

# BILL NO. 37 OF 2015

## A BILL

FOR AN ACT TO AMEND THE SHIP REGISTRATION DECREE 2013

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Ship Registration (Amendment) Act 2015.
- (2) This Act shall come into force on the date of its publication in the Gazette.
- (3) In this Act, the Ship Registration Decree 2013 shall be referred to as the “Decree”.

*Section 4 amended*

2. Section 4 of the Decree is amended—
  - (a) in subsection (2)(b) by inserting “a” before “foreign”;
  - (b) in subsection (2)(c) by inserting “under section 14” after “Chief Executive Officer”;

(c) by inserting the following new subsections after subsection (2)—

“(2A) Notwithstanding subsection (2), a Fiji-owned ship that is used for a commercial purpose and has reached the age of 55 years shall be deregistered unless the ship owner or operator has ensured that the ship has undergone a full survey carried out by the Authority and the Authority is satisfied of compliance with the following conditions—

- (i) that the ship is not in breach of any obligation of the State under any written law or maritime related Convention;
- (ii) that there is a planned maintenance system for all machinery on board, hull, superstructure and equipment which is implemented and maintained or improved;
- (iii) that the risk to safety will not be significantly increased by continued operation of the ship; and
- (iv) any other condition that the Authority deems appropriate.

(2B) Any ship deregistered under subsection (2A) shall be disposed of in accordance with any condition issued by the Authority.”;

(d) in subsection (4) by inserting “unless approval is given under subsection (5)” after “registered”; and

(e) by inserting the following new subsections after subsection (4)—

“(5) The Minister may, following consultation with the Registrar, approve the registration of a second-hand ship which is 20 years old or more and imported for commercial purposes—

- (a) once an initial survey is carried out by the Authority; and
- (b) the Minister is satisfied—
  - (i) that the approval will not breach the obligations of the State under any written law or maritime related Convention;
  - (ii) that there is a planned maintenance system for all machinery on board, hull, superstructure and equipment which is implemented and maintained or improved;
  - (iii) that the risk to safety will not be significantly increased by the granting of the approval; and
  - (iv) of any other condition that the Registrar deems appropriate.

(6) For the purpose of carrying out a survey required under subsections (2A) and (5)(a), the thickness of the hull shall be assessed by a Classification Society and a report of the assessment submitted to the Authority.

(7) The Minister shall, following consultation with the Registrar, give written directions for the deregistration of a ship registered under subsection (5) in the event the owner or operator of a ship fails to comply with any condition arising out of subsection (5)(b)(ii) and (iv).

(8) Upon such ministerial directions under subsection (7), the Registrar shall immediately deregister such ship.

(9) An approval granted under subsection (5) or revocation thereof shall be notified as soon as practicable by notice published in a daily newspaper and any other publication the Registrar deems appropriate.

(10) For the purposes of this section—

“Classification Society” means a recognised organisation authorised by the Chief Executive Officer to conduct such inspections and audits as the Authority considers necessary;

“commercial purpose” means a ship that operates or intends to operate for a fee or reward;

“fee or reward” means any payment, which gives a person the right to be transported on a ship or cargo carried on board a ship, regardless of whether a profit is made or not, and the payment may be made by the person, or on his or her behalf and may be a direct payment, such as a fare or other payment made directly in respect of the journey or an indirect payment”;

“second-hand ship” means a ship that is not a newly constructed; and

“State” means the Republic of Fiji”.

*Section 41 deleted*

**3.** Section 41 of the Decree is deleted.

## SHIP REGISTRATION (AMENDMENT) BILL 2015

---

### EXPLANATORY NOTE

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Ship Registration (Amendment) Bill 2015 (**'Bill'**) seeks to amend the Ship Registration Decree 2013 (**'Decree'**).
- 1.2 The Decree prescribes requirements for the registration of ships in Fiji for commercial or private purposes. The registration of ships is relevant for ships that carry out commercial activities within Fiji waters.
- 1.3 Under the Decree, a ship will only be registered in Fiji if it is less than 20 years of age.
- 1.4 However, given requests made by ship owners and operators for an exemption in this regard, it is necessary that the provisions be reviewed and amended for allowances where necessary and under specific conditions.

#### **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement provision.
- 2.2 Clause 2 of the Bill adds a new subsection (2A) to section 4 of the Decree, which provides for the deregistration of a Fiji registered ship once it has reached the 55-year age.
- 2.3 Clause 2 of the Bill further provides that the Minister may, upon consultation with the Registrar, approve the registration of a second-hand ship 20 years or older, upon a full initial survey and fulfilment of conditions as listed in the new subsection (5). Notification of any such approval must be published in a daily newspaper or publication approved by the Registrar.
- 2.4 Accordingly, clause 2 also provides that upon failure to comply with any such condition, the Minister upon consultation with the Registrar may direct that a ship be deregistered.
- 2.5 Clause 3 deletes section 41 of the Decree.

### **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Decree comes under the responsibility of the Minister responsible for Infrastructure and Transport.

A. SAYED-KHAIYUM  
Attorney-General