (number of certificate) in the grade of master, assumed command of the vessel on (date on which officially took command) at the port of (port where change effected)."

- (2) 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.

Log Books.

35. (1)

Every self-propelled vessel registered under the Act, of 100 gross tons or over shall carry a navigation and an engine room log book which shall be maintained in bound volumes aboard ship until the end of the voyage. All entries made in such log books 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.

(2)

In addition to the keeping of navigation and engine room log books, 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.

- (3) Every master of such vessel shall make, or cause to be made, in the log book entries including, but not limited to, the following :
- (a) every offence and any penalty or fine imposed;
 - (b) every death occurring on board and every burial at sea, with all information required by section 125 of the Act;
 - (c) 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;
 - (d) 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;
 - (e) wages due to any seaman or apprentice who dies during the voyage, and the total amount of all deductions made therefrom;
 - (f) a statement of any collisions made immediately after the occurrence or as soon thereafter as practicable;
 - (g) before departing from any port, the information required by regulation 21 (1);
 - (h) 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;
 - (i) 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);
 - (j) drill of ship's crew in the use of line-throwing gun at least once every three 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;
 - (l) upon each change of Master, the information required by regulation 34 (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.

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

(f) Each lifeboat shall be lowered to the water at least once in every three 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 three 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 36.
to be given
by master.

Each exercise of a special power granted to masters under section 104 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.

37. (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 sub-regulation (4) hereof. 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 one year from the effective date of this Order, 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	Official Number	Port of Registry
----------------	-----------------	------------------

Gross Tonnage	Horsepower
---------------	------------

It is agreed between the master and the undersigned seamen of the (steam)(Motor) vessel

.....

(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.....(3)..... to.....(4)..... and such other ports and places in any part of the world as the master may direct, for a term (of) (not exceeding).....(5)..... calendar months, that :

(1) 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.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) 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.
- (8) 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.
- (9) Eight hours per day shall constitute a working day while in port and at sea. Work performed over and above an eight hour period shall be considered overtime and be compensated for at overtime rates.
- (10) Work performed in excess of eight 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.
- (11) Seamen shall keep their respective quarters clean and in order.

- (12) 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.

- (13) 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.

- (14) 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.

- (15) 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.

(16) 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.....

.....

Signature of Master

Entries to be made in columns provided therefor.

- | | |
|---------------------------------------|---|
| (1) Name of Seaman | (9) Capacity in which engaged |
| (2) Citizenship | (10) Base Wages per month |
| (3) Passport or Identification Number | (11) Date and place signed on Articles |
| (4) License or Certificate Number | (12) Signature of Seaman |
| (5) Age | (13) Signature of Master |
| (6) Home Address | (14) Date and place signed off Articles |
| (7) Name and Address of Next-of-Kin | (15) Signature of Seaman |
| (8) Date and place wages commence | (16) Signature of Master |

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.

- 38. (1) Certificates of Service shall be in a form prescribed by the Commissioner and shall contain the information set forth in sub-regulation (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.
- (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.
- (4) The following shall be the form of Certificate of Service :-

"Form of Certificate of Service

- | | |
|---|---|
| (a) Name of Seaman | (i) Total Service (Month and Days) |
| (b) Citizenship | (j) Names of Vessel (indicate steam or motor) |
| (c) Rank or Rating | (k) Official Number |
| (d) License, Book or Certificate Number | (l) Port of Registry |
| (e) Place of Engagement | (m) Gross Tonnage |
| (f) Date of Engagement | (n) Horsepower |
| (g) Place of Discharge | (o) Nature of Voyage |
| (h) Date of Discharge | (p) Remarks |

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

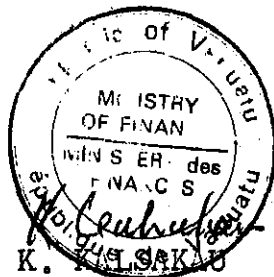
Register
of
Children. 39.

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 sixteen 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.

Commencement. 40.

This Order shall come into force on the date of its publication in the Gazette.

MADE at Port Vila this 8th day of July 1981.



MINISTER OF FINANCE