

No 11 of 2003.

***National Maritime Safety Authority Act 2003.***

Certified on : 25.11.03



**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. of 2003.

***National Maritime Safety Authority Act 2003.***

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**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. of 2003.

AN ACT

entitled

***National Maritime Safety Authority Act 2003,***

Being an Act to establish the National Maritime Safety Authority, to define its functions and powers and for related purposes,

MADE by the National Parliament to come into operation –

- (a) in relation to Part I, Section 3 and Part III – on certification; and
- (b) in relation to Section 22 – 30 days after those sections and parts referred to in Paragraph (a) have come into operation; and
- (c) in relation to Sections 23, 24 and 25 and Division IV.3 – 60 days after those sections and parts referred to in Paragraph (a) have come into operation; and
- (d) in relation to the remainder – 90 days after those sections and parts referred to in Paragraph (a) have come into operation.

**PART 1. – PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely –

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
- (b) the right to privacy conferred by Section 49; and

- (c) the right to freedom of information conferred by Section 51; and
- (d) the right to freedom of movement conferred by Section 52,

of the *Constitution*, is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

## 2. INTERPRETATION.

In this Act, unless the contrary intention appears –

“Authority” means the National Maritime Safety Authority established by Section 3;

“Board” means the Board of the Authority established by Section 6;

“Chief Financial Officer” means the Chief Financial Officer appointed under Section 22;

“financial detriment” means –

(a) incurring costs that are greater than those that would otherwise have been incurred, or

(b) forgoing revenue that would otherwise have been received;

“General Manager” means the General Manager of the Authority appointed under Section 21;

“internal waters” means any waters open to, or used for, navigation on the land-ward side of the base line from which the limits of the territorial sea of Papua New Guinea are measured;

“Islands region” means the maritime provinces of Manus, New Ireland, East New Britain, West New Britain and Bougainville;

“master”, in relation to a ship, means the person having legal command or charge of the ship, but does not include a pilot;

“member” means a member of the Board;

“Momase region” means the maritime provinces of Morobe, Madang, East Sepik and West Sepik;

“Navais Investigations Officer” means the Navais Investigations Officer of the Authority appointed under Section 24;

“offshore operations” means offshore operations within the territorial sea;

“owner” in relation to a ship, includes any person having for the time being, either by law or by contract, the same rights as the owner of the ship with respect to possession and use thereof;

“port facility” means –

(a) a declared port under Section 2 of the *Harbours Act* (Chapter 240); and

(b) any wharf, pier, breakwater, terminal, warehouse or other building located on, or adjacent to, the internal waters or territorial sea where passengers and cargo can be shipped or discharged;

“ship” means any description of vessel or boat used or designed for use in navigation without regard to method or lack of propulsion and includes a ship which is laid up;

“State” means the Independent State of Papua New Guinea;

“Southern region” means the maritime provinces of Western, Gulf, Central, Milne Bay and Oro Provinces;

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“territorial sea” means those waters described and demarcated in Part II of the *National Seas Act* (Chapter 361);  
“this Act” includes the Regulations and By-laws.

**PART II. – THE NATIONAL MARITIME SAFETY AUTHORITY.**

**3. ESTABLISHMENT, ETC., OF THE NATIONAL MARITIME SAFETY AUTHORITY.**

- (1) The National Maritime Safety Authority is hereby established.
- (2) The Authority –
  - (a) is a body corporate with perpetual succession; and
  - (b) shall have a common seal; and
  - (c) may acquire, hold and dispose of property; and
  - (d) may sue and be sued in its corporate name.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Authority affixed to a document and shall presume that it was duly affixed.
- (4) The Authority shall operate –
  - (a) as a not-for-profit public body; and,
  - (b) on a self-sustaining financial basis through the various fees and levies provided under this Act or any other law, with a view furthermore that the revenue to accrue to the Authority from such fees and levies does not exceed for any prolonged period the costs and expenses incurred by the Authority in the performance of its functions.

**4. FUNCTIONS OF THE AUTHORITY.**

- (1) The functions of the Authority are:–
  - (a) to perform the functions and exercise the powers as are conferred upon it by this Act or under any other law; and
  - (b) to co-ordinate search and rescue operations for vessels in distress or lost at sea pursuant to the terms and conditions of a search and rescue plan prepared by the Minister, from time to time, and approved by the Authority; and
  - (c) to co-ordinate with other agencies and persons, including regional and international organizations and consultants, whether local or foreign, on matters concerning maritime safety, marine pollution prevention or search and rescue operations at sea; and
  - (d) to collect data relevant to maritime safety, marine pollution prevention and search and rescue operations at sea; and
  - (e) to act on behalf of the State in relation to any domestic or international agreement relating to maritime safety, marine pollution prevention or search and rescue operations at sea to which the State is or may become a party; and



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- (f) to make recommendations on policy to the Minister regarding maritime safety, marine pollution prevention and search and rescue operations at sea; and
- (g) to provide consulting services, training and management services relating to any of its functions whether in Papua New Guinea or overseas; and
- (h) where appropriate to consult with –
  - (i) other agencies of the National Government; or
  - (ii) Provincial Governments; or
  - (iii) Local Governments; or
  - (iv) commercial, industrial and other relevant bodies and organizations,in relation to matters affecting them in the performance of its functions; and
- (i) generally to do such supplementary, incidental or consequential acts and things as are necessary or convenient for carrying out its functions.

(2) The Authority shall not perform, or be required to perform any function not expressly provided for under Subsection (1) except in accordance with Subsections (3), (4) and (5) and subject to the payment of fair compensation for any cost or expense that may be incurred by the Authority in the performance of such new function as determined by the Auditor-General under Subsection (6).

- (3) At the request of –
- (a) the Minister, on behalf of the State; or
  - (b) subject to Subsection (5) –
    - (i) an agency of the National Government; or
    - (ii) a Provincial or a Local-level Government,

the Authority shall enter into an agreement in respect to any matter pertaining to maritime safety, marine pollution prevention or search and rescue operations at sea whereby the Authority is to undertake on behalf of the requesting party a function not expressly provided for in Subsection (1).

- (4) An agreement referred to under Subsection (3) shall be in writing and include –
- (a) provisions for the performance and enforcement of obligations under the agreement; and
  - (b) a clear estimate of the costs and expenses which the Authority in the performance of its obligations under the agreement may incur and the exact amount of compensation which shall be paid to the Authority by the party requesting the Authority to perform those obligations.

(5) An agency of the National Government or a Provincial or Local-level Government shall, prior to entering into an agreement with the Authority under Subsection (3), first seek the written approval of the Minister to engage the Authority.

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(6) An agreement under Subsection (3) is null and void unless the Auditor General, no later than three months after the signing of the Agreement, certifies in writing that the Authority is being fairly compensated for the performance of its obligations under the agreement.

### **5. POWERS OF THE AUTHORITY.**

The Authority has, in addition to the powers otherwise conferred on it by this Act or any other law, full powers to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

## **PART III – BOARD AND BY-LAWS OF THE AUTHORITY.**

### *Division 1. – Board of the Authority.*

### **6. ESTABLISHMENT OF THE BOARD OF THE AUTHORITY.**

(1) There is established a Board of the Authority.

(2) The Board shall carry out the functions, exercise the powers and manage and direct the affairs of the Authority.

(3) The Minister may, after consultation with the Board or otherwise, give the Board, by notice in writing, such directions consistent with Government policies and programmes and not inconsistent with the provisions of this Act, as he considers fit, with respect to the performance and exercise by the Board of its functions and powers under this Act, and the Board, subject to Subsections (4) and (5), shall give effect to all such directions.

(4) Where the Board satisfies the Minister that the Authority has suffered financial detriment as a result of complying with a direction given by the Minister under Subsection (1), the Authority is entitled to be reimbursed by the State the amount that the Auditor-General determines in writing to be the amount of that financial detriment.

(5) The Minister shall not give any direction under Subsection (3) which requires the Board or the Authority to do, or refrain from doing, a particular act, or bring about a particular result, in respect of any particular person or persons.

### **7. MEMBERSHIP OF THE BOARD.**

(1) The Board shall consist of –

- (a) the Departmental Head of the Department responsible for transport matters, *ex officio*, or his nominee; and
- (b) the Departmental Head of the Department responsible for finance matters, *ex officio*, or his nominee; and
- (c) the General Manager, *ex officio*, as a non-voting member; and
- (d) one person nominated by the Minister to represent the Momase region, the New Guinea Islands region and the Southern region of the country;
- (e) one person nominated by the National Research Institute; and
- (f) one person nominated by the Papua New Guinea Shipowners Association; and

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- (g) one person nominated by the Papua New Guinea Chamber of Commerce and Industry; and
  - (h) one person nominated by the Papua New Guinea Harbours Ltd.
- (2) The-
  - (a) member referred to in Subsection (1) (d) shall be appointed for a term not exceeding three years and is eligible for re-appointment; and
  - (b) members referred to in Subsection (1)(e), (f), (g) and (h) shall be appointed for a term of three years or a term not exceeding four years and are eligible for re-appointment; and
  - (c) members referred to-
    - (i) in Subsection (1)(d), (e), (f), (g) and (h) shall hold office on such terms and conditions as are determined under the *Boards (Fees and Allowances) Act* (Chapter 299); and
    - (ii) in Subsection (1)(a), (b) and (c) may be paid by the Authority such allowances including sitting fees as the Minister responsible for financial matters may from time to time approve.
- (3) A nominee referred to in Subsection (1)(a) and (b) shall be an officer of a level not less than that of a First Assistant Secretary or the equivalent.
- (4) A body referred to in Subsection(1) (e), (f), (g) and (h) shall submit to the Minister the names of at least three persons, of whom one shall be a woman, possessing sufficient qualifications and experience to adequately represent them on the Board, and the National Executive Council shall choose from the nominees one person to be a member upon the recommendation of the Minister.
- (5) The Minister shall submit to the National Executive Council his nominee under Subsection (1)(d) with his recommendation for appointment.
- (6) The Minister, in making his recommendation to the National Executive Council under Subsections (4) and (5), shall do so with a view of ensuring, as far as is practicable, that there are at least two women representatives on the Board as members.
- (7) For the purposes of Subsection (1)(d), the Momase region, the New Guinea Islands region and the Southern region –
  - (a) shall be represented on the Board on a rotational basis; and
  - (b) are in turn entitled to nominate their representative in such order as is determined by the Minister.
- (8) If a body referred to in Subsection (1)(e), (f), (g) or (h) ceases to exist or is unable to nominate a person for membership to the Board, the National Executive Council may appoint a person in its place who shall, so far as practicable, be representative of the interest of the group comprised by the body.

**8. CHAIRMAN AND DEPUTY CHAIRMAN.**

(1) The Minister may from time to time appoint one of the members of the Board to be the Chairman of the Board and one other member of the Board (other than the Chairman) to be the Deputy Chairman of the Board.

(2) The Chairman and Deputy Chairman shall hold office as Chairman and Deputy Chairman respectively until the earlier of the termination or the expiration of the period of their respective appointments or until they cease to be a member of the Board.

(3) Where the Chairman of the Board is unable to act as Chairman for any reason, the Deputy Chairman shall act as Chairman and, for this purpose, may exercise the powers and perform the functions of, the Chairman.

**9. LEAVE OF ABSENCE OF MEMBERS.**

(1) The Chairperson may grant leave of absence to a member on such terms and conditions as the Chairperson determines.

(2) The Board may grant leave of absence to the Chairperson on such terms and conditions as the Board determines.

**10. VACATION OF OFFICE.**

(1) A member, other than an *ex officio* member, may resign from office in writing signed by him and delivered to the Minister.

(2) Where a nominee is appointed as member by an *ex officio* member under Section 7 (1)(a) or (b) and that nominee ceases to hold office in the relevant Department, the Departmental Head shall advise the Minister of that fact and shall nominate another officer to be a Member in accordance with this Act.

(3) If a member dies, resigns his office or is otherwise terminated in accordance with this section, his office becomes vacant.

(4) If a member, other than an *ex officio* member –

- (a) is absent, except with the written consent of the Board or the Chairperson in accordance with Section 9, from three consecutive meetings of the Board; or
- (b) fails to comply with Section 13; or
- (c) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (d) is convicted of an offence under this Act or an offence under any other law punishable by a term of imprisonment for one year or longer, or by death, and, as a result of the conviction, is sentenced to imprisonment or death; or
- (e) otherwise becomes incapable of performing his duties,

the National Executive Council shall terminate his appointment.

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(5) Where the person (other than an *ex officio* member) or body who has appointed a member requests the National Executive Council in writing to terminate the appointment of that member, the National Executive Council shall terminate the appointment of that member.

(6) The Minister may, at any time, by written notice, advise a member that he intends to terminate the appointment of that member on the grounds of misconduct in office and specifying the details of the misconduct, such misconduct includes, but is not limited to –

- (a) undisclosed interest as provided in Section 13;
- (b) disclosure of information which is confidential as provided in Section 53.

(7) Within 14 days of the receipt of a notice under Subsection (6), the member may reply in writing to the Minister, who shall consider the reply and, where appropriate, terminate the appointment of the member.

(8) Where the member referred to in Subsection (6) does not reply in accordance with Subsection (7), his appointment automatically terminates at the end of the period specified in Subsection (7).

**11. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

The exercise of a power or the performance of a function of the Board is not invalidated by reason only of a vacancy in the membership of the Board.

**12. MEETINGS OF THE BOARD.**

(1) The Board shall meet as often as the business of the Authority requires, and at such times and places as the Board determines, or as the Chairperson directs, but in any event shall meet not less frequently than once in every three months.

(2) At a meeting of the Board –

- (a) four members, excluding the General Manager, constitute a quorum; and
- (b) the Chairperson shall preside, and if he is absent, the members present shall appoint, from amongst their number, a Chairperson for that meeting; and
- (c) matters arising shall be decided by a majority of the votes of the members present (excluding the General Manager); and
- (d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(3) The Board shall cause minutes of its meetings to be recorded and kept.

(4) The Board, in its discretion at any meeting of the Board, may –

- (a) invite persons to attend; or
- (b) receive or hear submissions or information from any person.

(5) Subject to this Act, the procedures of the Board are as determined by it.

**13. DISCLOSURE OF INTEREST BY MEMBERS.**

(1) A member, who is directly or indirectly interested in a matter (other than in his capacity as a member) being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a duly constituted meeting of the Board.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the meeting of the Board and after such disclosure the member interested –

- (a) shall not take part, after the disclosure, in any deliberation or decision of the Board in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

(3) Where a member referred to in Subsection (1) has not made a disclosure in accordance with that subsection, his vote on a matter on which he has an interest is null and void as of the time when the matter was first considered by the Board, and the Minister shall terminate the appointment of the member concerned in accordance with Section 10(4)(b).

(4) For the purposes of Subsection (3) and notwithstanding Section 10(4), "member" includes an *ex officio* member.

**14. COMMITTEES OF THE BOARD.**

(1) The Board may, from time to time, establish Committees of the Board to advise the Board on such matters as the Board considers necessary.

(2) In establishing a Committee under Subsection (1), the Board may –

- (a) appoint such persons, including members, as it considers necessary; and
- (b) specify the functions and procedures of the Committee; and
- (c) determine the fees and allowances for members of the Committee.

**15. DELEGATION OF POWERS.**

The Board may, by written instrument, delegate all or may of its functions and powers, other than –

- (a) this power of delegation; and
- (b) the power to borrow money or raise loans or give loans or advances or to subscribe to or underwrite the issue of stocks, debentures of business enterprises; and
- (c) the powers in relation to the making of by-laws.

**16. CORPORATE PLAN.**

(1) The Board shall prepare a corporate plan at least once a year and shall submit the plan to the Minister.

(2) Where the Minister requests the Board to give the plan to him by a specified day, the Board shall give the plan to the Minister by that day.

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- (3) A plan prepared under Subsection (1) shall cover a period of at least three years.
- (4) The Board shall keep the Minister informed about –  
(a) significant changes to the plan; and  
(b) matters that arise that might significantly affect the achievement of the objectives of the plan.
- (5) A plan prepared under this section shall include details of the following matters:-  
(a) assumptions about the Authority's operational environment;  
(b) the Authority's strategies;  
(c) performance indicators for the Authority;  
(d) review of performance against previous corporate plans;  
(e) analysis of risk factors likely to affect maritime safety, marine pollution prevention and search and rescue operations at sea;  
(f) human resource strategies and community engagement strategies.
- (6) A plan prepared under this section shall also cover any other matters required by the Minister, which may include further details about the matters specified in Subsection (5).
- (7) In preparing a plan, the Board shall take account of directions given under Section 6(3).

**17. MINISTER'S RESPONSE TO CORPORATE PLAN.**

- (1) The Minister may respond to a corporate plan within 60 days of being given the plan.
- (2) The Minister's response may include a direction to the Board to vary the plan.
- (3) A direction under Subsection (2) shall –  
(a) be in writing; and  
(b) shall set the reasons for the variation of the plan.
- (4) In directing a variation of the corporate plan, the Minister shall consider –  
(a) Government policies and programmes; and  
(b) the objects of this Act; and  
(c) any other considerations the Minister thinks appropriate.
- (5) If the Minister's response includes a direction to vary the corporate plan, the Board shall prepare a revised plan and give it to the Minister within 30 days of being given the response.

**18. REPORTS.**

- (1) The Board shall furnish to the Minister –  
(a) on or before 30 June in every year, a report on the progress and performance of the Authority for the previous year; and

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- (b) such other reports in relation to the functions of the Authority as are requested by the Minister.
- (2) The report referred to in Subsection (1)(a) shall include a summary of—
- (a) any agreement entered into by the Authority pursuant to Section 4(3); and
  - (b) any direction given by the Minister under Section 6(3) or Section 17(2); and
  - (c) any action taken by the Authority because of directions given to the Authority by the Minister under Section 6(3) or Section 17(2).
- (3) As soon as practicable after he has received the report referred to in Subsection (1)(a), the Minister shall table the report in the National Parliament.

*Division 2. – By-Laws of the Authority.*

**19. BY-LAWS.**

The Board may make by-laws not inconsistent with this Act for the control, management and regulation of the affairs of the Authority and in particular, providing for or in relation to—

- (a) the management, good governance and discipline of the Authority; and
- (b) the use and custody of the seal of the Authority; and
- (c) subject to Section 21 and 30, the tenure of office, the qualifications for employment and the conditions of employment, and the functions, powers and duties of the General Manager; and
- (d) subject to Sections 22, 23, 29 and 30, the tenure and terms and conditions of employment of the other staff of the Authority; and
- (e) the control and investment of the property of the Authority; and
- (f) the exact nature of the accounting principles to be used for keeping the accounts and records of the Authority; and
- (g) generally, all other matters that are authorized by this Act or that are necessary or convenient for giving effect to this Act.

**20. APPROVAL AND PUBLICATION OF BY-LAWS.**

- (1) All by-laws shall be—
- (a) sealed with the seal of the Authority; and
  - (b) approved by the Head of State, acting on advice of the Minister; and
  - (c) notified in the National Gazette.
- (2) A by-law shall not be expressed to take effect from a date before the date of notification in a case where, if it so took effect—
- (a) the rights of a person (other than the Authority) existing at the date of notification would be affected in a manner prejudicial to him; or
  - (b) liabilities would be imposed on a person (other than the Authority) in respect of anything done or omitted to be done before the date of notification.



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(3) Where, in a by-law, provision is made in contravention of Subsection (2), the provision is of no effect.

(4) The production of--

- (a) a copy of a by-law under the seal of the Authority; or
- (b) a document purporting to be a copy of a by-law and to have been printed by the Government Printer,

is, in all proceedings, sufficient evidence of the by-law.

(5) The by-laws made in each secular year shall be numbered in regular arithmetical series, beginning with the number 1, in the order in which they are notified in the National Gazette, and a notice in the National Gazette of the fact that a by-law has been made, specifying the number of the by-law, is sufficient compliance with the requirement of Subsection (1) that the by-law be notified in the National Gazette.

**PART IV. -- STAFF OF THE AUTHORITY.**

*Division 1. -- Appointment of Senior Officers.*

**21. GENERAL MANAGER.**

(1) The Board shall appoint, through open competition, a General Manager of the Authority who possesses sufficient and appropriate qualifications and experience.

(2) The General Manager shall --

- (a) manage the Authority in accordance with the policies and directions of the Board; and
- (b) be responsible, subject to this Act, for directing other staff of the Authority including the authority to hire and fire such staff as are not appointed directly by the Board; and
- (c) advise the Board on any matter concerning the Authority referred to him by the Board; and
- (d) report quarterly to the Board on the financial performance of the Authority against the approved annual budget; and
- (e) carry out and perform the duties required of him under this Act and under his contract of employment.

(3) The General Manager has such other duties as the Board shall from time to time determine.

(4) The General Manager may, by written instrument and subject to the approval of the Board, delegate to any staff member of the Authority any of his powers or functions under this Act, except this power of delegation.

(5) The General Manager may appoint such committees as he deems necessary to advise him on any matter in relation to his responsibilities.

**22. CHIEF FINANCIAL OFFICER.**

- (1) The Board shall, through open competition, appoint on the recommendation of the General Manager a Chief Financial Officer possessing sufficient and appropriate qualifications and experience.
- (2) The Chief Financial Officer, through the General Manager, shall –
  - (a) manage the financial affairs of the Authority in accordance with the policies and directions of the Board; and
  - (b) advise the Board on any matter concerning the financial affairs of Authority referred to him by the Board; and
  - (c) develop overall policies, guidelines, and procedures for budget administration, financial reporting, and financial management systems for the Authority; and
  - (d) formulate policies governing the provision and management of financial services; and
  - (e) establish and maintain accounting principles, procedures, and systems; and
  - (f) develop policies and standards for cash and credit management; and
  - (g) maintain liaisons with the Office of the Auditor-General and any other Government body having a financial management oversight role with respect to the affairs of the Authority; and
  - (h) prepare all financial reports needed by the Board or required by the Office of the Auditor-General or any other Government body having a financial management oversight role with respect to the affairs of the Authority; and
  - (i) head the department or business unit of the Authority responsible for finance and corporate services.
- (3) The Chief Financial Officer has such other functions and duties as the General Manager shall from time to time determine.

**23. OTHER SENIOR OFFICERS.**

- (1) The Board may, through open competition, appoint on the recommendation of the General Manager any additional Chief Executive Officers possessing sufficient and appropriate qualifications and experience to assist the General Manager in the management of the Authority.

*Division 2. – Nav aids Investigations Officer.*

**24. NAVAIDS INVESTIGATIONS OFFICER.**

- (1) The Board shall, through open competition, appoint on the recommendation of the General Manager a Nav aids Investigations Officer possessing sufficient and appropriate qualifications and experience to be responsible for the investigation and prosecution of offences in respect to navigational aids, in particular, on behalf of the Authority–
  - (a) to investigate offences relating to navigational aids which are specified in Section 191 of the *Merchant Shipping Act* (Chapter 242); and

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- (b) subject to Section 30, to prosecute persons guilty of an offence under Section 191 of the *Merchant Shipping Act* (Chapter 242); and
- (c) to undertake such other responsibilities in accordance with Paragraphs (a) and (b) as may be required by the General Manager.

(2) The General Manager, on the advice of the Navais Investigations Officer, may, subject to Section 25(3), assign, on a full time or part time basis, staff of the Authority or other persons including outside legal counsel to assist the Navais Investigations Officer in the performance of his functions and duties under this section.

**25. POWERS OF THE NAVAIDS INVESTIGATIONS OFFICER.**

(1) For the purpose of the performance of his functions and duties in relation to the investigation of offences in accordance with Section 24(1)(a), the Navais Investigations Officer may –

- (a) summon any person –
  - (i) to appear personally before him at a time and place specified by him in writing; and
  - (ii) to produce to him all documents and records in the possession or under the control of that person that appear to him to be necessary for the purposes of his investigation; and
- (b) examine on oath or affirmation any person in respect of any matter or thing that appear to him to be necessary for the purposes of his investigation; and
- (c) out of funds especially allocated for that purpose by the Board, offer to the public at large or to any person a monetary reward for information that appears to him to be necessary for the purposes of his investigations; and
- (d) cause searches to be made by the appropriate law enforcement authorities of any premises which he has reasonable grounds to believe are used to store or hide any component of a navigational aid which has been willfully or negligently damaged.

(2) A person who appears before the Navais Investigations Officer when summoned to do so under Subsection (1)(a)(i) is entitled to be paid by the Authority such expenses as the Board determines to be reasonable.

(3) In the assignment of staff of the Authority or other persons to assist the Navais Investigations Officer for the purposes of Section 24(2), the Navais Investigations Officer shall not delegate the powers vested in him under this section.

**26. OFFENCES.**

(1) A person, who hinders or obstructs the Navais Investigations Officer, or a person authorized by him, in the performance of his functions and duties in relation to the investigation of those offences referred to in Section 25(1)(a), is guilty of an offence.

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- Penalty:
- (i) in the case of a natural person – a fine not exceeding K10,000.00 or imprisonment for a term not exceeding six months; or
  - (ii) in the case of a person other than a natural person – a fine not exceeding K20,000.00.

- (2) A person who, without lawful excuse (proof of which is on him) –
- (a) refuses or fails to appear personally before the Navais Investigations Officer at a time and place specified by him in writing, for the purposes of being examined; or
  - (b) refuses or fails to produce any document or record in his possession or control; or
  - (c) refuses to be sworn or make an affirmation; or
  - (d) refuses to answer a lawful question; or
  - (e) willfully and corruptly gives false evidence in the course of his examination before the Navais Investigations Officer,

is guilty of an offence.

- Penalty:
- (i) in the case of a natural person – a fine not exceeding K10,000.00 or imprisonment for a term not exceeding six months, or both; or
  - (ii) in the case of a person other than a natural person – a fine not exceeding K20,000.00.

**27. POWER TO PROSECUTE.**

(1) Where the Navais Investigations Officer has reasonable grounds to believe that a person is guilty of an offence under Section 191 of the *Merchant Shipping Act* (Chapter 242), he shall refer the name of the person, together with a statement of the reasons for so believing such person to be guilty, to the Public Prosecutor.

(2) Where the name of a person has been referred to the Public Prosecutor under Subsection (1) and the Public Prosecutor fails to initiate proceeding against that person within 90 days, the Navais Investigations Officer may, with the approval of the Board and on behalf of the Authority, prosecute the person who in his opinion is guilty of an offence under Section 191 of the *Merchant Shipping Act* (Chapter 242).

**28. STATUTORY REVIEW.**

The Minister and the Board shall, in the sixth year following the coming into operation of this Act, jointly appoint one or more persons to –

- (a) carry out a comprehensive review of all matters pertaining to this Division; and
- (b) make recommendations as to whether the repeal of this Division is warranted, having regard the social conditions and technological improvements in the protection of navigational aids then prevailing.

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**Division 3. – Other employees, conditions of employment of the staff and consultants.**

**29. APPOINTMENT OF EMPLOYEES.**

(1) Subject to Subsection (2), the General Manager may, from time to time, within the limits of funds lawfully available for this purpose, appoint such employees and such temporary and casual employees, as he considers necessary for the purposes of the Authority.

- (2) An employee appointed under Subsection (1) shall be appointed –
- (a) through open competition; and
  - (b) subject to an evaluation and positive recommendation by a selection committee, one of whose member shall be the direct hierarchical superior of the employee to be appointed, chaired by the General Manager.

**30. CONTRACT OF EMPLOYMENT.**

(1) The General Manager and every other member of the staff of the Authority (other than consultants) shall be employed under a contract of employment which –

- (a) in the case of the General Manager, shall be executed by the Board and by the General Manager; and
- (b) in the case of any other member of the staff, shall be executed by the General Manager on behalf of the Authority and the member of the staff.

(2) Subject to the provisions of the *Salaries and Conditions Monitoring Committee Act 1988*, the terms and conditions of the contract of employment of the General Manager and other member of the staff of the Authority are as determined by the Board.

**31. CONSULTANTS.**

The Board may, from time to time, on the advice of the General Manager, engage such consultants, including legal counsel, as are necessary for the purposes of carrying out temporary and specialized tasks on behalf of the Authority, on such terms and conditions as the Board shall fix.

**PART V. – FINANCE, ETC.**

**32. APPLICATION OF THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995.***

(1) Part VIII of the *Public Finances (Management) Act 1995*, except Sections 53(2), 53(3), 57(3), 57(4), 57(5), 60 and 61, applies in relation to the Authority.

(2) For the purposes of Section 62(2) of the *Public Finances (Management) Act 1995*, the Authority is declared to be a trading enterprise.

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**33. APPLICATION OF THE AUDIT ACT 1989.**

The accounts of the Authority shall be audited in accordance with Part III of the *Audit Act 1989*.

**34. EXEMPTION FROM TAXATION.**

(1) The income, property and operation of the Authority are not subject to income tax under the *Income Tax Act 1959*.

(2) The transactions entered into by the Authority with respect to the supply of goods and services by any third party to the Authority are exempt from the value added tax under the *Value Added Tax Act 1998*.

**35. FUNDS OF THE AUTHORITY.**

(1) The funds of the Authority shall consist of –

- (a) all monies received by the Authority by way of grants or subscriptions; and
- (b) all monies received by the Authority for goods and services provided by the Authority; and
- (c) all monies received by the Authority in respect of sale of real or personal property owned by the Authority or monies received through activities or investments of the Authority; and
- (d) all monies, immediately before the coming into operation of this Act, at credit of, and on accounts opened by the Maritime Transport Division of the Department of Transport; and
- (e) loans raised by the Authority; and
- (f) all other monies received by the Authority in accordance with this Act or any other law, including fines, and in the exercise and performance of its powers, functions and duties.

(2) The monies of the Authority shall be expended only –

- (a) in payment or discharge of expenses, obligations and liabilities of the Authority, including the payment of rent money for the leasing of lands used in the construction and maintenance of navigational aids; and
- (b) in payment of the remuneration of the staff of the Authority and of fees and allowances to the members of the Board; and
- (c) in payment for training courses for employees; and
- (d) in payment for rewards for information leading to convictions for offences under this Act or any other law the administration of which is vested, in whole or in part, with the Authority in accordance with such requirements as may be prescribed by the Board; and
- (e) for such other purposes as are consistent with the functions of the Authority as the Board, after consultation with the General Manager, shall determine.

**36. LOANS BY THE STATE.**

(1) The Authority may accept an offer by the Minister responsible for financial matters, on behalf of the State, to loan it moneys for its purposes on such terms as are agreed between the Authority and the Minister responsible for financial matters.

(2) The Authority shall repay to the State in accordance with the terms on which a loan under Subsection (1) is made, such portion of the loan as is repayable.

(3) The Minister responsible for financial matters may, on behalf of the State, charge such fee in respect of a loan made under Subsection (1) as he considers appropriate in relation to that loan.

**37. PRIVATE TREATY LOANS.**

(1) The Authority may, with the consent of the Minister responsible for financial matters, borrow money for its purposes, from any person on such terms as are agreed between the Authority and that person.

(2) The Authority shall repay a loan made under Subsection (1) in accordance with the terms on which it was made.

(3) The Minister responsible for financial matters may, for and on behalf of the State, guarantee the repayment of a loan (including interest and associated charges) made under Subsection (1) and may, on behalf of the State, charge such fee in respect of such guarantee as he considers appropriate.

(4) Where the Minister responsible for financial matters has guaranteed the repayment of a loan in accordance with Subsection (3), he shall, at the first sitting of the Parliament following the giving of the guarantee, table the documents relating to the guarantee.

**38. AUTHORITY MAY GIVE SECURITY.**

The Authority may give security over the whole or part of its assets for —

- (a) the performance by the Authority of any obligation incurred under Section 36 or 37; or
- (b) the payment to the State of amounts equal to amounts paid by the State under a guarantee under Section 37.

**39. BORROWING BY OVERDRAFT.**

The Authority may, with the consent of the Minister responsible for financial matters, borrow money by overdraft for its purposes and within such limits as the Minister responsible for financial matters approves.

**40. BANK ACCOUNTS.**

(1) The Authority shall open and maintain such bank accounts for its exclusive use as are necessary for the exercise and performance of its powers and functions, and shall pay into them such moneys referred to in Section 35.

(2) In respect of moneys advanced or borrowed under this Act or any other law, the Authority shall maintain a separate account in respect of the moneys that are related to each such purpose and shall cause proper entries of —

- (a) all moneys so advanced or borrowed for a particular purpose of the Authority; and
  - (b) the purpose to which the moneys have been applied,
- to be made in the account maintained in respect of that purpose.

**PART VI – CHARGES AND LEVIES.**

*Division 1. – Maritime Safety Regulatory Functions Levy.*

**41. REQUIREMENT TO PAY A MARITIME SAFETY REGULATORY FUNCTIONS LEVY.**

The –

- (a) owner; or
- (b) master; or
- (c) agent of the owner; or
- (d) agent of the charterer,

of a ship that –

- (e) enters or leaves a port facility; or
- (f) is engaged in offshore operations,

shall pay to the Authority such maritime safety regulatory functions levy in respect of the ship as is prescribed.

**42. PENALTY FOR FAILURE TO PAY MARITIME SAFETY REGULATORY FUNCTIONS LEVY.**

Where, without reasonable cause, the maritime safety regulatory functions levy is not paid in accordance with Section 41, the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K20,000.00.

**43. DETENTION OF SHIP WHERE MARITIME SAFETY REGULATORY FUNCTIONS LEVY IS NOT PAID.**

Where, in respect of a ship, the maritime safety regulatory functions levy is –

- (a) payable under Section 41; and
- (b) is unpaid,

the ship may be detained until the levy is paid.

**44. REGULATIONS IN RESPECT TO THE MARITIME SAFETY REGULATORY FUNCTIONS LEVY.**

Without limitation, the regulations may make provision for and in relation to –

- (a) the rates and scales, whether on a voyage or on a periodical basis, of the maritime safety regulatory functions levy payable in respect of ships; and
- (b) the manner in which the maritime safety regulatory functions levy shall be paid; and
- (c) the times at which the maritime safety regulatory functions levy shall be paid; and
- (d) the exemption of particular ships or of particular classes of ships from the requirements relating to payment of the maritime safety regulatory functions levy.



*Division 2. – Other charges and levies.*

**45. CHARGES FOR SERVICES AND FACILITIES NOT ALREADY PROVIDED BY LAW.**

- (1) The Authority may –
- (a) fix charges for the provisions of services and facilities the charge of which is not already fixed under this Act or any law and specify the persons by whom, and the times when, the charges are payable; and
  - (b) fix a penalty for unpaid charges fixed under Paragraph (a) not exceeding 1.5% of the unpaid amount of the charge for each month or part of a month during which it is unpaid, calculated from the day on which the charge became due and payable, and compounded.

(2) The amount or rate of a charge must be reasonably related to the expenses incurred or to be incurred by the Authority in relation to the matters to which the charge relates and must not be such as to amount to taxation.

**46. CHARGES IN RESPECT OF MATTERS IN RELATION TO WHICH EXPENSES ARE INCURRED BY THE AUTHORITY.**

- (1) Subject to Subsection (2), the Authority may –
- (a) require from any person or class of persons the payment of a contribution by way of charges in respect of a matter in relation to which expenses are incurred by the Authority under this Act or any other law and which, directly or indirectly, benefits that person or class of persons; and
  - (b) fix a penalty for unpaid charges to be paid under Paragraph (a) not exceeding 1.5% of the unpaid amount of the charge for each month or part of a month during which it is unpaid, calculated from the day on which the charge became due and payable, and compounded.

(2) Before fixing any charge or penalty under Subsection (1), the Authority shall give the Minister notice in writing of the proposed charge or penalty, including a variation of any charge or penalty previously fixed under this section –

- (a) specifying the day from which the proposed charge or penalty, or variation, is intended to apply; and
- (b) if it fixes a charge or penalty, specifying the basis of the charge or penalty and the person or class of persons required to pay it; and
- (c) if it varies a charge or penalty, specifying the reason for the variation.

(3) The Minister shall, within 60 days after receiving a notice of the proposed determination, give the Authority notice in writing approving or disapproving the charge or penalty, or variation, but in doing so, the Minister shall have regard to the duties and responsibilities of the Authority and its obligation to operate as a not-for-profit public body and on a self-sustaining financial basis as to be self-financing.

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(4) The Minister shall as soon as practicable, if he consents to the proposed charge or penalty, or variation, by notice in the National Gazette, publish the new charge or penalty.

### *Division 3. – Decreasing charges and levies.*

#### **47. MINISTER TO DECREASE FEES AND LEVIES WHEN AUTHORITY IS OPERATING AT A PROFIT.**

(1) Where, in relation to any future three consecutive financial years, the Authority is satisfied that the revenue accruing to the Authority from charges and levies to be received by it in accordance with this Act or any other law, including fines, will exceed the costs and expenses of its operations during that period, after making provision for such contingencies and accounting provisions as the Authority, with the approval of the Minister, may determine, the Authority shall so notify the Minister.

(2) The Minister shall as soon as practicable after being notified under Subsection (1) and after consultation with –

- (a) the Minister responsible for financial matters; and
- (b) the Authority,

by notice in the National Gazette, decrease some, or all, charges and levies to be received by the Authority in accordance with this Act or any other law so as to balance the revenue to accrue to the Authority from those fees and levies with the costs and expenses of the Authority's operations during that period.

### **PART VII – MISCELLANEOUS.**

#### **48. PROOF OF CERTAIN MATTERS.**

In any proceeding by or against the Authority, proof is not required, unless evidence is given to the contrary, of –

- (a) the constitution of the Board; or
- (b) a resolution of the Board; or
- (c) the appointment of a member of the Board, the Managing Director or an employee of the Authority; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Board.

#### **49. SERVICE OF PROCESS.**

Any notice, summons, writ or other process requiring to be served on the Authority may be served by being left at the head office of the Authority or, in the case of a notice, by post.

#### **50. SEAL.**

(1) The Authority shall have the right to the use of any such seal or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) A person, who uses a seal or representation identical with that of the Authority, or which so resembles the seal or representation of the Authority so as to deceive or cause confusion, is guilty of an offence.

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- Penalty:
- (a) in the case of a natural person – a fine not exceeding K10,00.00 or imprisonment for a term not exceeding six months, or both; or
  - (b) in the case of a person other than a natural person – a fine not exceeding K20,000.00.

**51. AUTHENTICATION OF DOCUMENTS.**

A document requiring authentication by the Authority is sufficiently authenticated without the seal of the Authority if signed by the Chairperson.

**52. RETURNS AND INFORMATION.**

(1) The Authority, or any person authorized on behalf of the Authority, may, by written notice, require a person to furnish to the Authority or to the person so authorized, within such period as may be specified in the notice, all such returns and information relating to all such matters as specified in the notice as may be necessary for the Authority in relation to the performance of its functions under this or any other Act and as are within the knowledge of that person or in his custody or under his control.

(2) A person who, on being required under Subsection (1) to furnish any return or information, fails to comply with a notice under Subsection (1), is guilty of an offence.

- Penalty:
- (a) in the case of a natural person – a fine not exceeding K10,000.00 or imprisonment for a term not exceeding six months, or both; or
  - (b) in the case of a person other than a natural person – a fine not exceeding K20,000.00.

(3) It is a defence to a offence under Subsection (2) if the person charged proves that the return or information was not relevant to the exercise of the powers and functions of the Authority under this or any other Act or was not in the possession or under the control of such person at the time of the receipt of the notice.

**53. CONFIDENTIALITY.**

(1) Information disclosed under this Act or any other law to a member of the Board or to an employee of the Authority shall not be disclosed to any person who is not a member of the Board or an employee of the Authority without the prior written approval of the person who provided that information, except –

- (a) to the extent that disclose is authorized or required under this Act or any other law; or
- (b) to the extent that the person providing the information authorized its disclosure at the time of providing the information; or
- (c) to the extent necessary to enable a consultant hired by the Authority for the purpose of carrying out temporary and specialized task on behalf of the Authority; or
- (d) to the extent necessary to enable the Authority to give advice to the Minister or any other agency of the State.

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(2) A member of the Board, an employee of the Authority or a consultant hired by the Authority who uses, for the purpose of personal gain, any information disclosed under this Act or any other law that comes to his knowledge in the course of, or by reason of his membership of the Board or his employment as an employee or consultant of the Authority, is guilty of an offence.

- Penalty:
- (a) in the case of a natural person – a fine not exceeding K10,000.00 or imprisonment for a term not exceeding six months, or both; or
  - (b) in the case of a person other than a natural person – a fine not exceeding K20,000.00.

**54. PROTECTION FROM PERSONAL LIABILITY.**

(1) A member of the Board or an employee of the Authority, or any other person acting under the direction of the Authority, is not liable for any act of default of himself or of the Authority done or omitted to be done in good faith in the operations of the Authority, or for the purposes of the Authority.

(2) Any expenses incurred by the member of the Board, employee or other person acting under the direction of the Authority in defending an action against him under Subsection (1) shall be borne by and paid out of the funds of the Authority.

**55. TIME LIMIT FOR COMMENCEMENT OF PROCEEDINGS AND PAYMENT OF FINES.**

(1) Proceedings in respect of an offence under this Act may be instituted within, but not later than, two years of –

- (a) the date on which the offence was committed; or
- (b) where the offence was committed on more than one date, the latest date on which it was committed.

(2) All monies received by way of fines for an offence under this Act shall be paid into the funds of the Authority.

**56. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

**PART VIII. – REPEALS, AMENDMENTS, SAVINGS AND TRANSITIONAL.**

**57. REPEALS.**

(1) The Acts and Regulations specified in Schedule 1 are hereby repealed.

(2) A reference in any law or any instrument made under or in relation to an Act or Regulation repealed by Subsection (1) shall, on and after coming into operation of this Act, unless the context otherwise requires, be read and construed as a reference to this Act or to the corresponding provision of this Act.

(3) Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by or against a person or body under an Act or Regulation repealed by Subsection (1), it –

- (a) does not, on the commencement of this Act, abate or discontinue or in any way be affected by a provision of this Act; and
- (b) may be prosecuted, continued and enforced by, against or in favour of the person or body as if this Act has not been made.

**58. AMENDMENTS OF OTHER ACTS.**

The Acts specified in the Schedule 2 are amended as set out in that Schedule.

**59. TRANSFER OF ASSETS.**

(1) All monies which were, immediately before the coming into operation of this Part, at the credit of, and on accounts opened by, the Maritime Transport Division of the Department of Transport are, on that coming into operation, transferred to equivalent accounts opened in the name of the Authority under this Act.

(2) All assets (other than land held by the State), including monies not covered by Subsection (1), used for maritime safety, marine pollution and search and rescue operations at sea which, immediately before the coming into operation of this Part, were held by the Department of Transport and which, by agreement between the Departmental Head of that Department and the Authority, are necessary to be transferred to the Authority for the purposes of the Authority, are, on that coming into operation, transferred to and become assets of the Authority.

**60. TRANSITIONAL STAFF ARRANGEMENTS.**

(1) Where it appears to him necessary to do so, the Departmental Head of the Department of Transport may, on the coming into operation of this Act, appoint a senior officer of the Department as Interim General Manager of the Authority on the same terms and conditions of employment as that person held in the Department prior to his appointment or, where the appointee is an officer of a level below that of an Assistant Secretary in the Public Service, on such terms and conditions as are approved by the Departmental Head of the Department of Personnel Management, until such time as a General Manager is appointed and the terms and conditions of appointment are determined in accordance with this Act.

(2) An officer who, immediately before the coming into operation of this Act, was employed in the Maritime Transport Division of the Department of Transport and is nominated by the Departmental Head of the Department for the purpose of this subsection, may, on that coming into operation, be seconded by the Departmental Head to the Authority for the purposes of the Authority and, on that secondment, shall hold a similar office and on the same terms and conditions as he held prior to the secondment until such time appointments and terms and conditions of employment are determined under this Act.

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**61. CONTRACTS AND AGREEMENTS.**

(1) All contracts and agreements entered into, made with or addressed to the State through the Department of Transport, insofar as they relate to the functions of the Authority under this Act, are, to the extent that they were, immediately before the coming into operation of this Part, binding on and of full force and effect on the State are, on that coming into operation, binding on and of full force and effect on the Authority as fully and effectually as it, instead of the State, the Authority has been a party to them or bound by, or entitled to the benefit of, them.

(2) Notwithstanding Subsection (1) and in derogation thereof, the State shall assume full responsibility for all obligations, debts and liabilities which existed immediately prior to the coming into operation of this Act or which shall continue to exist after that date with respect to –

- (a) any contract of employment entered into between the State or the Department of Transport and any employee of the State or the Department of Transport; and
- (b) any contract or agreement entered into between the State or the Department of Transport and any third party which, within 120 days after the coming into operation of this Act, is denounced in writing by the Board.

**SCHEDULE 1**

Section 57

*The Water Police Act of 1853 (Queensland, adopted) (Papua)*

*Navigation Act 1889 (Papua)*

*Administrator's Powers Act 1923 (T.N.G.)*

*The Marine Board Act of 1908 (Papua)*

*Coastal Shipping, Ports and Harbours Regulations 1938 (T.N.G.)*

*Merchant Shipping (Coasting Trade) Regulation (Chapter 242)*

*Merchant Shipping (Committee of Advice) Regulation (Chapter 242)*

*Merchant Shipping (Crewmen) Regulation (Chapter 242)*

*Merchant Shipping (Navigational Aids) Regulation (Chapter 242)*

*Merchant Shipping (Pilotage) Regulation (Chapter 242)*

*Merchant Shipping (Registration) Regulation (Chapter 242)*

*Merchant Shipping (Safety) Regulation (Chapter 242)*

SCHEDULE 2

Section 58

**AMENDMENTS TO THE DUMPING OF WASTES AT SEA ACT (CHAPTER 369)**

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended by inserting after the definition of "air cushioned vehicle" the following new definition:-

"Authority" means the National Maritime Safety Authority established under the *National Maritime Safety Authority Act 2003*;"

**2. RESTRICTIONS ON DUMPING INTO THE SEA (AMENDMENT OF SECTION 3).**

Section 3 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended in Subsection (1) –

(a) by repealing the words "prescribed officer" and replacing them with the following:-

"Authority"; and

(b) by repealing the penalty clause and replacing it with the following:-

"Penalty:- (a) For a first offence, a fine not exceeding K50,000.00.

(b) For a second or subsequent offence, a fine not exceeding K100,000.00 and confiscation of the vessel."

**3. APPLICATION FOR PERMIT (AMENDMENT OF SECTION 4).**

Section 4 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended –

(a) in Subsection (1), by repealing the words "prescribed officer" and replacing them with the following:-

"Authority"; and

(b) in Subsection (3), by repealing the words "prescribed officer" (twice occurring) and replacing them with the following:-

"Authority"; and

(c) in Subsection (4), by repealing the words "prescribed officer" (twice occurring) and replacing them with the following:-

"Authority"; and



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- (d) in Subsection (5), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K4,000.00."

**4. PERMIT (AMENDMENT OF SECTION 5).**

Section 5 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended –

- (a) in Subsection (1), by repealing the words "prescribed officer" and replacing them with the following:-

"Authority"; and

- (b) in Subsection (2) –

- (i) by repealing the words "prescribed officer" and replacing them with the following:-

"Authority"; and

- (ii) in Paragraph (b), by repealing the word "him" and replacing it with the following:-

"the Authority"; and

- (c) in Subsection (3), by repealing the words "prescribed officer" and replacing them with the following:-

"Authority"; and

- (d) in Subsection (4), by repealing the words "prescribed officer where, in his opinion" and replacing them with the following:-

"Authority where, in its opinion".

**5. PERMIT IN EMERGENCY CIRCUMSTANCES (AMENDMENT OF SECTION 6).**

Section 6 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended in Subsection (1)(e) by repealing the words "prescribed officer" and replacing them with the following:-

"Authority".

**6. REPRESENTATION TO MINISTER (AMENDMENT OF SECTION 7).**

Section 7 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended in Subsection (1) by repealing the words "prescribed officer" and replacing them with the following:-

"Authority".

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**7. REGISTER OF PERMITS (AMENDMENT OF SECTION 8).**

Section 8 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended in Subsection (1) by repealing the words "Departmental Head" and replacing them with the following:-

"Authority".

**8. APPOINTMENT OF ENFORCEMENT OFFICER (AMENDMENT OF SECTION 9).**

Section 9 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended in by repealing the word "Minister" (twice occurring) and replacing them in each case with the following:-

"Authority".

**9. OFFENCES (AMENDMENT OF SECTION 12).**

Section 12 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended –

(a) in Subsection (1), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K4,000.00."; and

(b) in Subsection (2), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K20,000.00".

**10. NEW SECTION 15A.**

The *Dumping of Wastes at Sea Act* (Chapter 369) is amended by inserting after Section 15 the following new section:-

**"15A. PAYMENT OF FINES.**

All monies received by way of fines for an offence under this Act shall be paid into the funds of the Authority."

**11. REGULATIONS (AMENDMENT OF SECTION 16).**

Section 16 of the *Dumping of Wastes at Sea Act* (Chapter 369) is amended –

(a) by repealing Paragraph (a); and

(b) in Paragraph (e), by repealing the words "not exceeding K500.00".

**AMENDMENTS TO THE LAND ACT 1996.**

**1. VALUE OF LAND IN CERTAIN CASES (AMENDMENT OF SECTION 24).**

Section 24 of the *Land Act 1996* is amended in Paragraph (c) by repealing the words "by air" and replacing them with the following:-

"or the safety of navigation by land, air or water".

**AMENDMENTS TO THE MERCHANT SHIPPING ACT (CHAPTER 242)**

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the definitions of "assessor", "Committee of advice", "proper officer", "the Safety Officer", "Shipping Officer" and "Service Fees"; and

(b) by inserting after the definition of "Assistant to the Registrar" the following new definition:–

""Authority" means the National Maritime Safety Authority established by the *National Maritime Safety Authority Act 2003*"; and

(c) by inserting after the definition of "the Investment Promotion Authority" the following new definition:–

""Labour Shipping Officer" means a person appointed under Section 102(1)(b)"; and

(d) in the definitions of "Marine Inquiry", "port of sub-registry", "principal port of registry" and "surveyor", by repealing the word "Minister" and replacing it in each case with the following:–

"Authority".

**2. PENALTY FOR CONCEALMENT OF PAPUA NEW GUINEA CHARACTER OR ASSUMPTION OF FOREIGN CHARACTER (AMENDMENT OF SECTION 3).**

Section 3 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:–

"K20,000.00".

**3. NATIONAL COLOURS (AMENDMENT OF SECTION 6).**

Section 6 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in Subsection (2), in the penalty clause, by replacing the figure "K200.00" and replacing it with the following:–

"K4,000.00"; and

(b) in Subsection (3) –

(i) by repealing the word "Minister" and replacing it with the following:–

"Authority"; and

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- (ii) in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00."

**4. REGISTRAR (AMENDMENT OF SECTION 7).**

Section 7 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing Subsection (2) and replacing it with the following:-

"(2) The Authority is the Registrar."

**5. REPEAL OF SECTION 10.**

Section 10 of the *Merchant Shipping Act* (Chapter 242) is repealed.

**6. PORTS OF REGISTRY (AMENDMENT OF SECTION 13).**

Section 13 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (twice occurring) and replacing them with the following:-

"Authority."

**7. QUALIFICATIONS FOR OWNING REGISTERED SHIPS (AMENDMENT OF SECTION 14).**

Section 14 of the *Merchant Shipping Act* (Chapter 242) is amended -

(a) in Subsection (3) -

- (i) by repealing the word "Minister" (first occurring) and replacing it with the following:-

"Registrar"; and

- (ii) by repealing the words "to the satisfaction of the Minister" and replacing them with the following:-

"his satisfaction"; and

- (b) in Subsection (4) by repealing the word "Minister" and replacing it with the following:-

"Authority".

**8. SURVEY AND MEASUREMENT OF SHIP (AMENDMENT OF SECTION 18).**

Section 18 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Safety Officer" (four times occurring) and replacing them in each case with the following:-

"Authority".

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**9. MARKING OF SHIP (AMENDMENT OF SECTION 19).**

Section 19 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (3), in the penalty clause, by replacing the figure "K1,000.00" and replacing it with the following:-  
"K20,000.00"; and
- (b) in the default penalty clause, by repealing the figure "K50.00" and replacing it with the following:-  
"K1,000.00."; and
- (c) in Subsection (4), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-  
"K20,000.00"; and
- (d) Subsection (5) by repealing the word "Minister" and replacing it with the following:-  
"Authority"; and

**10. REGISTRATION OF SHIPS (AMENDMENT OF SECTION 22).**

Section 22 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) by repealing the words ", or except in accordance with the direction of the Minister,".

**11. CERTIFICATE OF REGISTRY (AMENDMENT OF SECTION 23).**

Section 23 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (4), in the penalty clause, by replacing the figure "K1,000.00" and replacing it with the following:-  
"K20,000.00"; and
- (b) in Subsection (5) in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-  
"K4,000.00."; and
- (c) in Subsection (6) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-  
"Authority".

**12. PROVISIONAL REGISTRATION (AMENDMENT OF SECTION 24).**

Section 24 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1)(b) by repealing the words "a proper officer" (twice occurring) and replacing them in each case with the following:-  
"an Assistant to the Registrar"; and

- (b) by repealing Subsection (2); and
- (c) in Subsection (4), in the default penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**13. PROVISION FOR LOSS OF CERTIFICATE OUTSIDE PAPUA NEW GUINEA REGISTRATION (AMENDMENT OF SECTION 26).**

Section 26 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (2), by repealing the words "proper officer" and replacing them with the following:-

"Registrar or an Assistant to the Registrar"; and

- (b) by repealing Subsection (3).

**14. DELIVERY OF CERTIFICATE WHERE SHIP IS LOST OR AN OWNER CEASES TO BE A QUALIFIED PERSON (AMENDMENT OF SECTION 28).**

Section 28 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00"; and

- (b) in Subsection (3), by repealing the words "or to proper officer"; and

- (c) in Subsection (4), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00"; and

**15. REGISTRY OF ALTERATIONS (AMENDMENT OF SECTION 29).**

Section 29 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) –

- (a) in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00"; and

- (b) in the default penalty clause, by repealing the figure "K10.00" and replacing it with the following:-

"K200.00".

**16. OWNER TO FURNISH PARTICULARS (AMENDMENT OF SECTION 30).**

Section 30 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) –

(a) in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00"; and

(b) in the default penalty clause, by repealing the figure "K10.00" and replacing it with the following:-

"K200.00".

**17. CERTAIN TRANSFERS REQUIRE CONSENT OF MINISTER (AMENDMENT OF SECTION 38).**

Section 38 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00".

**18. REGISTRAR MAY REQUIRE INFORMATION (AMENDMENT OF SECTION 45).**

Section 45 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**19. NAMES OF REGISTERED SHIPS (AMENDMENT OF SECTION 49).**

Section 49 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**20. PROPORTION OF CREW TO BE CITIZENS (AMENDMENT OF SECTION 50).**

Section 50 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00".

**21. EXEMPTION OF PARTICULAR SHIPS (AMENDMENT OF SECTION 54).**

Section 54 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and



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(b) by repealing the word "he" and replacing them with the following:-

"it".

**22. REPEAL OF SECTION 55.**

Section 55 of the *Merchant Shipping Act* (Chapter 242) is repealed.

**23. REPEAL OF SECTION 56.**

Section 56 of the *Merchant Shipping Act* (Chapter 242) is repealed.

**24. SURVEYORS OF SHIPS (AMENDMENT OF SECTION 57).**

Section 57 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority"; and

(b) in Subsection (1), by repealing the word "his" and replacing it with the following:-

"its".

**25. CONVENTIONS TO HAVE EFFECT (AMENDMENT OF SECTION 58).**

Section 58 of the *Merchant Shipping Act* (Chapter 242) is amended in

Subsection (3) –

(a) in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00"; and

(b) in the default penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**26. IMPLEMENTATION OF CONVENTIONS (AMENDMENT OF SECTION 59).**

Section 59 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), by adding the following:-

", on the advice of the Authority".

**27. SHIP NOT TO GO TO SEA WITHOUT SAFETY CERTIFICATE (AMENDMENT OF SECTION 61).**

Section 61 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00".

- 28. SHIP MAY GO TO SEA WITHOUT SAFETY CERTIFICATE IN CERTAIN CIRCUMSTANCES (AMENDMENT OF SECTION 62).**  
Section 62 of the *Merchant Shipping Act* (Chapter 242) is amended –  
(a) by repealing the words "Safety Officer" (thrice occurring) and replacing them with the following:-

"Authority"; and

- (b) by repealing the word "he" (twice occurring) and replacing it with the following:-

"it".

- 29. CERTIFICATES TO BE PRODUCED BEFORE SHIP GOES TO SEA (AMENDMENT OF SECTION 63).**

Section 63 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1) –  
(i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) by repealing the word "him" and replacing it with the following:-

"it"; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00".

- 30. POWERS OF SURVEYOR (AMENDMENT OF SECTION 65).**

Section 65 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (3), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00".

- 31. SPECIAL EXAMINATION OF SHIPS (AMENDMENT OF SECTION 66).**

Section 66 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1) –  
(i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) by repealing the word "he" and replacing it with the following:-

"it"; and

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- (b) in Subsection (2), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**32. REQUIREMENT TO NOTIFY SAFETY OFFICER OF CHANGE OF CONDITION OF SHIP (AMENDMENT OF SECTION 67).**

Section 67 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (b) in Subsection (2) –

- (i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**33. REGULATIONS FOR SURVEYS AND INSPECTIONS (AMENDMENT OF SECTION 68).**

Section 68 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

- (b) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority"; and

- (c) in Paragraph (h) by adding after the word "inspected" the following:-

"and the fees payable in respect of –

- (i) annual inspections or surveys; or  
(ii) special inspections or surveys; and  
(i) the determination by the Authority of the charges payable in respect of additional work (if any) carried out on –  
(i) an inspection or survey; or  
(ii) a proposed inspection or survey; and  
(j) the particulars of the fines to be paid under Sections 65, 66 and 67."

**34. APPLICATION FOR SURVEY (AMENDMENT OF SECTION 69).**

Section 69 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Safety Officer" (twice occurring) and replacing them with the following:-

"Authority".

**35. ISSUE OF SAFETY CERTIFICATE (AMENDMENT OF SECTION 70).**

Section 70 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority"; and

(b) in Subsection (3) by repealing the word "he" and replacing it with the following:-

"it".

**36. CANCELLATION OR SUSPENSION OF SAFETY CERTIFICATE (AMENDMENT OF SECTION 71).**

Section 71 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority".

**37. DELIVERY UP OF SAFETY CERTIFICATES (AMENDMENT OF SECTION 72).**

Section 72 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority"; and

(b) in Subsection (2), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00".

**38. PERIODICAL OR CONTINUOUS SURVEYS (AMENDMENT OF SECTION 73).**

Section 73 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Safety Officer" and replacing them with the following:-

"Authority".

**39. ALTERATION OF SHIPS (AMENDMENT OF SECTION 74).**

Section 74 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00."

**40. SAFETY CERTIFICATE TO BE DISPLAYED (AMENDMENT OF SECTION 75).**

Section 75 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

**41. REGULATIONS FOR SAFETY CERTIFICATES (AMENDMENT OF SECTION 76).**

Section 76 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by inserting after the word "provision" the following:-

"; not inconsistent with this Division,"; and

(b) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

(c) in Paragraph (e)(ii) by adding after the word "extended" the following:-

"; and

(f) the particulars of the fines to be paid under Sections 72, 74 and 75."

**42. SHIPS REQUIRED TO CARRY CERTAIN EQUIPMENT (AMENDMENT OF SECTION 77).**

Section 77 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00."

**43. SHIP TO CARRY QUALIFIED RADIO OPERATORS (AMENDMENT OF SECTION 78).**

Section 78 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K400.00" and replacing it with the following:-

"K8,000.00."

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44. **REPORTS BY RADIO (AMENDMENT OF SECTION 79).**  
Section 79 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) in Subsection (1), by repealing the words "Safety Officer" and replacing them with the following:-  
  
"Authority"; and
  - (b) in Subsection (3), in the penalty clause, by repealing the figure "K50.00" and replacing it with the following:-  
  
"K1,000.00".
45. **COLLISION OFFENCES (AMENDMENT OF SECTION 80).**  
Section 80 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) in Subsection (2), by repealing the words "Safety Officer" and replacing them with the following:-  
  
"Authority"; and
  - (b) in Subsection (3), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-  
  
"K10,000.00".
46. **DUTY OF VESSEL TO ASSIST IN CASE OF COLLISION (AMENDMENT OF SECTION 81).**  
Section 81 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-  
  
"K40,000.00".
47. **HAZARDOUS GOODS (AMENDMENT OF SECTION 82).**  
Section 82 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) by repealing the words "Safety Officer" (four times occurring) and replacing them in each case with the following:-  
  
"Authority"; and
  - (b) in Subsection (3), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-  
  
"K20,000.00".

**48. POWERS OF SAFETY OFFICERS IN RELATION TO DANGEROUS GOODS (AMENDMENT OF SECTION 84).**

Section 84 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (b) in Subsection (1) –

- (i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) by repealing the word "he" and replacing it with the following:-

"it"; and

- (c) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."

**49. PROHIBITION OF DANGEROUS GOODS (AMENDMENT OF SECTION 85).**

Section 85 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K750.00" and replacing it with the following:-

"K15,000.00."; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."

**50. ORAL COMMUNICATION (AMENDMENT OF SECTION 87).**

Section 87 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), by repealing the words "Safety Officer or of a proper officer" (twice occurring) and replacing them in each case with the following:-

"Authority"; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

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**51. NUMBER OF PERSONS THAT MAY BE CARRIED IN A SHIP  
(AMENDMENT OF SECTION 88).**

Section 88 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause –

- (a) by repealing the figure "K400.00" and replacing it with the following:-  
"K8,000.00"; and
- (b) by repealing the figure "K10.00" and replacing it with the following:-  
"K200.00".

**52. REGULATIONS FOR SAFETY (AMENDMENT OF SECTION 89).**

Section 89 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "prescribe" the following:-  
", not inconsistent with this Division –"; and
- (b) by repealing the words "Minister" (thrice occurring) and replacing them with the following:-  
"Authority"; and
- (c) by repealing the words "Safety Officer" (thrice occurring) and replacing them with the following:-  
"Authority"; and
- (d) in Paragraph (g) by adding after the words "class of ship" the following:-  
"; and;  
(r) the particulars of the fines to be paid under Sections 77, 78, 79, 80, 81, 82, 84, 85(1), 85(2), 87 and 88."

**53. LOAD LINE MARKS (AMENDMENT OF SECTION 90).**

Section 90 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-  
"K20,000.00."; and
- (b) in Subsection (2), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-  
"K10,000.00".



**54. LOADING OF SHIPS (AMENDMENT OF SECTION 91).**

Section 91 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (3), in the penalty clause –

- (a) by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00"; and

- (b) by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**55. REGULATIONS FOR LOAD LINES (AMENDMENT OF SECTION 93).**

Section 93 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

- (b) in Paragraph (f) –

- (i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) by adding after the words "master of the ship" the following:-

"; and

- (g) the particulars of the fines to be paid under Sections 90(2), 90(3) and 91".

**56. SHIPS DEEMED TO BE UNSAFE (AMENDMENT OF SECTION 94).**

Section 94 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority".

**57. OFFENCES RELATING TO UNSAFE SHIPS (AMENDMENT OF SECTION 95).**

Section 95 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00".

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**58. DETENTION OF UNSAFE SHIPS (AMENDMENT OF SECTION 96).**

Section 96 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (thrice occurring) and replacing it in each case with the following:-

"Authority".

**59. DETENTION (AMENDMENT OF SECTION 97).**

Section 97 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority"; and

(b) in Subsection (3), in the penalty clause –

(i) by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00"; and

(ii) by repealing the figure "K20.00" and replacing it with the following:-

"K400.00".

**60. REGULATIONS FOR CARRIAGE OF PASSENGERS IN SHIPS (AMENDMENT OF SECTION 98).**

Section 98 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "in relation to a ship carrying passengers"; and

(b) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

(c) by repealing the words "Safety Officer" (thrice occurring) and replacing them in each case with the following:-

"Authority"; and

(d) in Paragraph (n) by adding after the words "passengers" the following:-

"; and

(o) the particulars of the fines to be paid under Section 97."

**61. REPEAL OF DIVISION IV.10**

Division 10 of Part IV of the *Merchant Shipping Act* (Chapter 242) is repealed.

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**62. APPLICATION OF PART V (AMENDMENT OF SECTION 100).**

Section 100 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1)(c) by repealing the word "Minister" and replacing it with the following:-

"Authority".

**63. EXEMPTION OF PARTICULAR SHIPS (AMENDMENT OF SECTION 101).**

Section 101 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1)-

(a) by repealing the word "Minister" and replacing it with the following:-

"Authority, on the advice of the Minister responsible for labour matters,"; and

(b) by repealing the word "he" and replacing it with the following:-

"it".

**64. REPEAL AND REPLACEMENT OF SECTION 102**

Section 102 of the *Merchant Shipping Act* (Chapter 242) is repealed and is replaced with the following:-

**"102. APPOINTMENT OF LABOUR SHIPPING OFFICERS.**

The Minister responsible for labour matters may, by notice in the National Gazette, appoint a person to be a Labour Shipping Officer."

**65. GOING TO SEA UNDERMANNED (AMENDMENT OF SECTION 103).**

Section 103 of the *Merchant Shipping Act* (Chapter 242) is amended -

(a) in Subsection (2), in the penalty clause, by repealing the figure "K400.00" and replacing it with the following:-

"K8,000.00"; and

(b) in Subsection (3),

(i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

(ii) by repealing the word "he" and replacing it with the following:-

"it".

**66. CERTIFICATES OF COMPETENCY (AMENDMENT OF SECTION 104).**

Section 104 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by repealing the words "Safety Officer" and replacing it with the following:-

"Authority".

**67. INCAPACITY OF QUALIFIED CREWMAN (AMENDMENT OF SECTION 105).**

Section 105 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "Safety Officer" (eight times occurring) and replacing them in each case with the following:-

"Authority"; and

(b) in Subsection (4), by repealing the word "him" and replacing it with the following:-

"it"; and

(b) in Subsection (5), in the penalty clause, by repealing the figure "K40.00" and replacing it with the following:-

"K800.00".

**68. UNQUALIFIED PERSON GOING TO SEA AS QUALIFIED CREWMAN (AMENDMENT OF SECTION 106).**

Section 106 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**69. PRODUCTION OF CERTIFICATE OF COMPETENCY (AMENDMENT OF SECTION 107).**

Section 107 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in Paragraph (b)(iii), by repealing the words "Shipping Officer" and replacing them with the following:-

"Labour Shipping Officer"; and

(b) in the penalty clause, by repealing the figure "K40.00" and replacing it with the following:-

"K800.00".

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**70. REGULATIONS FOR MANNING AND CERTIFICATES OF COMPETENCY (AMENDMENT OF SECTION 108).**

Section 108 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by inserting after the word “provision” the following:-

”, not inconsistent with this Division,”; and

(b) in Paragraph (g) –

(i) by repealing the words “Safety Officer” and replacing them with the following:-

”Authority”; and

(ii) by adding after the words “in Paragraphs (a), (b) and (c)” the following:-

”; and

(h) the particulars of the fines to be paid under Sections 103, 105, 106 and 107.”.

**71. EMPLOYER TO COMPLY WITH AGREEMENTS (AMENDMENT OF SECTION 109).**

Section 109 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure “K200.00” and replacing it with the following:-

”K4,000.00.”.

**72. APPROVAL OF AGREEMENTS (AMENDMENT OF SECTION 111).**

Section 111 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words “Shipping Officer” (twice occurring) and replacing them in each case with the following:-

”Labour Shipping Officer”; and

(b) in Subsection (3), in the penalty clause, by repealing the figure “K100.00” and replacing it with the following:-

”K2,000.00.”.

**73. TERMINATION OF AGREEMENTS (AMENDMENT OF SECTION 113).**

Section 113 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words “Shipping Officer” (twice occurring) and replacing them with the following:-

”Labour Shipping Officer”.

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- 74. UNLAWFUL AGREEMENTS (AMENDMENT OF SECTION 114).**  
Section 114 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) in Subsection (1), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-  
  
"K2,000.00."; and
  - (b) in Subsection (3), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-  
  
"K2,000.00".
- 75. SHIPPING OFFICER TO APPROVE EMPLOYMENT OF CITIZENS (AMENDMENT OF SECTION 115).**  
Section 115 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) in the heading, by repealing the words "Shipping Officer" and replacing them with the following:-  
  
"Labour Shipping Officer"; and
  - (b) in Subsection (1), by repealing the words "Shipping Officer" and replacing them with the following:-  
  
"Labour Shipping Officer"; and
  - (c) in Subsection (2), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-  
  
"K4,000.00".
- 76. PROHIBITION ON SEEKING REWARD FOR EMPLOYMENT (AMENDMENT OF SECTION 116).**  
Section 116 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-  
  
"K4,000.00".
- 77. REGULATIONS FOR AGREEMENTS (AMENDMENT OF SECTION 117).**  
Section 117 of the *Merchant Shipping Act* (Chapter 242) is amended –
- (a) by inserting after the word "provision" the following:-  
  
", not inconsistent with this Division,"; and
  - (b) by repealing the words "Shipping Officer" (four times occurring) and replacing them in each case with the following:-  
  
"Labour Shipping Officer"; and

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(c) in Paragraph (j) by adding after the word "country" the following:-

"; and

(k) the particulars of the fines to be paid under Sections 109, 111, 114(1), 114(3), 115 and 116."

**78. ACCOUNT OF WAGES (AMENDMENT OF SECTION 119).**

Section 119 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

**79. PAYMENT OF WAGES (AMENDMENT OF SECTION 120).**

Section 120 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (3) by repealing the figure "K20.00" and replacing it with the following:-

"the amount fixed by the Minister responsible for labour matters and published in the National Gazette,".

**80. DISPUTES (AMENDMENT OF SECTION 122).**

Section 122 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Shipping Officer" (four times occurring) and replacing them in each case with the following:-

"Labour Shipping Officer".

**81. REGULATIONS FOR WAGES (AMENDMENT OF SECTION 127).**

Section 127 of the *Merchant Shipping Act* (Chapter 242) is amended -

(a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

(b) in Paragraph (g) by adding after the words "may be made" the following:-

"; and

(h) the particulars of the fines to be paid under Section 119."

**82. CREW ACCOMMODATION (AMENDMENT OF SECTION 128).**

Section 128 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (4), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00."

**83. REPEAL OF SECTION 129.**

Section 129 of the *Merchant Shipping Act* (Chapter 242) is repealed.

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**84. REGULATIONS FOR CREW ACCOMMODATION (AMENDMENT OF SECTION 130).**

Section 130 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by inserting after the word “provision” the following:-

“, not inconsistent with this Division,”; and

(b) in Paragraph (h) –

(i) by repealing the words “Safety Officer” and replacing them with the following:-

“Authority”; and

(ii) by adding after the words “existing ships” the following:-

“; and

(i) the particulars of the fines to be paid under Section 128.”.

**85. PROVISIONS AND WATER (AMENDMENT OF SECTION 131).**

Section 131 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words “Shipping Officer” (four times occurring) and replacing them in each case with the following:-

“Labour Shipping Officer”.

**86. SHIP TO CARRY MEDICAL STORES, ETC., (AMENDMENT OF SECTION 132).**

Section 132 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure “K200.00” and replacing it with the following:-

“K4,000.00.”.

**87. COMPLAINTS (AMENDMENT OF SECTION 133).**

Section 133 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in Subsection (2)(d), by repealing the words “Shipping Officer or to a proper officer” and replacing them with the following:-

“Labour Shipping Officer or, where the complaint under Subsection (1) bears on a matter that prejudices the safety of the ship, to the Authority”; and

(b) in Subsection (3), in the penalty clause, by repealing the figure “K20.00” and replacing it with the following:-

“K400.00.”.



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**88. RETURN OF DISTRESSED CREWMAN (AMENDMENT OF SECTION 134).**

Section 134 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."

**89. DISPOSAL OF PROPERTY OF DECEASED CREWMAN (AMENDMENT OF SECTION 139).**

Section 139 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00."; and

- (b) in Subsection (3), by repealing the figure "K50.00" (twice occurring) and replacing it in each case with the following:-

"the amount fixed by the Registrar and published in the National Gazette,".

**90. REGULATIONS FOR WELFARE (AMENDMENT OF SECTION 140).**

Section 140 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

- (b) in Paragraph (g), by repealing the words "Safety Officer or a proper officer" and replacing them with the following:-

"Labour Shipping Officer or the Authority"; and

- (c) in Paragraph (j) by adding after the words "disposed of" the following:-

"; and

- (k) the particulars of the fines to be paid under Sections 132, 133, 134 and 139."

**91. MISCONDUCT ENDANGERING SHIP OR PERSONS ON BOARD (AMENDMENT OF SECTION 141).**

Section 141 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K400.00" and replacing it with the following:-

"K8,000.00".

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**92. CONTINUAL OR CONCERTED DISOBEDIENCE (AMENDMENT OF SECTION 143).**

Section 143 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00."

**93. ABSENCE WITHOUT LEAVE (AMENDMENT OF SECTION 144).**

Section 144 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K50.00" and replacing it with the following:-

"K1,000.00."

**94. DISCIPLINARY OFFENCES (AMENDMENT OF SECTION 146).**

Section 146 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Shipping Officer" and replacing them with the following:-

"Labour Shipping Officer".

**95. REGULATIONS FOR DISCIPLINARY OFFENCES (AMENDMENT OF SECTION 149).**

Section 149 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

(b) in Paragraph (e)(ii) –

(i) by repealing the words "Safety Officer" and replacing them with the following:-

"Registrar"; and

(ii) by adding after the word "interested" the following:-

"; and

(f) the particulars of the fines to be paid under Sections 141, 143 and 144."

**96. STOWAWAYS (AMENDMENT OF SECTION 150).**

Section 150 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00."

**97. FEES PAYABLE IN RESPECT OF SERVICES OF SHIPPING OFFICERS (AMENDMENT OF SECTION 151).**

Section 151 of the *Merchant Shipping Act* (Chapter 242) is amended --

- (a) in the heading, by repealing the words "Shipping Officers" and replacing them with the following:-

"Labour Shipping Officer"; and

- (b) in Subsection (1), by repealing the words "Shipping Officer" and replacing them with the following:-

"Labour Shipping Officer"; and

- (c) in Subsection (2), by repealing the words "Shipping Officer Service Fees" and replacing them with the following:-

"Labour Shipping Officer Service Fees".

**98. RETURNS OF BIRTHS AND DEATHS ON PAPUA NEW GUINEA SHIPS (AMENDMENT OF SECTION 152).**

Section 152 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) --

- (a) by repealing the words "a Shipping Officer" and replacing them with the following:-

"the Registrar"; and

- (b) in the penalty clause, by repealing the figure "K20.00" and replacing it with the following:-

"K400.00".

**99. RETURNS OF BIRTHS AND DEATHS ON FOREIGN SHIPS (AMENDMENT OF SECTION 153).**

Section 153 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) --

- (a) by repealing the words "a Shipping Officer" and replacing them with the following:-

"the Registrar"; and

- (b) in the penalty clause, by repealing the figure "K20.00" and replacing it with the following:-

"K400.00".

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**100. CREWMAN'S IDENTITY CARD (AMENDMENT OF SECTION 154).**

Section 154 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K20.00" and replacing it with the following:-

"K400.00."

**101. OFFICIAL LOG BOOK (AMENDMENT OF SECTION 157).**

Section 157 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

**102. CREW LIST (AMENDMENT OF SECTION 158).**

Section 158 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

**103. INQUIRIES INTO DEATH OR SERIOUS INJURY (AMENDMENT OF SECTION 159).**

Section 159 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the words "Safety Officer" (eight times occurring) and replacing them in each case with the following:-

"Authority"; and

(b) by repealing the words "Shipping Officer" (thrice occurring) and replacing them in each case with the following:-

"Labour Shipping Officer"; and

(c) in Subsection (1), in the penalty clause, by repealing the figure "K50.00" and replacing it with the following:-

"K1,000.00."

**104. FAILURE BY CREWMAN TO JOIN FOREIGN SHIP (AMENDMENT OF SECTION 161).**

Section 161 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (4), by repealing the word "Minister" and replacing it with the following:-

"State".

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**105. DETENTION OF A SHIP (AMENDMENT OF SECTION 162).**

Section 162 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the words "Safety Officer" (twice occurring) and replacing them in each case with the following:-

"Authority"; and

- (b) by repealing the words "Shipping Officer" (twice occurring) and replacing them in each case with the following:-

"Labour Shipping Officer".

**106. GENERAL REGULATIONS (AMENDMENT OF SECTION 163).**

Section 163 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

- (b) in Paragraph (n) by adding after the word "persons" the following:-

"; and

- (o) the particulars of the fines to be paid under Sections 150, 152, 153, 154, 157, 158 and 159."

**107. CONVENTION TO HAVE EFFECT (AMENDMENT OF SECTION 163A).**

Section 163A of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) –

- (a) in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."; and

- (b) in the default penalty clause, by repealing the figure "K50.00" and replacing it with the following:-

"K1,000.00."

**108. IMPLEMENTATION OF CONVENTION (AMENDMENT OF SECTION 163B).**

Section 163B of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (1), by inserting after the word "provision" the following:-

", not inconsistent with this Division,"; and

- (b) in Subsection (2), by adding after the word "Minister" the following:-

", on the advice of the Authority"; and

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- (c) in Subsection (3), by repealing the word "Minister" and replacing it with the following:-

"Authority".

**109. REPORTING OF CASUALTIES AND INCIDENTS (AMENDMENT OF SECTION 164).**

Section 164 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (2)(g) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (b) in Subsection (2)(h) by repealing the words "Safety Officer – provide to the Safety Officer or to the proper officer at a port specified by the Safety Officer" and replacing them with the following:-

"Authority – provide to it"; and

- (c) in Subsection (3), in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00".

**110. INQUIRY INTO CERTAIN CASUALTIES (AMENDMENT OF SECTION 165).**

Section 165 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority".

**111. PRELIMINARY INVESTIGATIONS (AMENDMENT OF SECTION 166).**

Section 166 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (thrice occurring) and replacing it in each case with the following:-

"Authority".

**112. MARINE INQUIRIES (AMENDMENT OF SECTION 167).**

Section 167 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Minister" (six times occurring) and replacing it in each case with the following:-

"Authority"; and

- (b) in Subsection (1), by repealing the word "him" and replacing it with the following:-

"it"; and

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- (c) in Subsection (3), by repealing the words "two assessors" and replacing them with the following:-

"one assessor"; and

- (d) in Subsection (8), by repealing the word "he" and replacing it with the following:-

"it".

**113. POWER OF A MARINE INQUIRY AS TO CERTIFICATES  
(AMENDMENT OF SECTION 168).**

Section 168 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (2), by repealing the words "Safety Officer" and replacing it with the following:-

"Authority"; and

- (b) in Subsection (6), by adding after the word "Minister" the following:-

"and the Authority".

**114. DISQUALIFICATION OF A CREWMAN (AMENDMENT OF SECTION 169).**

Section 169 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the words "Safety Officer" (seven times occurring) and replacing it in each case with the following:-

"Authority".

**115. FAILURE TO DELIVER CANCELLED OR SUSPENDED  
CERTIFICATE (AMENDMENT OF SECTION 170).**

Section 170 of the *Merchant Shipping Act* (Chapter 242) is amended, in the penalty clause, by repealing the figure "K200.00." and replacing it with the following:-

"K4,000.00.".

**116. REHEARINGS AND THE POWER OF THE MINISTER TO RESTORE  
CERTIFICATES (AMENDMENT OF SECTION 171).**

Section 171 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) by repealing the words "Safety Officer" (thrice occurring) and replacing it in each case with the following:-

"Authority".

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**117. REPEAL AND REPLACEMENT OF SECTION 173.**

Section 173 of the *Merchant Shipping Act* (Chapter 242) is repealed and is replaced with the following:-

**"173. REGULATIONS UNDER PART VI.**

The regulations may make provision, not inconsistent with this Part, for and in relation to—

- (a) the selection of assessors for nomination by the Authority; and
- (b) the qualifications of assessors; and
- (c) the circumstances in which assessors shall assist a Marine Inquiry; and
- (d) the manner in which any facts may be proved; and
- (e) the persons who may be allowed to appear; and
- (f) the notices to be given to persons affected; and
- (g) the particulars of the fines to be paid under Section 164."

**118. INTERPRETATION OF PART VII (AMENDMENT OF SECTION 174)**

Section 174 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the definition of "aid" and replacing it with the following:-

"aid "means a marine navigational aid except a marine navigational aid whose provision and maintenance is the responsibility of the Harbours Board under the *Harbours Act* (Chapter 240);".

**119. MODE OF ACQUISITION (AMENDMENT OF SECTION 177).**

Section 177 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by repealing the word "Minister" and replacing it with the following:-

"Authority".

**120. COMPULSORY ACQUISITION (AMENDMENT OF SECTION 178).**

Section 178 of the *Merchant Shipping Act* (Chapter 242) is amended —

- (a) in Subsection (1), by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority"; and

- (b) in Subsection (1)(b), by repealing the word "his" and replacing it with the following:-

"it"; and

**121. COMPENSATION (AMENDMENT OF SECTION 180).**

Section 180 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority."



**122. COURT MAY ADJUST RIGHTS (AMENDMENT OF SECTION 181).**

Section 181 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "State" and replacing it with the following:-

"Authority".

**123. ESTABLISHMENT OF AIDS (AMENDMENT OF SECTION 182).**

Section 182 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority"; and

(b) in Subsection (3), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**124. MAINTENANCE AND ALTERATION OF AIDS (AMENDMENT OF SECTION 183).**

Section 183 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority".

**125. CONTROL OF PRIVATE AIDS (AMENDMENT OF SECTION 184).**

Section 184 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the word "Minister" (six times occurring) and replacing it in each case with the following:-

"Authority"; and

(b) in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00"; and

(c) in Subsection (5), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**126. INSPECTION OF AIDS BY SAFETY OFFICER (AMENDMENT OF SECTION 185).**

Section 185 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in the heading, by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

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- (b) in Subsection (1) –
  - (i) by repealing the word "Safety Officer" and replacing it with the following:-  
"Authority"; and
  - (ii) by repealing the word "his" and replacing it with the following:-  
"its"; and
- (c) in Subsection (2), by repealing the word "Safety Officer" and replacing it with the following:-  
"Authority".

**127. MAINTENANCE OF AIDS BY SAFETY OFFICER (AMENDMENT OF SECTION 186).**

Section 186 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the words "Safety Officer" and replacing them with the following:-  
"Authority"; and
- (b) by repealing the words "Safety Officer" and replacing them with the following:-  
"Authority"; and
- (c) by repealing the word "he" and replacing it with the following:-  
"the Authority".

**128. OBSTRUCTION OF MINISTER OR SAFETY OFFICER (AMENDMENT OF SECTION 187).**

Section 187 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the words "Minister or Safety Officer" and replacing them with the following:-  
"Authority"; and
- (b) by repealing the words "Minister or Safety Officer" and replacing them with the following:-  
"Authority"; and
- (c) by repealing the word "his" (twice occurring) and replacing it in each case with the following:-  
"its"; and

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- (d) in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**129. PENALTY FOR FAILURE TO PAY NAVIGATIONAL AID CONTRIBUTIONS (AMENDMENT OF SECTION 189).**

Section 189 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**130. OFFENCES RELATING TO NAVIGATIONAL AIDS (AMENDMENT OF SECTION 191).**

Section 191 of the *Merchant Shipping Act* (Chapter 242) is amended --

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K400.00" and replacing it with the following:-

"K8,000.00.";

- (b) in Subsection (2) --

- (i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

- (ii) in the penalty clause, by repealing the figure "K200.00" and replacing it with the following:-

"K4,000.00."

**131. IMMUNITY FROM CERTAIN PROCEEDINGS (AMENDMENT OF SECTION 193).**

Section 193 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by inserting after the words "instrumentality of the State" the following:-

", including the Authority,".

**132. REPEAL OF SECTION 194.**

Section 194 of the *Merchant Shipping Act* (Chapter 242) is repealed.

**133. REGULATIONS FOR NAVIGATIONAL AIDS (AMENDMENT OF SECTION 195).**

Section 195 of the *Merchant Shipping Act* (Chapter 242) is amended --

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Part,"; and

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(b) in Paragraph (f), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(c) in Paragraph (g) -

(i) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority"; and

(ii) by adding after the word "aid" the following:-

"; and

(h) the particulars of the fines to be paid under Sections 182, 184(1), 184(5), 187, 189, 191(1) and 191(2)."

**134. PILOTAGE AREAS (AMENDMENT OF SECTION 196).**

Section 196 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" and replacing it with the following:-

"Authority".

**135. APPOINTMENT OF PILOTAGE AUTHORITIES (AMENDMENT OF SECTION 197).**

Section 197 of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the word "Minister" and replacing it with the following:-

"Authority".

**136. PILOTAGE AUTHORITIES (AMENDMENT OF SECTION 198).**

Section 198 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) by repealing the words "Safety Officer" and replacing them with the following:-

"Authority".

**137. SHIPS REQUIRED TO TAKE LICENSED PILOTS ON BOARD (AMENDMENT OF SECTION 201).**

Section 201 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00".

**138. SHIPS REQUIRED TO HAVE LICENSED PILOTS ON BOARD  
(AMENDMENT OF SECTION 202).**

Section 202 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."

**139. SPECIAL CIRCUMSTANCES WHERE PILOTS ARE REQUIRED  
(AMENDMENT OF SECTION 204).**

Section 204 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (3), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K40,000.00."

**140. SUSPENSION OF PILOTAGE LICENCE (AMENDMENT OF SECTION  
207).**

Section 207 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (4), in the penalty clause, by repealing the figure "K40.00" and replacing it with the following:-

"K800.00."

**141. INQUIRY INTO INCOMPETENCE, ETC.,(AMENDMENT OF  
SECTION 208).**

Section 208 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), by repealing the word "Minister" and replacing it with the following:-

"Authority".

**142. PRODUCTION OF PILOTAGE LICENCE (AMENDMENT OF SECTION  
209).**

Section 209 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K40.00" and replacing it with the following:-

"K800.00."

**143. UNQUALIFIED PERSONS NOT TO ACT AS LICENSED PILOTS OR  
EXEMPT PILOTS (AMENDMENT OF SECTION 210).**

Section 210 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause by repealing the figure "K300.00" and replacing it with the following:-

"K6,000.00."

**144. MISCONDUCT OF LICENSED PILOTS (AMENDMENT OF SECTION 211).**

Section 211 of the *Merchant Shipping Act* (Chapter 242) is amended, in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."

**145. REGULATIONS FOR PILOTAGE (AMENDMENT OF SECTION 220).**

Section 220 of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by inserting after the word "provision" the following:-

", not inconsistent with this Part,"; and

(b) by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority"; and

(c) in Paragraph (k) by adding after the word "certificates" the following:-

"; and

(l) the particulars of the fines to be paid under Sections 201, 202, 204, 207, 209, 210 and 211."

**146. REQUIREMENT TO HOLD COASTING TRADE LICENCES (AMENDMENT OF SECTION 224).**

Section 224 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2) –

(a) in the penalty clause, by repealing the figure "K10,000.00" and replacing it with the following:-

"K200,000.00."; and

(b) in the default penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**147. DELIVERY UP OF LICENCES IN CERTAIN CIRCUMSTANCES (AMENDMENT OF SECTION 228).**

Section 228 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**148. HOLDER TO OBSERVE CONDITIONS OF LICENCE (AMENDMENT OF SECTION 230).**

Section 230 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K10,000.00."

**149. REQUIREMENT TO FURNISH INFORMATION (AMENDMENT OF SECTION 231).**

Section 231 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in Subsection (4), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."; and

- (b) in Subsection (5) –

- (i) by repealing the words "Marine Division, Department responsible for merchant shipping matters" and replacing them with the following:-

"Department responsible for transport matters"; and

- (ii) in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K10,000.00."

**150. MEMBERSHIP OF COASTING TRADE COMMITTEE (AMENDMENT OF SECTION 235).**

Section 235 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by repealing the words "Marine Division, Department responsible for merchant shipping matters" and replacing them with the following:-

"Department responsible for transport matters".

**151. RATES NOT TO EXCEED MAXIMUM RATES FOR SHIPPING SERVICES (AMENDMENT OF SECTION 241).**

Section 241 of the *Merchant Shipping Act* (Chapter 242) is amended-

- (a) in the penalty clause, by repealing the figure "K10,000.00" and replacing it with the following:-

"K200,000.00."; and

- (b) in the default penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00."

**152. REPEAL OF SECTION 243.**

Section 243 of the *Merchant Shipping Act* (Chapter 242) is repealed.

**153. REGULATIONS FOR COASTING TRADE (AMENDMENT OF SECTION 244).**

Section 244 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the words “Subject to Section 243, the regulations may provide for and in relation to –” and replacing them with the following:-

“The regulations may provide, not inconsistent with this Part,”; and

- (b) in Paragraph (h), by adding after the word “permits” the following:-

”; and;

- (i) the particulars of the fines to be paid under Sections 224, 228, 230, 231(4), 231(5) and 241. ”.

**154. INTERPRETATION OF PART X (AMENDMENT OF SECTION 245).**

Section 245 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (4)(b)(ii) by repealing the words “Safety Officer” and replacing them with the following:-

“Registrar”.

**155. REPEAL OF PART XI.**

Part XI of the *Merchant Shipping Act* (Chapter 242) is repealed.

**156. INTERPRETATION OF PART XIA (AMENDMENT OF SECTION 263A).**

Section 263A of the *Merchant Shipping Act* (Chapter 242) is amended by repealing the definition of “Receiver”.

**157. REPEAL OF SECTION 263C.**

Section 263C of the *Merchant Shipping Act* (Chapter 242) is repealed.

**158. REPEAL AND REPLACEMENT OF SECTION 263D.**

Section 263D of the *Merchant Shipping Act* (Chapter 242) is repealed and is replaced with the following:-

**“263D. DELEGATION BY AUTHORITY.**

Subject to this Act, the Authority may, by instrument, delegate to a person all or any of its powers and functions under this Part (except this power of delegation).”.



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**159. REPEAL AND REPLACEMENT OF SECTION 263E.**

Section 263E of the *Merchant Shipping Act* (Chapter 242) is repealed and is replaced with the following:-

**"263E. INDEMNITY OF AUTHORITY.**

The Authority or its delegate is not liable for any damage or loss suffered as a result of –

(a) any act done; or

(b) a failure to do anything required to be done,

by it or him in carrying out its or his duties for the purposes of this Act."

**160. DUTY OF RECEIVER TO ASSIST VESSELS IN DISTRESS, ETC. (AMENDMENT OF SECTION 263F).**

Section 263F of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in the heading, by repealing the word "Receiver" and replacing it with the following:-

"Authority"; and

(b) by repealing the word "Receiver " (twice occurring) and replacing it with the following:-

"Authority"; and

(c) in Subsection (1), by repealing the word "he" and replacing it with the following:-

"it".

**161. POWERS OF RECEIVER (AMENDMENT OF SECTION 263G).**

Section 263G of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in the heading, by repealing the word "RECEIVER" and replacing it with the following:-

"AUTHORITY"; and

(b) by repealing the word "Receiver " (twice occurring) and replacing it with the following:-

"Authority"; and

(c) in Subsection (2), in the penalty clause, by repealing the figure "K5,000.00" and replacing it with the following:-

"K20,000.00."

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**162. COST OF ASSISTING VESSELS IN DISTRESS RECOVERABLE  
(AMENDMENT OF SECTION 263H).**

Section 263H of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) by repealing the word "Receiver " and replacing it with the following:-

"Authority"; and

(b) by repealing the word "his" and replacing it with the following:-

"its".

**163. BOARDING WITHOUT AUTHORITY (AMENDMENT OF SECTION  
263I).**

Section 263I of the *Merchant Shipping Act* (Chapter 242) is amended in  
Subsection (1) –

(a) by repealing the word "Receiver " and replacing it with the following:-

"Authority"; and

(b) by repealing the word "his" and replacing it with the following:-

"its"; and

(c) in the penalty clause, by repealing the figure "K2,000.00" and replacing  
it with the following:-

"K8,000.00".

**164. INTERFERING, ETC., WITH WRECK (AMENDMENT OF SECTION  
263J).**

Section 263J of the *Merchant Shipping Act* (Chapter 242) is amended in the  
penalty clause, by repealing the figure "K5,000.00" and replacing it with the following:-

"K20,000.00".

**165. NOTICE OF WRECK TO BE GIVEN TO THE RECEIVER  
(AMENDMENT OF SECTION 263K).**

Section 263K of the *Merchant Shipping Act* (Chapter 242) is amended –

(a) in the heading, by repealing the word "Receiver" and replacing it with  
the following:-

"Authority"; and

(b) in Subsection (1), by repealing the word "Receiver " and replacing it  
with the following:-

"Authority"; and

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- (c) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K4,000.00."

**166. RECEIVER MAY TAKE POSSESSION OF WRECK (AMENDMENT OF SECTION 263L).**

Section 263L of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the word "Receiver" and replacing it with the following:-

"Authority"; and

- (b) in Subsection (1), by repealing the word "Receiver" and replacing it with the following:-

"Authority"; and

- (c) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K4,000.00."

**167. RECEIVER TO GIVE NOTICE OF WRECK (AMENDMENT OF SECTION 263M).**

Section 263M of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the word "Receiver" and replacing it with the following:-

"Authority"; and

- (b) by repealing the word "Receiver" and replacing it with the following:-

"Authority"; and

- (c) by repealing the word "he" and replacing it with the following:-

"it".

**168. DEALING WITH WRECK (AMENDMENT OF SECTION 263N).**

Section 263N of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Receiver" (five times occurring) and replacing it with the following:-

"Authority"; and

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- (b) in Subsection (2) –
  - (i) by repealing the word “he” and replacing it with the following:-  
"it"; and
  - (ii) by repealing the words “and shall pay the proceeds (if any) into the Consolidated Revenue Fund” and replacing it with the following:-  
"and keep the proceeds (if any)"; and
- (c) in Subsection (3), by repealing the word “him” and replacing it with the following:-  
"it".

**169. DISCHARGE OF LIABILITY OF RECEIVER (AMENDMENT OF SECTION 263O).**

Section 2630 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) in the heading, by repealing the word “Receiver” and replacing it with the following:-  
"Authority"; and
- (b) by repealing the word "Receiver" (twice occurring) and replacing it with the following:-  
"Authority"; and
- (c) in Subsection (1), by repealing the word “he” and replacing it with the following:-  
"it".

**170. REMOVAL OF WRECKED VESSEL, ETC. (AMENDMENT OF SECTION 263Q).**

Section 263Q of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Minister" and replacing it with the following:-  
"Authority"; and
- (b) in the penalty clause, by repealing the figure “K5,000.00” and replacing it with the following:-  
"K20,000.00."

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- 171. ASSISTANCE TO BE RENDERED (AMENDMENT OF SECTION 263T).**  
Section 263T of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (2), in the penalty clause, by repealing the figure "K3,000.00" and replacing it with the following:-

"K12,000.00."

- 172. DETENTION OF VESSEL (AMENDMENT OF SECTION 263W).**  
Section 263W of the *Merchant Shipping Act* (Chapter 242) is amended –  
(a) by repealing the word "Receiver" (thrice occurring) and replacing it with the following:-

"Authority"; and

- (b) in Subsection (2)(a), by repealing the word "him" and replacing it with the following:-

"it".

- 173. SALE BY RECEIVER OF DETAINED PROPERTY (AMENDMENT OF SECTION 263X).**

Section 263X of the *Merchant Shipping Act* (Chapter 242) is amended –  
(a) in the heading, by repealing the word "RECEIVER" and replacing it with the following:-

"AUTHORITY"; and

- (b) by repealing the word "Receiver" (thrice occurring) and replacing it with the following:-

"Authority".

- 174. FEES PAYABLE TO RECEIVER (AMENDMENT OF SECTION 263ZB).**

Section 263ZB of the *Merchant Shipping Act* (Chapter 242) is amended –  
(a) in the heading, by repealing the word "RECEIVER" and replacing it with the following:-

"AUTHORITY"; and

- (b) by repealing the word "Receiver" (twice occurring) and replacing it with the following:-

"Authority".

**175. RECOVERY OF FEES AND COSTS (AMENDMENT OF SECTION 263ZC).**

Section 263ZC of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Receiver" (four times occurring) and replacing it with the following:-

"Authority"; and

- (b) in Subsection (1)(b), by repealing the word "his" and replacing it with the following:-

"its"; and

- (c) in Subsection (2), by repealing the word "his" and replacing it with the following:-

"its"; and

- (d) by repealing Subsection (3).

**176. REGULATIONS (AMENDMENT OF SECTION 263ZD).**

Section 263ZD of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by inserting after the word "provision" the following:-

", not inconsistent with this Part,"; and

- (b) by repealing the word "Receiver" (four times occurring) and replacing it in each case with the following:-

"Authority"; and

- (c) in Paragraph (d) by adding after the word "Receiver" the following:-

"; and

- (e) the particulars of the fines to be paid under Sections 263G, 263I, 263J, 263K, 263L, 263Q and 263T."

**177. VESSELS WRECKED (AMENDMENT OF SECTION 264).**

Section 264 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Minister" (thrice occurring) and replacing it with the following:-

"Authority"; and

- (b) in Subsection (2) –

- (i) by repealing the word "he" (twice occurring) and replacing it with the following:-

"it"; and

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- (ii) by repealing the word "him" (twice occurring) and replacing it with the following:-

"it".

**178. PROHIBITION OF APPROACHING DANGEROUS WRECKS (AMENDMENT OF SECTION 265).**

Section 265 of the *Merchant Shipping Act* (Chapter 242) is amended –

- (a) by repealing the word "Minister" (twice occurring) and replacing it with the following:-

"Authority"; and

- (b) in Subsection (1), by repealing the word "he" and replacing it with the following:-

"it"; and

- (c) in Subsection (3), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**179. FALSE DECLARATION AS TO OWNERSHIP (AMENDMENT OF SECTION 266).**

Section 266 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**180. FALSE DECLARATIONS AND STATEMENTS (AMENDMENT OF SECTION 267).**

Section 267 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**181. OBSTRUCTION OF PERSONS (AMENDMENT OF SECTION 268).**

Section 268 of the *Merchant Shipping Act* (Chapter 242) is amended in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K10,000.00".

**182. PROCEEDINGS ON FORFEITURE OF SHIP (AMENDMENT OF SECTION 270).**

Section 270 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by inserting after the word "Minister" the following:-

"or the Authority, as the case may be,".

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**183. MODE OF MAKING DECLARATION (AMENDMENT OF SECTION 271).**

Section 271 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by repealing the words "proper officer" and replacing them with the following:-

"an officer of the Authority duly authorized by the Authority to take oaths."

**184. AVERMENT (AMENDMENT OF SECTION 274).**

Section 274 of the *Merchant Shipping Act* (Chapter 242) is amended in Subsection (1) by repealing the words "proper officer, a Shipping Officer, a surveyor, an assistant to the Registrar, the Registrar and the Safety Officer" and replacing them with the following:-

", a Labour Shipping Officer, a surveyor, an assistant to the Registrar, the Registrar and an officer of the Authority".

**185. NEW SECTION 275A.**

The *Merchant Shipping Act* (Chapter 242) is amended by inserting after Section 275 the following new section:-

**"275A. PAYMENT OF FINES.**

All monies received by way of fines for offences under this Act shall be paid to the funds of the Authority."

**186. REGULATIONS (AMENDMENT OF SECTION 279).**

Section 279 of the *Merchant Shipping Act* (Chapter 242) is amended in Paragraph (d) -

(a) by repealing the words "not exceeding K500.00"; and

(b) by repealing the words "not exceeding K50.00"



**AMENDMENTS TO THE PREVENTION OF POLLUTION OF THE SEA ACT**  
**(CHAPTER 371)**

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended by inserting after the definition of "agent" the following new definition:-

"Authority" means the National Maritime Safety Authority established under the *National Maritime Safety Authority Act 2003*;

**2. DISCHARGE OF OIL FROM SHIPS (AMENDMENT OF SECTION 4).**

Section 4 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended by repealing the penalty clause and replacing it with the following:-

"Penalty:- (a) For a first offence, a fine not exceeding K100,000.00.  
(b) For a second or subsequent offence, a fine not exceeding K100,000.00 and confiscation of the vessel."

**3. EQUIPMENT REQUIREMENT FOR SHIPS (AMENDMENT OF SECTION 8).**

Section 8 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended -

(a) in Subsection (1) -  
(i) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(ii) by repealing the words "in his opinion" and replacing them with the following:-

"in its opinion"; and

(b) in Subsection (2), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(c) in Subsection (3), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(d) in Subsection (4) -

(i) by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"Authority"; and

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- (ii) by repealing the words "he deems it appropriate" and replacing them with the following:-

"it deems it appropriate"; and

- (e) in Subsection (5), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**4. OIL RECORD BOOKS (AMENDMENT OF SECTION 9).**

Section 9 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended, in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00".

**5. TANKER CONSTRUCTION CERTIFICATES (AMENDMENT OF SECTION 10).**

Section 10 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended -

- (a) by repealing the word "Minister" (twice occurring) and replacing it with the following:-

"Authority"; and

- (b) by repealing the word "he" (twice occurring) and replacing it with the following:-

"it".

**6. TANKER REQUIRED TO CARRY CERTIFICATE (AMENDMENT OF SECTION 11).**

Section 11 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended -

- (a) in Subsection (1)(b), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

- (b) in Subsection (2) -

- (i) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

- (ii) by repealing the word "he" and replacing it with the following:-

"it"; and

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(c) in Subsection (3), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(d) in Subsection (4), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(e) in Subsection (5) -

(i) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(ii) by repealing the words "him for his inspection" and replacing them with the following:-

"it for its inspection" and

(f) in Subsection (6), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00."; and

(g) in Subsection (7) -

(i) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

(ii) by repealing the word "him" and replacing it with the following:-

"it".

**7. RESTRICTION ON TRANSFER OF OIL AT NIGHT (AMENDMENT OF SECTION 12).**

Section 12 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Subsection (6), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K20,000.00.".

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**8. OIL RECEPTION FACILITIES (AMENDMENT OF SECTION 13).**

Section 13 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1), by repealing the word "Minister" (twice occurring) and replacing it with the following:-

"Authority"; and

- (b) in Subsection (2), by repealing the word "Minister" (twice occurring) and replacing it with the following:-

"Authority"; and

- (c) in Subsection (4) –

- (i) in the penalty clause, by repealing the figure "K10,000.00" and replacing it with the following:-

"K50,000.00."; and

- (ii) in the default penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K10,000.00."

**9. NOTICE OF DISCHARGES OF MARINE POLLUTANTS (AMENDMENT OF SECTION 14).**

Section 14 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1), by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

- (b) in Subsection (3), in the penalty clause, by repealing the figure "K20,000.00" and replacing it with the following:-

"K100,000.00."

**10. OFFENCES IN RELATION TO SHIPPING CASUALTIES (AMENDMENT OF SECTION 18).**

Section 18 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1) –

- (i) in the penalty clause, by repealing the figure "K100,000.00" and replacing it with the following:-

"K200,000.00."; and

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- (ii) in the default penalty clause, by repealing the figure "K20,000.00" and replacing it with the following:-

"K40,000.00."; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K100,000.00" and replacing it with the following:-

"K200,000.00."

**11. RECOVERY OF COSTS (AMENDMENT OF SECTION 20).**

Section 20 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Subsection (1) by repealing the word "State" and replacing it with the following:-

"Authority".

**12. REQUIREMENT FOR CERTIFICATES (AMENDMENT OF SECTION 25).**

Section 25 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1), in the penalty clause, by repealing the figure "K2,000.00" and replacing it with the following:-

"K10,000.00."; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K5,000.00."

**13. MASTER TO PRODUCE CERTIFICATE (AMENDMENT OF SECTION 26).**

Section 26 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1) –  
(i) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

- (ii) by repealing the words "him for his inspection" and replacing them with the following:-

"it for its inspection"; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K5,000.00."

**14. TANKERS NOT TO ENTER OR LEAVE WITHOUT CERTIFICATE OF INSURANCE (AMENDMENT OF SECTION 27).**

Section 27 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended, in the penalty clause, by repealing the figure "K50,000.00" and replacing it with the following:-

"K100,000.00."

**15. CERTIFICATE OF INSURANCE (AMENDMENT OF SECTION 28).**

Section 28 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Subsection (1) –

- (a) by repealing the words "Minister is satisfied that he may do so, he –" and replacing them with the following:-

"Authority is satisfied that it may do so, it – "; and

- (b) in Paragraph (a), by repealing the word "he" and replacing it with the following:-

"it"; and

- (c) in Paragraph (b), by repealing the word "he" and replacing it with the following:-

"it".

**16. SURRENDER OF CERTIFICATES (AMENDMENT OF SECTION 29).**

Section 29 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (1) by repealing the words "Minister may, where he" and replacing them with the following:-

"Authority may, where it"; and

- (b) in Subsection (2), in the penalty clause, by repealing the figure "K500.00" and replacing it with the following:-

"K2,000.00."

**17. MINISTER MAY REQUIRE INFORMATION (AMENDMENT OF SECTION 35).**

Section 35 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

- (a) in Subsection (3), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K5,000.00."; and

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- (b) in Subsection (4), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K5,000.00."

**18. INFORMATION NOT TO BE DISCLOSED (AMENDMENT OF SECTION 36).**

Section 36 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Subsection (3), in the penalty clause, by repealing the figure "K1,000.00" and replacing it with the following:-

"K5,000.00."

**19. APPOINTMENT OF INSPECTORS AND AUTHORIZED OFFICERS (AMENDMENT OF SECTION 37).**

Section 37 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended -

- (a) in Subsection (1) by repealing the words "Minister may, as and when he" and replacing them with the following:-

"Authority may"; and

- (b) in Subsection (2) by repealing the word "Minister" and replacing it with the following:-

"Authority"; and

**20. OBSTRUCTING INSPECTOR OR AUTHORIZED OFFICER (AMENDMENT OF SECTION 39).**

Section 39 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in the penalty clause by repealing the figure "K500.00" and replacing it with the following:-

"K2,000.00."

**21. POWER TO DETAIN VESSEL (AMENDMENT OF SECTION 40).**

Section 40 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Subsection (2), in the penalty clause, by repealing the figure "K10,000.00" and replacing it with the following:-

"K50,000.00."

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**22. STATE NOT LIABLE TO PROSECUTION (AMENDMENT OF SECTION 41).**

Section 41 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended –

(a) in the heading by inserting after the word "State" the following:-

"or Authority"; and

(b) by inserting after the words "subject the State" the following:-

"or the Authority"; and

(c) by inserting after the words "the State is" the following:-

"or the Authority is".

**22. NEW SECTION 45A.**

The *Prevention of Pollution of the Sea Act* (Chapter 371) is amended by inserting after Section 45 the following new section:-

**"45A. PAYMENT OF FINES.**

All monies received by way of fines for an offence under this Act shall be paid into the funds of the Authority."

**23. REGULATIONS (AMENDMENT OF SECTION 46).**

Section 46 of the *Prevention of Pollution of the Sea Act* (Chapter 371) is amended in Paragraph (r), by repealing the words "not exceeding K5,000.00".



**AMENDMENTS TO THE TRANSPORT (COLLECTION OF INFORMATION) ACT  
(CHAPTER 248)**

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the *Transport (Collection of Information) Act* (Chapter 248) is amended by inserting before the definition of "the regulation" the following new definition:-

"Authority" means the National Maritime Safety Authority established under the *National Maritime Safety Authority Act 2003*;

**2. SUPPLY OF INFORMATION (AMENDMENT OF SECTION 2).**

Section 2 of the *Transport (Collection of Information) Act* (Chapter 248) is amended in Subsection (1) by repealing the words "Departmental Head" (twice occurring) and replacing them with the following:-

"Authority".

**3. COLLECTION OF INFORMATION (AMENDMENT OF SECTION 3).**

Section 3 of the *Transport (Collection of Information) Act* (Chapter 248) is amended in Subsection (1) by repealing the words "Departmental Head" (thrice occurring) and replacing them with the following:-

"Authority".

**4. RELEASE OF INFORMATION (AMENDMENT OF SECTION 4).**

Section 4 of the *Transport (Collection of Information) Act* (Chapter 248) is amended -

(a) by repealing the words "Departmental Head" (twice occurring) and replacing them with the following:-

"Authority".

(b) in Subsection (2), in the penalty clause, by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00".

**5. OFFENCES GENERALLY (AMENDMENT OF SECTION 5).**

Section 5 of the *Transport (Collection of Information) Act* (Chapter 248) is amended in the penalty clause by repealing the figure "K100.00" and replacing it with the following:-

"K2,000.00".

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**6. NEW SECTION 5A.**

The *Transport (Collection of Information Act)* (Chapter 248) is amended by inserting after Section 5 the following new section:-

**"5A. PAYMENT OF FINES.**

All monies received by way of fines for an offence under this Act shall be paid into the funds of the Authority."

I hereby certify that the above is a fair print of the *National Maritime Safety Authority Act 2003* which has been made by the National Parliament.

*Clerk of the National Parliament.*

I hereby certify that the *National Maritime Safety Authority Act 2003* was made by the National Parliament on 25 September 2003 by and absolute majority in accordance with the *Constitution*.

*Acting Speaker of the National Parliament.*