

## **Unvalidated References:**

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 3 May 2007 and in force at 25 November 2003.

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Legislative Counsel  
Dated 3 May 2007

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. 9 of 2006.

***Merchant Shipping (Navigational Aids) Regulation 2006***



## ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “Authority”
  - “contribution”
  - “exempt ship”
  - “length”
  - “place”
  - “ship”
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  - “the Act”
2. Compensation for acquisition of aids.
3. Annual contribution rate.
4. Payment of contributions.
5. Refund of annual contribution in certain cases.
6. Contribution rate where ship is trading overseas.
7. Authority may specify an area to be a place.
8. Certain ships to be exempt.

### *Merchant Shipping (Navigational Aids) Regulation 2006*

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Merchant Shipping Act 1975*.

#### 1. INTERPRETATION.

(1) In this Regulation, unless the contrary intention appears –

“**Authority**” means the National Maritime Safety Authority established by the *National Maritime Safety Authority Act 2003*;

“**contribution**”, in relation to a ship, means a marine navigational aid contribution payable under Section 188 of the Act;

“**exempt ship**” means a ship referred to in Section 8;

“**length**”, in relation to a ship that is –

(a) registered under the Act or under the law of another country, means the length of the ship as recorded on the certificate of registry of the ship; and

(b) not registered under the Act or under the law of another country, has the same meaning as in Section 1 of the Act;

“**place**” means an area specified as a place under Section 7;

“**ship**” means a ship that is not an exempt ship;

“**voyage**”, in relation to a ship that is engaged in overseas trading, means a voyage that –

- (a) commences at the time the ship enters a port or place in the country; and
- (b) terminates –
  - (i) at the time the ship leaves a port or place in the country for a port or place outside the country; or
  - (ii) on the expiration of three months from the time of commencement of the voyage,whichever is the earlier;

“**the Act**” means the *Merchant Shipping Act 1975*;

(2) Where, in the opinion of the Authority, a ship is normally employed in trading, or in going between a port or place in the country and another port or place in the country, the ship is, for the purposes of this Regulation, deemed to be engaged in coastal trading.

(3) Where, in the opinion of the Authority, a ship is normally employed in trading, or in going between a port or place outside the country, the ship is, for the purposes of this Regulation, deemed to be engaged in overseas trading.

(4) Where, in the opinion of the Authority, a ship is normally –

- (a) engaged in the exploration or exploitation of the continental shelf of the country; and
- (b) operating to, or from, or is based at, a port or place in the country,

the ship is, for the purposes of this Regulation, deemed to be engaged in offshore operations.

## **2. COMPENSATION FOR ACQUISITION OF AIDS.**

(1) The prescribed time within which an application for compensation may be made under Section 180(1) of the Act is two months after the date of compulsory acquisition.

(2) An application for compensation under Section 180(1) of the Act shall –

- (a) be in writing; and
- (b) contain particulars of –
  - (i) the name and address of the applicant; and
  - (ii) identification of the aid acquired; and
  - (iii) a statement of the alleged interest of the applicant in the aid; and
  - (iv) the amount of compensation claimed; and
  - (v) the name and address of any person known by the applicant to have a compensable interest in the aid.

(3) The prescribed time within which the Minister shall make a determination under Section 180(2) of the Act is 30 days after receipt by him of an application under Section 180(1) of the Act.

### **3. ANNUAL CONTRIBUTION RATE.**

Subject to Sections 5 and 6, the annual contribution payable in respect of a ship is K35.00 for each metre, or part of a metre, of the length of the ship.

### **4. PAYMENT OF CONTRIBUTIONS.**

(1) Where a contribution is payable in respect of a ship, the contribution shall be paid within 48 hours of the time at which liability to pay the contribution commenced.

(2) Where a contribution in respect of a ship becomes payable because the ship has entered a port or place in the country, the contribution shall be paid before the ship next leaves the port or place.

(3) A contribution payable in respect of a ship shall be paid –

- (a) where the ship has entered a port declared under Section 2 of the *Harbours Act 1963* – to the Port Manager; and
- (b) where the ship has entered any other place – to the Collector of Customs.

### **5. REFUND OF ANNUAL CONTRIBUTION IN CERTAIN CASES.**

(1) Where –

- (a) a ship is deemed to be engaged in coastal trading or in offshore operations; and
- (b) an annual contribution in respect of the ship has been paid; and
- (c) during a period commencing before the end of the first six months of the period in respect of which the annual contribution has been paid, the ship has, for 30 or more consecutive days, been prevented from engaging in coastal trading or in offshore operations; and
- (d) the Authority, having regard to the circumstances in which the ship has been so prevented, thinks it reasonable to do so,

the Authority shall approve a refund to the owner of the ship of part of the annual contribution paid in respect of the ship.

(2) A refund under Subsection (1) shall be paid pro rata for the period during which a ship is prevented from engaging in coastal trading or in offshore operations as the case may be.

### **6. CONTRIBUTION RATE WHERE SHIP IS TRADING OVERSEAS.**

(1) Subject to Subsection (2), where –

- (a) a ship is deemed to be engaged in overseas trading; and
- (b) the owner of the ship elects not to pay an annual contribution under Subsection (2),

contributions in respect of the ship shall be paid at the rate of K14.00 for each metre, or part of a metre, of the length of the ship for each voyage made by the ship.

(2) Where, in any period of 12 months, three contributions in respect of a ship have been paid under Subsection (1), no further contribution is payable in respect of the ship until the expiry of that period.

#### **7. AUTHORITY MAY SPECIFY AN AREA TO BE A PLACE.**

The Authority may, by notice in the National Gazette, specify an area to be a place for the purposes of this Regulation.

#### **8. CERTAIN SHIPS TO BE EXEMPT.**

Where a ship –

- (a) is less than 15 m in length; or
- (b) belongs to the Defence Force or to any of the Defence Forces of any other country and is not engaged in trade; or
- (c) is, in the opinion of the Registrar, of traditional build; or
- (d) is –
  - (i) registered under the Act; and
  - (ii) engaged wholly in fishing; and
  - (iii) of a class specified by the Authority; or
- (e) having entered and left a port or place in the country to –
  - (i) disembark a person for urgent medical treatment; or
  - (ii) obtain urgently required medical treatment for a person on board; or
  - (iii) seek shelter due to stress of weather or *force majeure*; or
- (f) is engaged principally in the establishment or maintenance of aids, the ship, for the purposes of this Regulation, is an exempt ship.

*Merchant Shipping (Navigational Aids) Regulation 2006*