

Marine (Coasting-Trade) Regulations, 1990

MARINE ACT, 1986
(ACT NO. 35 OF 1986)

MARINE (COASTING-TRADE) REGULATIONS, 1990

IN exercise of the powers conferred upon me by sections 158(1) and 212 of the Marine Act, 1986, I have made the following Regulations—

Short title

1. These regulations may be cited as the Marine (Coasting-trade) Regulations, 1990.

Purpose

2. The purpose of these regulations is to specify—

- (a) how a coasting-trade licence or a coasting-trade permit may be obtained in respect of a vessel;
- (b) the details to be included in such a licence or permit;
- (c) the returns to be provided by masters of vessels engaged in the coasting trade.

Application for grant of a coasting-trade licence

3.—(1) An application for the grant by the Minister of a licence to engage a vessel in the coasting-trade must be made to the Director on a form provided or approved for the purpose by the Director.

(2) An application under subregulation (1) must be accompanied by—

- (a) the registration certificate of the vessel to be used in the proposed shipping service or other documentation sufficient to satisfy the Director—
 - (i) as to the identification of the vessel; and
 - (ii) except where section 149(3) of the Marine Act, 1986 applies—that the vessel to be used is a registered vessel; and
 - (iii) that the applicant is the owner or charterer of the vessel, as the case may be; and
- (b) evidence that the applicant and any other persons owning or chartering the vessel are Fiji persons as defined in the Marine Act, 1986; and
- (c) a valid survey certificate or safety certificate in respect of the vessel.

(3) Where the application under subregulation (1) is for a special coasting-trade licence the application must contain full details of the shipping service in which it is intended to engage the vessel.

Minister to consider application for licence

4.—(1) If the Director is satisfied that a coasting-trade licence may be granted to the applicant in accordance with the Act he shall refer the application to the Minister together with any recommendations he considers appropriate.

If, following receipt of an application in accordance with subregulation (1) the Minister is of the opinion that the application should be granted he shall determine the period for which the coasting-trade licence should be granted, having regard to the matters specified in section 150(2) of the Marine Act, 1986, and shall inform the Director accordingly.

(3) If, following receipt of an application in accordance with subregulation (1) the Minister is of the opinion that the application should not be granted he shall inform the Director accordingly, and the Director shall inform the applicant.

Grant of coasting-trade licence

5.—(1) Where the Minister has advised the Director that an application for a coasting-trade licence should be granted the Director shall advise the applicant accordingly and shall, in the advice, specify the period of validity of the proposed licence, the fee payable and any conditions subject to which the licence will be subject.

On receipt of the fee payable the Director shall grant the coasting-trade licence.

The fee payable on the grant of a coasting-trade licence is \$25.

Contents of coasting-trade licence

6. A coasting trade licence must have specified in it—
- (a) the name and address of the person to whom it is granted; and
 - (b) the name of the registered vessel or, where section 149(3) of the Marine Act, 1986 applies, the vessel in respect of which the licence is granted; and
 - (c) where the licence is a special coasting-trade licence—details of the shipping service in which the vessel may be engaged; and
 - (d) the date when the licence was granted and the date on which it will cease to be valid; and
 - (e) any conditions the Minister has thought fit to impose in accordance with section 146 of the Marine Act, 1986,

but otherwise a coasting-trade licence shall be in such form and may contain such other information as the Director determines.

Application for issue of a coasting-trade permit

7.—(1) An application for the issue by the Minister of a permit to engage a vessel in a shipping service must be made to the Director on a form provided or approved for the purpose by the Director.

- (2) An application under subregulation (1) must be accompanied by—
- (a) the registration certificate of the vessel to be used in the proposed shipping service or other documentation sufficient to satisfy the Director as to the identification of the vessel; and
 - (b) a valid survey certificate or safety certificate in respect of the vessel; and
 - (c) details of why the proposed shipping service cannot be carried out by a vessel in respect of which a coastal-shipping licence has been granted.

Director may require survey

8. If the Director has reason to believe that if a shipping service is carried out by a vessel in accordance with the conditions of a coasting-trade permit the vessel may not comply with the conditions of its survey certificate or safety certificate he may require the applicant to have the vessel surveyed before submitting the application to the Minister and may, when submitting the application to the Minister, recommend conditions that should be imposed in the licence with respect to the safety of the vessel.

Minister to consider application for permit

9.—(1) The Director shall refer an application for the issue of a coasting-trade permit to the Minister together with any recommendations he considers appropriate.

(2) If, following receipt of an application in accordance with subregulation (1), and having regard to the provisions of section 153(1) of the Marine Act, 1986, the Minister is of the opinion that the licence should be issued he shall inform the Director accordingly.

(3) If, following receipt of an application in accordance with subregulation (1), the Minister is of the opinion that the application should not be granted he shall inform the Director accordingly, and the Director shall inform the applicant.

Issue of coasting-trade permit

10.—(1) Where the Minister has advised the Director that an application for a coasting-trade permit should be issued the Director shall advise the applicant accordingly and shall in the advice specify the shipping service in respect of which the permit will be issued, the fee payable, and any conditions subject to which the permit will be issued.

(2) On receipt of the fee payable the Director shall issue the coasting-trade permit.

(3) The fee payable on the issue of a coasting-trade permit is \$25.

Contents of coasting-trade permit

11.—(1) A coasting-trade permit must contain a statement that the holder of the licence must have a "licence to carry coastwise" issued under section 87 of the Customs Act, 1986 before undertaking the shipping service permitted by the permit.

- (2) A coasting-trade permit must have specified in it—
- (a) the name and address of the person to whom it is issued; and
 - (b) the name of the vessel in respect of which the permit is issued; and
 - (c) the type of vessel in respect of which the permit is issued; and
 - (d) the vessel's country of registration; and
 - (e) the tonnage of the vessel; and
 - (f) the shipping service permitted by the permit; and
 - (g) the dates between which the shipping service permitted by the permit is to be carried out; and
 - (h) any conditions the Minister has thought fit to impose in accordance with section 153(1) of the Marine Act, 1986,

but otherwise a coasting-trade licence shall be in such form and may contain such other information as the Director determines.

Prescribed ports or places

12. The ports or places specified in the Schedule are prescribed ports or places for the purposes of section 205 of the Act.

Master of coasting vessel to report arrival

13.—(1) The master of a vessel in respect of which a coasting-trade licence is held must each time the vessel arrives at a port or place specified in the Schedule report the arrival of the vessel to a marine checker at that port or place.

(2) The master of a vessel to which subregulation (1) applies shall not fail to report the arrival of that vessel in accordance with that subregulation within 12 ordinary office hours of the arrival of the vessel.

Penalty: A fine not exceeding \$1,000.

Marine Clearance

14. A Marine Clearance is in the prescribed form for the purpose of section 205(2) of the Marine Act, 1986 if it specifies—

- (a) the name of the vessel; and
- (b) the prescribed port or place at which it was issued; and
- (c) the date on which it was issued; and
- (d) the number of passengers on the vessel; and
- (e) the type of any cargo on board the vessel; and
- (f) the proposed route of the vessel; and
- (g) the proposed places to be called at by the vessel; and
- (h) the number of crew members on the vessel; and
- (i) the name of the marine checker who issued the Marine Clearance.

Clearance Book to be maintained

15.—(1) The master and owner of a vessel in respect of which a coasting-trade licence is in force shall each ensure that there is maintained in respect of the vessel and carried on the vessel a clearance book.

Penalty: A fine not exceeding \$1,000.

(2) Before a vessel in respect of which a coasting-trade licence is in force leaves a port or place specified in the Schedule the master of the vessel shall present the clearance book for the vessel, which must be fully made up to the date of such presentation, to the marine checker at that port or place.

Penalty: A fine not exceeding \$1,000.

Contents of clearance book

16.—(1) The following information must be entered in a clearance book maintained in respect of a vessel—

- (a) the name of each passenger embarking in and disembarking from the vessel, and the place where and the time when the passenger went on board and left the vessel;
- (b) a description of all goods taken on board the vessel, and when and where the goods were taken on board and when and where they were discharged;
- (c) the names of all ports and places called at by the vessel during any voyage;
- (d) the names of the master and crew;
- (e) the date of expiry of the survey certificate or safety certificate issued in respect of the vessel.

(2) Where, for any reason, it is impracticable to record the name of each passenger in a clearance book it shall be sufficient compliance with subregulation (1) if the master or owner of the vessel is able to produce on demand a list of those names.

Clearance book to be produced

17. The master of a vessel in respect of which a coasting-trade licence is in force must, whenever required to do so by a proper officer, produce to that proper officer the clearance book maintained in respect of that vessel.

Penalty: A fine not exceeding \$1,000.

Dated at Suva this 26th day of July 1990.

A. V. TORA
Minister for Infrastructure and
Public Utilities

SCHEDULE

Prescribed ports and places under section 205(1) of the Marine Act, 1986

Suva
Lautoka
Levuka
Savusavu
Labasa
Malau