

[Legal Notice No. 68]

SHIPPING (MARINE NAVIGATION AIDS) REGULATIONS 2010

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SHIPPING ACT 1998
(No.5 of 1998)

SHIPPING (MARINE NAVIGATION AIDS) REGULATIONS 2010

IN exercise of the powers conferred upon the Minister by section 171 f the Shipping Act 1998, the Minister hereby makes these Regulations –

PART 1 - PRELIMINARY

1. These Regulations may be cited as the Shipping (Marine Navigation Aids) Regulations 2010, and shall come into force on the 1st July 2010. Citation and commencement

2. (1) In these Regulations, unless the contrary intention appears –

“the Act” means the Shipping Act 1998;

“the Administration” means the Solomon Islands Maritime Safety Administration established under the Maritime Safety Administration Act 2009;

“authorised collection officer” means all authorised customs officers, and other authorised officers determined from time to time by the Minister;

“Director” means the Director of Marine holding office in accordance with the Maritime Safety Administration Act 2009;

“marine navigation dues” means the dues payable under, and collected in accordance with these Regulations;

“per metre LOA” means the registered length of a vessel measured in metres and by the vessels length overall;

“port” includes –

- (a) all ports appointed under the Customs and Excise Act [Cap. 121] at which ships enter;
- (b) all approved places of unloading and loading a ship under the Customs and Excise Act [Cap.121]; and
- (c) any other place declared by the Minister to be a port to which these regulations apply; and

“Ports Authority” means the Solomon Islands Ports Authority established under the Ports Act [Cap. 161].

(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998, unless a contrary intention appears.

PART 2 - POWERS UNDER THESE REGULATIONS

Declaration of ports 3. The Minister may make written declarations and boundaries of additional ports for the purposes of these Regulations, and may determine the limits of any port.

Exemptions of classes of vessels 4. The Minister may make written determinations to –

- (a) exempt classes of vessels from the payment of marine navigation dues under these Regulations; and
- (b) to authorise the application of a discount in relation to the payment of marine navigation aids dues for any vessel which visits Solomon Islands on a frequent and regular basis –

and any vessel to which such a determination applies shall be eligible to the exemption or discount as determined by the Minister.

5. (1) In addition to authorised customs officers, the Minister ^{Authorised} may make written appointments of officers of the Administration to be authorised ^{collection officer} collection officers for the purposes of these Regulations.

(2) an authorised collection officer may –

- (a) collect marine navigation dues payable under these Regulations;
- (b) require that a master of a vessel provide any declaration required to be furnished in relation to a vessel to which these Regulations apply, and any other information relevant to the assessment or collection of marine navigations dues payable by a vessel;
- (c) require verification of any matter stated in a declaration, or of any other information provided to the officer under these Regulations; and
- (d) make an assessment of the dues payable if no adequate information is provided or if sufficient verification is given when it is required.

6. (1) Only the Director or the Aids to Navigation Officer of the Administration shall have the authority to –

- (a) issue Notices to Mariners within Solomon Islands regarding the installation, establishment, alteration or removal of a marine navigation aid; and
- (b) notify the British Admiralty of the installation, establishment, alteration or removal of any marine navigation aid for the purposes of amending the Admiralty List of Lights and for the publication of a international Notice to Mariners.

^{Powers relating to approved marine navigation aids}

(2) The Director may approve any requirement or process for issuing, publishing, broadcasting and otherwise giving notification of Notices to Mariners within Solomon Islands.

(3) Any person who –

- (a) issues, or causes to be issued, a Notice to Mariners within Solomon Islands which falsely purports to be an notice issued under the authority of the Administration; or
- (b) notifies or causes notification to be given to the British Admiralty of any matter concerning marine navigation aids within Solomon Islands, without the written authority of the Administration to do so –

commits an offence and shall be liable upon conviction to a fine not exceeding 200 penalty units.

PART 3 - MARINE NAVIGATION DUES

Dues payable
by vessels
registered in
Solomon
Islands

7. (1) All vessels that are registered in Solomon Islands shall be liable to pay annual marine navigation aids dues in the amount of S30 per metre LOA.

(2) The dues prescribed in sub-regulation (1) shall be payable at the time of annual survey or as otherwise approved by the Director.

(3) Any failure or refusal to pay the dues under this regulation shall be grounds for declining the issue of a safety certificate or any other certificate or licence applying to the vessel, and for suspending or cancelling the registration of the vessel.

8. (1) Vessels which are not registered in Solomon Islands shall be liable to pay a fee for marine navigation dues in the amount of US\$18 per metre LOA.

Dues payable by vessels that are not registered in Solomon Islands

(2) Subject to regulation 9, the dues prescribed under sub-regulation (1) shall be payable when a vessel enters a port.

9. Any vessel which is liable to pay marine navigation dues under regulation 8 and which enters more than one port during the course of a single voyage to Solomon Islands shall not be liable to make any payment after the first entry, if the master provides evidence to an authorised collection officer that payment was made at the time of the first entry during that particular voyage.

Dues payable for one port entry for each voyage

10. All marine navigation aid dues are deemed to be payable at the time of their assessment, or as is otherwise stated in the assessment of dues issued by an authorised collection officer.

Time for payment of marine navigation dues

PART 4 - REGULATORY CONTROL OVER MARINE NAVIGATION AIDS

11. The Director may determine whether any particular light, structure or apparatus is a marine navigation aid to which these Regulations apply

Power of the Director to determine aids covered by these Regulations

12. (1) No marine navigation aid may be installed, established, altered or removed by any person unless prior written approval has been given by the Director.

Controls over installation, removal etc.

(2) The Director may approve any form for such approval to be sought and may require the provision of any further information when an application is made.

(3) Each application for approval under this regulation shall --

(a) identify the nature of the land ownership at the location where the marine navigation aid is located, or is to be located;

- (b) state the legal owners of the relevant land and the nature of their lawful interest in the land, including any relevant determination of ownership or acquisition of land for public purposes made under the Land and Titles [Cap. 133]; and
- (c) indicate the means by which any issues concerning land ownership and the rights of the relevant landowners have been resolved, or are intended to be resolved.

(4) When granting an approval under this regulation the Director may impose conditions relating to –

- (a) the installation or operation of a marine navigation aid approved under this regulation;
- (b) the on-going maintenance of any approved marine navigation aid;
- (c) the resolution of any issue arising from the placing or operation of a marine navigation aid on any land or property, including the recognition of ownership of customary land; and
- (d) any other matter to ensure that the approved marine navigation aid conforms to the standards and requirements applying under these Regulations.

(5) It is a condition of every approved installation, establishment, alteration or removal that a report or certificate be submitted to the Director as soon as the relevant work has been done, and every report or certificate shall –

- (a) be in the form approved by the Director; and
- (b) contain such details and particulars as are required by the Director to enable the Administration to make necessary amendments to the official records of marine navigation aids, and to issue any necessary Notice to Mariners about existence of a new navigation aid, or the changes made to an existing navigation aids.

(6) Any person who fails to comply with this regulation, or any condition imposed by the Director, commits an offence and shall be liable upon conviction to a fine not exceeding 200 penalty units.

13. (1) All Marine Navigation Aids in Solomon Islands must conform to and comply with all specifications and requirements applied to marine navigations aids by the International Association of Lighthouse Authorities.

Standards for
the construction,
maintenance
and operation of
Marine
Navigation Aids

(2) The Director may make written determinations to apply any other internationally recognised standards to the installation, establishment, alteration or removal of any marine navigation aid.

14. (1) The Director may approve policies and programs for the regular maintenance of marine navigation aids.

Approved
maintenance
programs

(2) Any approved program may provide for the involvement of relevant landowners in ensuring the protection of approved marine navigation aids and the maintenance of the sites on which they are located.

PART 5 - MISCELLANEOUS

- Offences
against these
Regulations
15. (1) Any master of a vessel, or any other person, who provides a declaration, application, return or other information when required to do so under these Regulations, which is false or misleading in any respect, commits an offence and shall be liable upon conviction to a fine not exceeding 250 penalty units.
- (2) Any person who obstructs or refuses to cooperate with an authorised collection officer commits an offence and shall be liable upon conviction to a fine of 250 penalty units.
- Review of
Dues
16. (1) All dues prescribed under these Regulations shall increase by 5% per annum, and each increased due shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.
- (2) When dues are increased in accordance with sub-regulation (1), the Director may publish a list of revised dues to be displayed at the offices of the Administration and to be otherwise notified and circulated as the Director determines.
- Compliance
with other
laws
17. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands.

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development
