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**(Section 206)**

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# TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 4

FRIDAY 31ST, JULY

1998.

## SHIPPING ACT (CAP 136) (Section 206)

### SHIPPING (STCW CONVENTION) REGULATIONS 1998

In exercise of the powers conferred by Section 206 of the Shipping Act (Cap. 136), the Minister of Marine and Ports with the consent of Cabinet makes the following Regulations:

#### PART I – PRELIMINARY

##### 1. Short Title

These Regulations may be cited as the Shipping (STCW Convention) Regulations 1998.

##### 2. Interpretation

- (1) In these Regulations, unless the context otherwise requires –

"Act" means the Shipping Act (Cap. 136) as amended;

"Administration" means the Ministry of Marine and Ports, which shall be responsible for the administration of the Convention;

"Agreement" shall have the same meaning as in the Act;

"Appropriate Certificate" means a certificate held by a seafarer appropriate for the size, type, trading area and horsepower of the vessel in accordance with the standards published in the Gazette by the Secretary.

"Certificate" means –

- (a) certificate of competency issued to a seafarer under Section 59 of the Act and in accordance with Part VI of these Regulations; or
- (b) a certificate of competency revalidated under Regulation 22; or
- (c) a certificate of competency issued to a seafarer by the maritime administration of another Contracting Party and recognised by the Secretary under Regulation 20;

"Clear Grounds" in respect of the control procedures set forth in Regulation 5 include a collision, grounding or stranding; an illegal discharge; operations which would pose a danger to seafarers, property and the environment and any deficiencies in the vessel's equipment or documentation;

"Code" means the Seafarers' Training, Certification and Watchkeeping Code, attached as Resolution 2 to the Final Act of the 1995 STCW Conference;

**"Convention"** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and any other amendments that are accepted by or binding on Tonga;

**"Deficiencies"** in respect of clear grounds include failure to hold an appropriate certificate; failure to comply with the provisions of the Safe Crewing Certificate; watch arrangements that do not conform with those specified by the Flag State Administration; absence in a watch of a qualified seafarer; inability to provide for watches seafarers who are sufficiently rested or otherwise fit for duty;

**"Dispensation"** means a dispensation from a requirement of these Regulations or the Convention or the STCW Regulations or the Code, granted either generally or in a particular case by the Secretary under Regulation 23;

**"Duly Certificated"**, in relation to a seafarer, means holding a valid certificate showing that the holder is qualified to serve in the capacity concerned on the type, tonnage, power and means of propulsion, and class of vessel and voyage concerned and to perform the functions involved at the relevant level of responsibility specified in the certificate;

**"Endorsement"** means an endorsement to a certificate made by the Secretary under Regulation 21 or made by the Maritime Administration of another Party;

**"Government"** means the Government of Tonga;

**"IMO"** means the International Maritime Organisation;

**"Maritime Training Institution"** means a training institution approved by the Government for training of seafarers to the level stipulated under the Convention and for the issuance of STCW certificates by the Government;

**"Owner"** means an owner or operator or bareboat charterer and includes "company" as defined in STCW Regulation I/1;

**"Party"** means a Party to the Convention;

**"Physician"** means a person who holds a current license to practice medicine issued under the Health Practitioners Registration Act 1991, or by a licensing authority recognised by the Government;

**"Designated Physician"** means a physician who is knowledgeable about seafaring and is designated by the Minister or those physicians recognised by the Government for the purpose of conducting medical examinations for seafarers;

**"Seafarer"** means a person in any capacity on a vessel and includes a person who is employed, or who seeks employment, as Master, officer, or rating on a vessel;

**"Seaman"** has the same meaning as seafarer;

**"Seagoing Service"** means service on board a vessel relevant to the issue of a certificate or other qualifications;

**"SOLAS"** means the International Convention for the Safety of Life at Sea, 1974, as amended by the Protocols of 1978 and 1988 and any other Amendments from time to time adopted by IMO and accepted by the Government;

**"STCW Regulations"** means the Regulations contained in the Annex to the Convention;

**"Tongan Seafarer"** means a seafarer who is a Tongan subject within the meaning of the Nationality Act (Cap. 59);

**"Tongan Vessel"** means a vessel that is registered or licensed in Tonga.

(2) In compliance with STCW Regulation 1/3, the following terms shall apply to these Regulations:-

**"Near-coastal Voyage"** means a voyage between a port or place in Tonga and another port or place in Tonga;

**"Unlimited Voyage"** means a voyage between a port or place outside the area bounded by

(a) the parallels of latitude 15° North and 47° South; and

(b) the meridians of longitude 130° East and 130° West; and

another port or place inside that area, or outside it.

(3) In respect of Part X, Marine Radio, the following terms apply:-

**"Radio Regulations"** means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunications Convention which may be in force at any time.

**"GMDSS"** means the global maritime distress and safety system as prescribed in SOLAS.

(4) Where a term is used in these Regulations that is defined in Article II of the Convention or in STCW Regulation 1/1, the term shall have the same meaning as in the Convention or STCW Regulations, unless a different meaning is given to that term by these Regulations.

### 3. STCW Convention

(1) The STCW Regulations and the Code shall be incorporated into and shall have the force of law in Tonga to the extent practicable, and to the extent that they are consistent with these Regulations and the Act and any other written laws of Tonga.

(2) The carriage of the Convention, STCW Regulations, and the Code shall be mandatory on all vessels registered in Tonga to which the Convention applies.

(3) The carriage of these Regulations shall be mandatory on all vessels registered in Tonga to which the Convention applies.

(4) Those training, assessment and certification procedures not covered by the Convention, STCW Regulations and the Code shall be those set forth in the South Pacific Maritime Code 1986, published by the South Pacific Forum Secretariat and amended from time to time.

(5) The processes and procedures for the issue of certificates under the South Pacific Maritime Code shall be, to the extent practicable, those set out in these Regulations.

#### 4. Application

(1) These Regulations shall apply to –

- (a) all vessels registered or licensed in Tonga; and
- (b) all seafarers who are employed on vessels referred to in paragraphs (a); and
- (c) all owners and masters of vessels referred to in paragraphs (a); and
- (d) all seafarers who are subjects of Tonga or holders of certificates recognised and endorsed by the Government; and
- (e) all maritime training institutions located in Tonga; and
- (f) all certificates issued and recognised by the Government.

(2) Notwithstanding Article III of the Convention, these Regulations shall apply to fishing vessels, but shall not come into force until 31st March 1999.

(3) For the purposes of control under Part II, the provisions of the Convention, STCW Regulations and the Code shall apply to –

- (a) all foreign vessels in Tongan waters; and
- (b) all owners and masters of foreign ships in Tongan waters; and
- (c) all seafarers employed on foreign vessels in Tongan waters.

### PART II – CONTROL

#### 5. Control Procedures

(1) A Surveyor appointed under Section 123 of the Act and authorised to board any vessel under Section 126(2)(b) of the Act, may exercise control procedures described in Article X and STCW Regulation 1/4 and Section 66 of the Act.

(2) In the absence of clear grounds for believing that the standards of the Convention and Code are not being maintained, control shall be limited to the verification that all certificates are in order and that the numbers and certificates of seafarers are in conformity with the Safe Crewing Certificate.

(3) In the event there are clear grounds for believing that the standards of the Convention and Code are not being maintained, the competence of seafarers may be assessed in accordance with the control procedures specified in Section A-1/4 of the Code.

## 6. Register of Seafarers and Certificates

(1) The Seamen's Employment Office, established under the Act, shall maintain a Register of seamen and shall, in addition to the entries required by Section 67 of the Act, record for masters, officers and as appropriate ratings, relevant particulars of documents issued under these Regulations, including –

- (a) all certificates issued;
- (b) all endorsements made to certificates;
- (c) all certificates suspended or cancelled;
- (d) all certificates issued by another country recognised as valid on Tongan vessels;
- (e) all dispensations and exemptions granted;
- (f) all certificates issued or recognised that have been revalidated;
- (g) all certificates issued to replace those lost or expired;
- (h) all medical certificates issued to seafarers under Part VII.

(2) The Seamen's Employment Office shall make information from the Register available to the Secretary, the Secretary-General of IMO, any Party, or any owner seeking authenticity and validity of certificates and endorsements issued.

## 7. Offences and Penalties

(1) In respect of these Regulations, or the Convention, or the STCW Regulations, or the Code, a person who –

- (a) does anything prohibited; or
- (b) omits to do anything required;

commits an offence and, if no other penalty is prescribed, shall be liable upon conviction to a penalty as set forth in sub-regulation (2).

(2) Penalties shall be as follows:

- (a) For owners, agents and operators –

a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years, or both.

- (b) For masters –

a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months, or both.

- (c) For officers or seafarers –

a fine not exceeding \$3,000 or imprisonment for a term not exceeding 3 months, or both.

## PART III – RESPONSIBILITIES OF OWNERS AND OTHERS

### 8. Responsibilities of Owners

(1) The owner of a vessel to which these Regulations apply shall employ seafarers for service on the vessel in accordance with the Convention.

(2) The owner of a vessel shall provide written instruction to the master setting out the policies and procedures to be followed to ensure that all seafarers on board the vessel are given a reasonable opportunity to become familiar with –

- (a) the shipboard equipment and operating procedures; and
- (b) any other arrangements needed for the proper performance of their duties before being assigned to those duties.

(3) The policies and procedures referred to in sub-regulation (2) shall include –

- (a) allocation of a reasonable period of time during which each seafarer will have an opportunity to become familiar with:
  - (i) the specific equipment the seafarer will be operating; and
  - (ii) vessel-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and
- (b) designation of a knowledgeable seafarer who will be responsible for ensuring that an opportunity will be provided for each seafarer to receive essential information in a language the seafarer understands; and
- (c) ensuring that seafarers are free from fatigue, that rest periods are observed and that watch schedules are posted in accordance with the Watchkeeping arrangements in accordance with Part IV of these Regulations and that these schedules are readily available for inspection by Port State Control officers and seafarers.

(4) The owner of a vessel shall provide vessel-specific introductory programmes aimed at assisting newly employed seafarers to familiarise themselves with all procedures and equipment relating to their area of responsibility.

(5) Every owner shall enter into an employment contract with each seafarer for every voyage, contained in the Agreement to be signed by both the master and the seafarer.

(6) The Agreement shall contain the bio-data of the seafarer required by the Convention.

(7) The Agreement shall indicate the date on which the seafarer was engaged and in what capacity, the seafarer's certificate, the nature of the voyage, and the date of the seafarer's discharge.



## 9. Responsibilities of Owners and Masters

(1) Both the owners and the master to whom these Regulations applies shall ensure that –

- (a) every seafarer employed on the vessel is duly certificated; and
- (b) the vessel is crewed in compliance with the applicable safe crewing requirements prescribed in Part V; and
- (c) documentation and data relevant to all seafarers employed on their vessels are maintained and readily accessible and shall include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties; and
- (d) every seafarer employed on the vessel is familiarised with that seafarer's specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to their routine or emergency duties; and
- (e) the vessel's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

(2) Both the owner and the master of a vessel to whom these Regulations apply shall ensure that every seafarer can make a knowledgeable and informed contribution to the safe operation of the vessel.

(3) The date of engagement and discharge, and vessel's particulars, shall be recorded by the owner or master in the Seaman's Record Book.

## 10. Responsibilities of Master

(1) The master shall take all steps necessary to implement any instructions issued in accordance with Regulation 8, which steps should include –

- (a) identifying all seafarers who are newly employed on board the vessel before they are assigned to any duties; and
- (b) providing the opportunity for all newly arrived seafarers to –
  - (i) visit the spaces, in which their primary duties are to be performed; and
  - (ii) get acquainted with the location, controls and display features of equipment they will be operating or using; and
  - (iii) activate the equipment when possible and perform functions using the controls on the equipment; and
  - (iv) observe and ask questions of someone who is already familiar with the equipment, procedures and other arrangements, and who can communicate information in a language which the seafarer understands; and

- (c) providing for a suitable period of supervision when there is any doubt that a newly employed seafarer is familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties.

(2) Every master shall maintain the Agreement evidencing the contract of employment between the owner and the seafarer for the duration of the voyage.

(3) The master shall sign the Agreement on behalf of the owner and ensure that the seafarer fully understands their meaning before appending his signature or mark.

#### **11. Responsibilities of Seafarers**

(1) Seafarers assigned to a vessel should take full advantage of every opportunity provided to become familiar with the shipboard equipment, operating procedures, and other arrangements needed for the proper performance of their duties, and immediately upon arriving on board for the first time, each seafarer has the responsibility to become acquainted with the vessel's working environment, particularly with respect to new or unfamiliar equipment, procedures, or arrangements.

(2) Seafarers who do not promptly obtain the level of familiarity required for performing their duties shall bring this fact to the attention of their supervisor.

#### **12. Offences and Penalties**

(1) Owners shall comply with all the obligations contained in Regulations 8 and 9.

(2) An owner who fails to comply with any of the provisions contained in Regulations 8 and 9 commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or a term of imprisonment not exceeding 2 years, or both.

(3) Masters shall comply with all of the obligations contained in Regulations 9 and 10.

(4) A master who fails to comply with any of the provisions contained in Regulations 9 and 10 commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

(5) Every seafarer shall comply with all the obligations contained in Regulation 11.

(6) A seafarer who fails to comply with any of the provisions contained in Regulation 11 commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or a term of imprisonment not exceeding 6 months, or both.

### **PART IV - WATCHKEEPING**

#### **13. Watchkeeping Arrangements**

(1) The owner, master, chief engineer officer and all watchkeeping personnel of a vessel to which these Regulations apply shall observe the requirements, principles and guidelines set out in the Convention and the Code to ensure that a safe watch is maintained at all times.

(2) The master of a vessel shall ensure that watchkeeping arrangements are adequate to maintain a safe watch while the vessel is at sea, taking into account the following principles:-

- (a) the officer in charge of a navigational watch is responsible for the safe navigation of the vessel and shall be physically present on the bridge or associated location during his period of duty;
- (b) the radio operator is responsible for maintaining continuous radio watch on appropriate frequencies during his period of duty;
- (c) the officer in charge of an engineering watch shall be immediately available and shall be physically present in the machinery spaces when required.

(3) Appropriate and effective watches shall be maintained for the purpose of safety at all times -

- (a) when the vessel is at anchor or moored; and
- (b) when the vessel is carrying hazardous cargo.

(4) Watchkeeping arrangements and principles to be observed shall be those contained in Section A - VIII/2 of the Code, and due regard shall be had to the guidance contained in Section B - VIII/2 of the Code.

(5) The owner, master, chief engineer officer and all watchkeeping personnel of a vessel to which these Regulations apply who fails to observe the requirements, principles and guidelines in respect of Watchkeeping set out in the Convention and the Code commits an offence and shall, upon conviction, be liable to the penalties set out in Regulation 12.

#### **14. Fitness for Duty**

(1) The system of watches aboard a vessel shall be so arranged and that duties are so organised that -

- (a) the efficiency of all personnel with watchkeeping duties is not impaired by fatigue; and
- (b) the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

(2) Without limiting the general requirements of sub-regulation (1) -

- (a) all seafarers who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period; and
- (b) the hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length; and
- (c) the requirements for the rest periods laid down above need not be maintained in the case of an emergency or drill, or in other over-riding operational conditions; and

- (d) notwithstanding the provisions in paragraphs (a) and (b) above, the minimum period of 10 hours may be reduced to not less than 6 consecutive hours, provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided in each 7 day period; and
- (e) watch schedules shall be posted on board where they are easily accessible.

## **PART V - CREWING**

### **15. Crewing**

(1) The number of seafarers and classes of certificates required for the safe crewing of each class of vessels shall be in accordance with Schedule I of these Regulations.

(2) In addition to the requirements of sub-regulation (1), every passenger vessel shall carry seafarers holding certificates of proficiency in survival craft and rescue boats as required by Schedule II of these Regulations.

(3) The minimum number of Tongan subjects employed on each vessel registered or licensed in Tonga shall be determined by the Minister.

(4) The number of seafarers and classes of certificates for the safe crewing of vessels laid up and securely moored shall be determined by the Minister.

(5) Where a vessel has been crewed in accordance with these Regulations, the Minister shall issue a Safe Crewing Certificate in the form set forth in Schedule III of these Regulations.

### **16. Offences and Penalties**

(1) The owner of a Tongan vessel who engages, or causes or permits to be engaged, as a seafarer a person not duly certificated, commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or a term of imprisonment not exceeding 2 years, or both.

(2) The owner of a Tongan vessel, who causes or permits the vessel to go to sea when it is not safely crewed in accordance with this Part, commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or a term of imprisonment not exceeding 2 years, or both.

(3) The owner of a Tongan vessel, who causes or permits the vessel to go to sea when it is not crewed with the prescribed number of Tongan seafarers, commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

(4) The master of a Tongan vessel, who engages, as a seafarer a person not duly certificated, commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

(5) The master of a Tongan vessel, who takes the vessel to sea when it is not safely crewed in accordance with this Part, commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

(6) The master of a Tongan vessel, who takes the vessel to sea when it is not crewed with the prescribed number of Tongan seafarers, commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

(7) Where these Regulations require a function or service on a vessel to be performed by a seafarer holding an appropriate certificate, a master who requires or permits that function or service to be performed by a seafarer not holding the required certificate, a valid dispensation, or recognition endorsement, commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year, or both.

## **PART VI - TRAINING AND CERTIFICATION**

### **17. Training and Assessment**

(1) The training and assessment of competence of seafarers in Tonga shall be administered, supervised, and monitored in accordance with the provisions of Section-I/6 of the Code.

(2) Every person responsible for the training and assessment of competence of seafarers shall be appropriately qualified in accordance with the provisions of Section A-I/6 of the Code for the type and level of training or assessment involved.

(3) Training programmes provided for seafarers in Tonga shall be those published in the Gazette by the Secretary and shall be conducted in accordance with the provisions of the Convention, STCW Regulations and to the standards required by the Code.

(4) The assessment of competence of seafarers in Tonga shall be in accordance with the provisions of the Convention and STCW Regulations and to the standards specified in relevant Sections of the Code.

(5) Curricula developed for training programmes offered in Tonga shall be based on the relevant IMO Model courses and shall incorporate the relevant requirements of the Code.

(6) The Secretary shall publish standards and procedures for:

- (a) course outlines, detailed curricula and methods of assessment;
- (b) the application for certificates, calculation of sea service and determination of prerequisites;
- (c) conduct of examinations and determination of pass marks;
- (d) the retaking of examinations;
- (e) the format of certificates of discharge;

- (f) training programmes offered in Tonga;
- (g) the payment of examination fees.

### **18. Training Institutions**

(1) The Tonga Maritime Polytechnical Institute shall be designated the primary institution for maritime training and assessment in Tonga.

(2) The Minister in consultation with the Minister of Education may approve, subject to compliance with the provisions of the Convention, STCW Regulations and the requirements of the Code, the training, assessment and issue of assessment certificates by the Tonga Maritime Polytechnical Institute.

(3) The Minister may appoint appropriately qualified Assessors for the particular type and level of training and assessment of competence of seafarers.

(4) The Tonga Maritime Polytechnical Institute may issue assessment criteria for each student who has satisfactorily completed the training programmes as published in the Gazette by the Secretary.

(5) The final assessment certificate issued by the Ministry of Marine and Ports shall be sufficient evidence of that seafarer's competence in the subjects mentioned in the certificate.

(6) The Principal or person in charge of the Tonga Maritime Polytechnical Institute shall maintain a record of the assessment of all seafarers to whom assessment certificates are issued.

### **19. Issue of Certificates**

(1) The Secretary has the authority to approve and issue certificates, exemptions and dispensations; recognise and endorse certificates; and suspend, cancel or take such other administrative action as is reasonably necessary for the proper administration of the training and certification of seafarers in accordance with the provisions of the Convention and the STCW Regulations, and the requirements of the Code.

(2) The Secretary may, at any time, in writing, delegate to the proper officer any or all of the powers referred to in sub-regulation (1), including the authority to issue, endorse, revalidate, suspend or cancel certificates, or issue dispensations.

(3) The classes of certificates that may be issued and the pre-requisites that candidates must satisfy for their issue, shall be those as published in the Gazette by the Secretary.

- (4) Candidates for certification shall provide satisfactory proof of –
  - (a) their identity and age; and
  - (b) their medical fitness, in accordance with Part VII of these Regulations; and
  - (c) completion of sea-going service, training or re-training; and
  - (d) any other requirement of the Administration.

(5) The certificates issued under sub-regulations (1) and (2) shall be in a format similar to that set forth in Section A-I/2 of the Code and shall be in the English language.

(6) No certificates shall be issued to any seafarer unless found duly qualified in accordance with the provisions of Article VI of the Convention and STCW Regulation I/2 and the standards required by the Code.

(7) Any need to wear visual aids to meet the required medical standards shall be recorded on each certificate or endorsement issued.

## **20. Recognition of Certificates**

(1) Certificates issued by Parties to the Convention and endorsed by the issuing State as meeting the provisions of the Convention and Code, as published in the Gazette by the Secretary, shall be recognised in Tonga, provided that such certificate is –

- (a) issued by the Maritime Administration of another Party and meets the provisions of the Code; and
- (b) appropriate to the duties performed by the holder on the vessel; and
- (c) valid under the Convention for the vessel and the voyage on which the vessel is engaged.

(2) Seafarers, who present certificates for recognition shall have, in accordance with STCW Regulation I/10, an appropriate knowledge of the maritime legislation particular to the vessel and its area of operation and relevant to the functions they are permitted to perform.

(3) The Secretary may, under the provisions of STCW Regulation I/10 paragraph 5, if circumstances require, permit a seafarer to serve on a vessel registered in Tonga for a period not exceeding three months while holding an appropriate and valid certificate issued and endorsed by another Party, pending its endorsement for service on vessels registered in Tonga.

(4) The Secretary shall publish in the Gazette a Table of Concordance which lists the Convention equivalent of Certificates of Competency issued under the South Pacific Maritime Code and the Shipping and Navigation Regulations (Cap. 136).

## **21. Endorsements of Certificates**

(1) Where a certificate is to be endorsement shall be made by the Secretary, in the English language, in a format similar to that illustrated in the Code, and may form part of the certificate.

(2) No such endorsement shall be made unless the Administration is satisfied that all the requirements of the Convention have been complied with.

## **22. Revalidation of Certificates**

(1) Every seafarer holding a certificate issued or recognised under these Regulations shall, in order to qualify for seagoing service, be required at intervals not exceeding five years to –

- (a) meet the standards of medical fitness prescribed in the Part VII of these Regulations; and
- (b) establish continued professional competence in accordance with Section A-I/11 of the Code.

(2) Every seafarer holding a qualification issued in accordance with the requirements of STCW Regulations VI/1, VI/2, VI/3 and VI/4 shall be required to demonstrate professional competence in accordance with the requirements of Sections A-VI/1, VI/2, VI/3 and VI/4 as may be relevant, at intervals of not exceeding 5 years.

(3) Where a seafarer seeking revalidation of a certificate produces evidence to the Secretary that he has

- (a) satisfactorily completed a re-training course in emergency procedures, survival functions, occupational safety, and first aid within the last 5 years; or
  - (b) continued competence in those functions,
- and has paid the fee as published in the Gazette by the Secretary, the Secretary may revalidate that seafarer's certificate for a period not exceeding 5 years.

(4) A certificate, which is not so revalidated in accordance with these Regulations, shall not be valid for seagoing service.

### **23. Dispensations**

No dispensation will be issued by the Administration except in strict accordance with Article VIII of the Convention.

### **24. Transitional Provisions**

(1) The transitional provisions in respect of training and certification of seafarers shall be in accordance with Article VII of the Convention and STCW Regulation I/15.

(2) Holders of certificates issued in accordance with the provisions of the Convention which applied immediately prior to 1 February 1997 shall, for service after 1 February 2002, undergo appropriate refresher and updating training and/or assessment to meet the standards of competence for the appropriate certificates specified in Part A of the Code.

### **25. Fees**

The fees payable for receiving applications, assessing competence and issuing certificates under this Part shall be those as published in the Gazette by the Secretary.

### **26. Offences and penalties**

(1) A seafarer who makes a false declaration in order to obtain a certificate or endorsement issued under this Part commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 1 month, or both.



(2) Any seafarer who obtains or uses forged documents or obtains documents by fraud for the purpose of obtaining a certificate commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 1 month, or both.

(3) Any seafarer who issues a false document or forges a document to facilitate the issue of a certificate commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 1 month, or both.

## PART VII - MEDICAL STANDARDS

### 27. Medical Fitness Certificates

Every seafarer employed on a vessel to which the Convention applies shall hold a valid medical fitness certificate if that seafarer -

- (a) is required to be on board by virtue of the vessel's Safe Crewing Certificate; or
- (b) has any responsibility on board relating to emergency procedures; or
- (c) has any watchkeeping responsibilities; or
- (d) has any duties relating to the normal operation of the vessel.

### 28. Standards

(1) The standards of medical fitness for seafarers as required by STCW Regulation I/9 are as published in the Gazette by the Secretary.

(2) Only designated physicians registered under the Health Practitioners Registration Act 1991 or those medical practitioners recognised by the Government for the purpose of conducting medical examinations for seafarers shall conduct medical examinations in accordance with the "Guide to Physicians" as published in the Gazette by the Secretary.

(3) A list of medical practitioners so designated or recognised shall be maintained by the Registrar and made available to other Parties and to owners.

### 29. Medical Certificates

(1) A physician shall, after completing the medical examination of a seafarer under these Regulations, issue a medical certificate to the seafarer in the form determined by the Minister.

(2) The physician shall set out in the medical certificate the physician's assessment of the seafarer's suitability as -

- (a) unfit for service at sea; or
- (b) fit for service at sea, with limitations; or
- (c) fit for service at sea, without limitations.

(3) A physician who assesses a seafarer as fit for service at sea with limitations shall state those limitations on the seafarer's medical certificate.

### 30. Duration

(1) Except where a re-examination is required under Regulation 31, and subject to sub-regulations (2) and (3), a medical certificate shall be valid for a period of time beginning on the day of its issuance -

- (a) in the case of a seafarer 40 years of age and over who holds a certificate, for 2 years; and
- (b) in all other cases, for 3 years.

(2) Where appropriate, taking into account the state of health of the seafarer examined, a physician may issue a medical certificate that specifies a shorter period of validity than the period set out in sub-regulation (1).

(3) Where the period of validity of a medical certificate expires in the course of a voyage, the certificate remains in force until the end of the voyage, or until the end of an additional period of 3 months whichever occurs first.

### 31. Re-examination

The seafarer may at any time be re-examined -

- (a) where the Minister has reason to believe that a re-examination is desirable in order to protect the safety of the vessel or of other seafarers on board the vessel; or
- (b) at the request to the Minister of the seafarer's employer, where the employer has grounds to believe that the seafarer's state of health may constitute a risk to the safety of the vessel or of other seafarers on board the vessel; or
- (c) at the request of the seafarer.

### 32. Review of a Medical Certificate

(1) A seafarer may apply to the Secretary for a review by a reviewing physician of a medical certificate issued under this Part that indicates the seafarer to be -

- (a) unfit for service at sea; or
  - (b) fit for service at sea with limitations.
- (2) The reviewing physician shall be a designated physician.

(3) After reviewing a medical certificate and the state of health of the seafarer to whom it was issued, the reviewing physician may direct that further medical examinations be carried out and may stipulate the examinations to the seafarers or organizations to ensure that they are carried out.

(4) The reviewing physician shall -

- (a) confirm the medical certificate originally issued; or
- (b) where appropriate, based on further examinations conducted pursuant to sub-regulation (3), issue a new medical certificate in the form issued by the Secretary.

### 33. Appeal of a Reviewed Medical Certificate

(1) A seafarer who requested a review of a medical certificate, may appeal to the Minister for a further review of the case by an appeal board if the medical certificate confirmed or issued by the reviewing physician indicates that the seafarer –

- (a) unfit for service at sea; or
- (b) fit for service at sea with limitations.

(2) An application for a review by an appeal board shall be accompanied by a review fee of \$25.00.

(3) On appeal from a seafarer pursuant to sub-regulation (1), the Minister shall appoint an appeal board composed of at least a representative –

- (a) of the Minister;
- (b) proposed by the employer of the seafarer; and
- (c) proposed by the seafarer.

(4) Every appeal board shall be assisted in its deliberations by a physician selected from the designated physicians list by the representatives referred to in sub-regulation (3).

(5) An appeal board has the same power as a reviewing physician and may –

- (a) confirm the medical certificate issued or confirmed by the reviewing physician; or
- (b) where appropriate, based on its deliberations, issue a new medical certificate in the form required by Regulation 29.

(6) An appeal board shall record its decision and the reasons for it in writing and send a copy of it to the Minister, to the seafarer and to the employer of the seafarer.

### 34. Costs of Medical Examinations for Reviews and Appeals

The costs of any medical examination conducted as a result of a review under Regulation 32 or an appeal under Regulation 33 shall be borne by the applicant seafarer.

### 35. Offences and Penalties

(1) No owner shall employ a person as a seafarer unless the seafarer produces a valid medical certificate issued under these Regulations, attesting to the seafarer's fitness –

- (a) to perform the duties for which the seafarer is to be employed; and
- (b) to make the voyage to be undertaken by the vessel.

(2) An owner who employs a seafarer, whose function on the vessel requires a medical certificate without that seafarer having one, commits an offence and is liable upon conviction to a fine not exceeding \$3,000 or a term of imprisonment not exceeding 3 months, or both.

(3) No person shall accept employment as a seafarer on board a vessel unless the seafarer holds a valid medical certificate issued under these Regulations.

(4) A seafarer who accepts employment on a vessel in a function, which requires a medical certificate without having one, commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 1 month, or both.

(5) A seafarer who fails to declare an existing medical pre-condition or illness that would otherwise have led to a determination of his unfitness for duty commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 1 month, or both.

## **PART VIII - QUALITY STANDARDS**

### **36. Application**

(1) The purpose of this Part is to ensure that all training, assessment of competence, certification, endorsement and revalidation activities are continuously monitored through a quality standards system to ensure achievement of the defined objectives, including those concerning the qualifications and the experience of instructors and assessors is in accordance with the provisions of the Code.

(2) This Part shall apply to activities carried out by governmental agencies or entities and non-governmental agencies and entities involved in the training, assessment of competence, certification, endorsement and revalidation required under the Convention.

### **37. Quality Standards**

(1) Quality standards shall be established to cover the administration of the training, examination, and assessment carried out under the authority of the Government of Tonga in accordance with the guidelines set forth in Section B-1/8 of the Code.

(2) Education and training objectives and related standards of competence shall be clearly defined and the levels of understanding and the skills appropriate to the examinations and assessments required by the Convention shall be identified.

### **38. Evaluation**

The Administration shall appoint qualified persons, who are not themselves involved in the activities concerned, to conduct an independent evaluation of the knowledge, understanding, skills and competence acquisition and assessment activities, and the administration of the certification system, at intervals of 5 years in order to verify that -

- (a) all internal management control and monitoring measures and the follow-up actions comply with planned arrangements and documented procedures and are effective in ensuring achievement of the defined objectives; and

- (b) the results of each independent evaluation are documented and brought to the attention of those responsible for the area evaluated; and
- (c) timely action is taken to correct deficiencies.

### 39. Reporting

- (1) The evaluation report required by Regulation 38 shall be submitted to the Minister as soon as it is completed.
- (2) Information relating to the independent evaluation shall be communicated to the Secretary-General of IMO.

## PART IX - IMPARTIAL INVESTIGATIONS

### 40. Application

- (1) This Part makes provision for the conduct of proceedings in any impartial investigation carried out under STCW Regulation 1/5.
- (2) Any investigation conducted on any reported incompetency, act or omission of a seafarer, which may pose a threat to safety of life or property at sea or to the marine environment shall be impartial.
- (3) This Part shall apply to -
  - (a) owners and agents of vessels registered or licensed in Tonga; and
  - (b) all seafarers employed on vessels registered or licensed in Tonga; and
  - (c) all seafarers holding a certificate issued or recognised by the Government of Tonga, and
  - (d) all foreign vessels in Tongan waters.

### 41. Impartial Investigation

- (1) Where the Minister has caused an impartial investigation to be carried out under STCW Regulation 1/5, the following processes and procedures shall be followed to the extent that they are applicable.
- (2) The person conducting an impartial investigation, shall, if he thinks it is advisable, co-opt expert advisers to form a panel to assist in any impartial investigation.
- (3) The person conducting an impartial investigation may regulate the processes and procedures in such a manner as is advisable or necessary in the circumstances subject to sub-regulations (4) and (5).
- (4) Where it is likely during the course of any impartial investigation that the conduct of a seafarer will be called into question or it is likely that a seafarer will be adversely affected by a decision of the inquiry or investigation, the person conducting the inquiry or investigation shall -
  - (a) give that seafarer at least 72 hours notice of the place, day and hour of the inquiry; and

(b) furnish that seafarer –

- (i) a copy of the report of any preliminary investigation in relation thereto; or
- (ii) in any other case, a statement of the case on which the inquiry was so ordered.

(5) Every seafarer whose conduct is likely to be questioned during the course of an impartial investigation, or who is likely to be adversely affected by the decision of the impartial investigation is entitled to –

- (a) attend the investigation and to be represented by counsel;
- (b) be sworn and give evidence before the investigator or panel;
- (c) subpoena and call witnesses;
- (d) examine, cross-examine and re-examine all witnesses in accordance with the rules of procedure and evidence;
- (e) take all proper exceptions to the admissibility of evidence; and
- (f) address the investigator or panel, either at the conclusion or at any other proper time.

(6) A member of the investigation panel may dissent in writing from any report of the Board and an Order shall be made on the majority decision of the members.

(7) Any investigation may determine the costs incurred by that investigation which a seafarer, by Order, may be required to pay.

(8) Where it appears to the Minister to be necessary or desirable to do so, he may order the suspension of any certificate issued to any qualified seafarer under the Act or Regulations, pending the outcome of the investigation.

(9) Where, as the result of an investigation, it is determined that a seafarer whose certificate had been suspended was not unfit to discharge his duties because of incompetence, misconduct or for any other reason, or has not been seriously negligent in the discharge of his duties, the person conducting the investigation may recommend to the Minister that the suspension of the certificate be revoked as soon as practicable and the certificate be returned to the seafarer forthwith.

(10) Assessors appointed to an investigation panel should hold appropriate maritime qualifications and have the necessary experience to provide sound professional advice.

(11) Two or more assessors may be appointed when the investigation is of –

- (a) significant magnitude, such as that involving serious damage to or loss of a vessel, or serious injury to or loss of life of a seafarer, or significant damage to the environment; or

- (b) significant complexity involving several issues.

(12) The person conducting the investigation shall not recommend the cancellation or suspension of the certificate of any Master or qualified seafarer, unless a statement of the reasons for the decision has been furnished to the Master or seafarer holding the certificate, and where practicable, the Master or qualified seafarer has had an opportunity to respond.

(13) Where an impartial investigation is held, no person shall in relation to any person carrying out the inquiry or investigation –

- (a) hinder or obstruct any such person; or
- (b) fail to answer any question put by any person; or
- (c) fail to produce any document or certificate in his possession or under his control when requested to do so by any such person.

#### **42. Immunities**

The person conducting the impartial investigation shall not be liable to any action or suit for any act, matter or thing done, or ordered to be done, by him in good faith in the execution of his duties.

#### **43. Offences and Penalties**

A person who contravenes or fails to comply with Regulation 41 commits an offence and is liable upon conviction to a fine not exceeding \$3,000 or a term of imprisonment not exceeding 3 months, or both.

### **PART X – MARINE RADIO**

#### **44. Radio Regulations**

The Radio Regulations are incorporated into and have the force of law in Tonga.

#### **45. Certification of Radio Personnel**

(1) Every seafarer in charge or performing radio duties on a vessel required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognised by the Minister under the provisions of the Radio Regulations.

(2) Every candidate for certification for service on a vessel under sub-regulation (1), which is required by SOLAS to have a radio installation, shall meet the provisions of STCW Regulation IV/2 and Section A-IV/2 of the Code.

(3) Until 1 February 1999, radio personnel on vessels complying with the provisions of SOLAS, in force immediately prior to 1 February 1992 shall comply with the provisions of the Convention, in force prior to 1 December 1992.

(4) Radio personnel on vessels not required to comply with the provisions of the GMDSS in Chapter IV of SOLAS are not required to meet the provisions of these Regulations. Radio personnel on these vessels' are, nevertheless, required to comply with the Radio Regulations. The Minister shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio personnel.

#### **46. Radio Certificates**

(1) Every seafarer in charge of, or required to perform, radio duties operating with a GMDSS system shall hold:

- (a) On vessels with a Cargo Vessel Safety Radio Certificate or a Passenger Vessel Safety Certificate valid for operation in area A1 only, at least a GMDSS restricted operators certificate issued in accordance with Subsection D of Section IIIA of Article 55 of the Radio Regulations and STCW Regulation IV/2;
- (b) On Vessels with a Cargo Vessel Safety Radio Certificate or Passenger Vessel Safety Certificate valid for operations in areas A1+A2+AI+A2+A3 and A1+A2+A3+A4 at least a GMDSS general operators certificate issued in accordance with Subsection C of Section IIIA of Article 55 of the Radio Regulations and STCW Regulation IV/2;
- (c) An endorsement to an appropriate certificate issued by a Party under this Part which states that the holder is qualified to perform the radio - communication function at the operation level.

(2) Notwithstanding the provisions of sub-regulation (1) of this Regulation, vessels of 300 gross tons or more which operate with a GMDSS radio system in sea areas A2, A3 or A4 shall carry either one first or second class radio electronics officer qualified in accordance with sub-paragraph 1(b), who shall not be the master or in lieu thereof two general operators, one of whom may be the master.

(3) Nothing in this Regulation shall preclude the Secretary or a person delegated by him from varying the requirements for the number of radio personnel required to be carried provided that those requirements comply with the provisions of the Radio Regulations and the Convention.

#### **47. Offences and Penalties**

(1) Owners shall comply with all the obligations contained in this Part, the Convention, the Regulations, the Code, and the Radio Regulations.

(2) An owner who fails to comply with any of the provisions contained in this Part, the Convention, the Regulations, the Code, and the Radio Regulations commits an offence and is liable upon conviction to a fine not exceeding \$25,000, or a term of imprisonment not exceeding 2 years, or both.

(3) Masters shall comply with all of the obligations contained in this Part, the Convention, the Regulations, the Code and the Radio Regulations.



(4) A master who fails to comply with any of the provisions contained in this Part, the Convention, the Regulations, the Code, and the Radio Regulations commits an offence and is liable upon conviction to a fine not exceeding \$10,000, or a term of imprisonment not exceeding 1 year, or both.

(5) Every seafarer shall comply with all the obligations contained in this Part, the Convention, the Regulations, the Code, and the Radio Regulations.

(6) A seafarer who fails to comply with any of the provisions contained in this Part, the Convention, the Regulations, the Code, and the Radio Regulations commits an offence and is liable upon conviction to a fine not exceeding \$3,000 or a term of imprisonment not exceeding 3 months, or both.

## **PART XI – TRANSITIONAL PROVISIONS**

### **48. Validity of the South Pacific Maritime Code**

The certificate structure and the trading limits as found in the South Pacific Maritime Code shall continue to have validity until 1 February 2002.

### **49. Recognition of Certificates**

Prior to the full implementation of the Convention, Regulations, and STCW Code, all certificates issued before 1 August 1998 described in Regulation 20(4) shall continue to be recognized until 1 February 2002.

### **50. Repeal**

Regulations 7, 8, 11 to 16 and the First and Third Schedules of the Shipping and Navigation Regulations are hereby repealed.

Made this 9th day of July, 1998.

Minister of Marine & Ports

**SCHEDULE I****(Regulation 15(1))****CREWING REQUIREMENTS AND CLASSES OF CERTIFICATES**

1. The number of persons holding the requisite certificates for service on vessels to which this Regulation applies shall be in accordance with the following Tables for each of the trade areas prescribed.
2. The Minister may, upon application, grant an exemption to the requirements prescribed in paragraph (1) above if he deems that to do so will be in the public interest and will not compromise the safety of the vessel, its crew, passengers or cargo.
3. Authorities may impose operating limits on a vessel operating a near-coastal voyage.

**UNLIMITED VOYAGES**

## Minimum Grades of Competency

SHIP-GROSS TONNAGE (LENGTH)	MASTER	CHIEF MATE if required	W/KEEPER if required	ADDITIONAL W/KEEPER if required	W/KEEPER RATINGS if required
3,000 GT and over	Class 1 Master	Class 2 Master	W/keeper	W/keeper	Rating
3,000 Gt to 500 GT	Class 2 Master	Class 2 Master	W/keeper	W/keeper	Rating
500 GT to 80 GT	Class 2 Master	W/keeper	W/keeper		Rating
80 GT to 20 GT	Class 2 Master	W/keeper			Rating
< 20 GT	Class 2 Master	W/keeper			

**NEAR-COASTAL VOYAGES**

## Minimum Grades of Competency

SHIPS-GROSS TONNAGE (LENGTH)	MASTER	CHIEF MATE if required	W/KEEPER if required	ADDITION-W/KEEPER if required	W/KEEPER RATINGS if required
>3,000 GT	Class 1 Restricted Master	Class 2 Restricted Master	W/keeper	W/keeper	Rating
3000 GT to 1600 GT	Class 2 Restricted Master	Class 3 Restricted Master	W/keeper	W/keeper	Rating
1600 GT to 1000 GT	Class 3 Master	Class 4 Master	Class 5 Master		Rating
1000 GT to 500 GT	Class 4 Master	Class 5 Master	Class 5 Master		Rating
500 GT to 20 GT	Class 5 Master	Class 5 Master			Rating Rating
< 20 Gt	Class 6 Master/Eng				Rating

Note : W/keeper - Watchkeeper.

**FISHING VESSELS UNLIMITED VOYAGES****Minimum Grades of Competency**

<b>SHIP' GROSS TONNAGE (LENGTH)</b>	<b>MASTER</b>	<b>CHIEF MATE if required</b>	<b>W/KEEPER if required</b>	<b>ADDITIONAL W/KEEPER if required</b>	<b>FISHING DECK- HANDS if required</b>
>3,000 GT  (>95 M)	Class 1 (F) Master	Class 2 (F) Master	W/keeper (F)	W/keeper (F)	2 holding PIQFD, all others to hold Safety Certificates
3,000 GT to  500 GT  (60-95 M)	Class 2 (F) Master	Class 2 (F) Mate	W/keeper (F)	W/keeper (F)	2 holding class 1 PIQFD, all others to hold Safety Certificates
500 GT to  80 GT (25-60 M)	Class 2 (F) Master	W/keeper (F)	W/keeper (F)		All to hold Safety Certificates
80 GT to  20 GT (15-25) M)	Class 2 (F) Master	W/keeper (F)			All to hold Safety Certificates
< 20 GT  (15-7 M)	Class 2 (F) Master	W/keeper (F)			All to hold Safety Certificates

**FISHING VESSELS NEAR-COASTAL VOYAGES**

Minimum Grades of Competency

<b>SHIP- TONNAGE  (LENGTH)</b>	<b>MASTER</b>	<b>CHIEF MATE  as required</b>	<b>W/KEEPER  as required</b>	<b>ADDITIONAL W/KEEPER  as required</b>	<b>FISHING DECK- HANDS  as required</b>
>3,000 GT  (> 95 M)	Class 2 (F)  Restricted Master	Class 2 (F)  Restricted Master	W/keeper (F)	W/keeper (F)	2 holding class 1 PIQFD, all others to hold Safety Certificates
3,000 GT to 1,600 GT  (75-95 M)	Class 2 (F)  Restricted Master	Class 2 (F)  Restricted Master	W/keeper (F)	W/keeper (F)	2 holding class 1 PIQFD, all others to hold Safety Certificates
1,600 GT to 1,000 GT  (50-75 M)	Class 3 (F)  Master	Class 4 (F)  Master	Class 5 (F)  Master		2 holding class 1 PIQFD, all others to hold Safety Certificates
1,000 GT to 500 GT (30-50 M)	Class 4 (F)  Master	Class 5 (F)  Master	Class 5 (F)  Master		All to hold Safety Certificates
500 GT to 20 GT (15-30 M)	Class 5 (F)  Master	Class 5 (F)  Master			All to hold Safety Certificates
< 20 GT  (15-7 M)	Class 5/6 (F)  Master/ Eng.				All to hold Safety Certificates

Note: PIQFD - Pacific Islands Qualified Fishing Deckhand.

**UNLIMITED VOYAGES**

## Minimum Grades of Competency

ENGINE POWER	CHIEF ENG	2 <sup>nd</sup> ENG as required	W/KEEPER as required	ADDITIONAL W/KEEPER as required	W/KEEPER RATINGS as required
>3,000 kW	Class 1 Eng.	Class 2 Eng.	Eng./W/ keeper	Eng./W/ keeper	Rating
3,000 kW to 750 kW	Class 2 Eng.	Class 2 Eng.	Eng./W/ keeper	Eng./W/ keeper	Rating
700 kW to 500kW	Class 3 Eng.	Class 3 Ch/Eng.			Rating
500 kW to 250 KW	Class 4 Eng.				Rating
<250 kW	Class 4 Eng.				Rating

**NEAR-COASTAL VOYAGES**

## Minimum Grades of Competency Required

ENGINE POWER	CHIEF ENG	2 <sup>nd</sup> ENG as required	W/KEEPER as required	ADDITIONAL W/KEEPER as required	W/KEEPER RATINGS as required
>3,000 kW	Class 1  Restricted Eng.	Class 2  Restricted Eng.	Eng./W/ keeper	Eng./W/ keeper	Rating
3,000 kW to 2,000 kW	Class 2 Restricted Eng.	Class 3 Restricted Eng.			Rating
2,000 kW to 1,500 kW	Class 3 Eng. Restricted	Class 4 Eng. Restricted			Rating
1,500 kW to 250 kW	Class 4 Eng. Restricted	Class 5 Eng. (Note)			Rating
<250 kW	Class 5/6 Eng. (Note)				Rating

Note : The Maritime Administration may allow a reduction of these requirements in special circumstances.

**SCHEDULE II****(Regulation 15(2))****NUMBER OF CERTIFICATES OF PROFICIENCY - PASSENGER VESSELS**

<b>TYPE AND CHARACTERISTICS OF SURVIVAL CRAFT OR SYSTEM</b>	<b>QUALIFIED PERSONS</b>
Lifeboat boarded at the stowed position and capable of being released and lowered from inside	2 per boat
Lifeboat boarded at stowed position and capable of being lowered from inside after being released externally	2 persons, plus 1 for every 2 boats
Lifeboat, both released and lowered from the vessel	3 per boat
Davit-launched liferaft	1 per liferaft, plus 1 per each davit
Marine escape system	4 per system, plus 1 for each raft associated with each system

**SCHEDULE III****(Regulation 15(5))****SAFE CREWING CERTIFICATE****MINISTRY OF MARINE AND PORTS**

Address:

P O Box 144

Nuku'alofa

Tonga

Telephone:

Fax No:

Name

Call Sign

Port of Registry

Type

Gross Tonnage

Trading Area

Main Propulsion Engine

Electric Plant

Classification Society

Working Condition

IMO No.

Safe crewing for operation with periodically uncrewed engine room and for safety related duties to be in accordance with the Shipping Act (Cap. 136) and the Shipping (STCW Convention) Regulations.

**For Unlimited Trade/Near Coastal    Minimum Qualifications    Quantity**

Master

Mate

Watch Keeper Deck

Extra Watch Keeper

Chief Engineer

2nd Engineer

Watch Keeper Engine

Deck Ratings

Engine Ratings

Date .....

Secretary for Marine and Ports .....



**LAO KI HE FOLAU VAKA (VAHE 136)  
(Kupu 206)**

**NGAAHI TU'UTU'UNI (KONIVESIO STCW) KI HE FOLAU VAKA 1998**

**KONGA I - TALATEU**

1. Hingoa Nounou
2. 'Uhinga'i Lea
3. Konivesio STCW
4. Ngaue'aki

**KONGA II - PULE**

5. Ngaahi Founa Pule'i
6. Lesisita 'o e Kau Kaivai mo e Ngaahi Tohi Fakamo'oni
7. Ngaahi Hia mo e Ngaahi Tautea

**KONGA III - NGAACHI FATONGIA 'O E KAKAI 'OKU  
'ONAUTOLU 'A E VAKA MO E NI'IHI KEHE**

8. Ngaahi Fatongia 'o e Kakai 'oku 'onautolu 'a e Vaka
9. Ngaahi Fatongia 'o e kakai 'oku 'onautolu 'a e Vaka mo e kau 'Eikivaka
10. Ngaahi Fatongia 'o e 'Eikivaka
11. Ngaahi Fatongia 'o e kau Kaivai
12. Ngaahi Hia mo e Ngaahi Tautea

**KONGA IV - TAUHI LE'O**

13. Fokotu'utu'u 'o e Tauhi Le'o
14. Fe'unga Fakasino ki he Ngaue

**KONGA V - KAU KAUVAKA**

15. Ngaue Fakakaauvaka
16. Ngaahi Hia mo e Ngaahi Tautea

**KONGA VI - AKO MO E MA'U TOHI FAKAMO'ONI**

17. Ako mo e Sivi
18. Ngaahi 'Apiako
19. Foaki 'o e Ngaahi Tohi Fakamo'oni
20. Tali 'o e Ngaahi Tohi Fakamo'oni
21. Fakamo'oni Poupou'i 'o e Ngaahi Tohi Fakamo'oni
22. To e Faka'aonga'i 'o e Ngaahi Tohi Fakamo'oni
23. Ngaahi Faka'ataa
24. Ngaahi Tu'utu'uni 'e Feliliu'aki
25. Ngaahi Tofongi
26. Ngaahi Hia mo e Ngaahi Tautea

**KONGA VII – NGAahi TU'UNGA FAKAFAITO'O**

27. Ngaahi Tohi Fakamo'oni Mo'ui Lelei
28. Ngaahi Tu'unga
29. Ngaahi Tohi Fakamo'oni Fakafaito'o
30. Taimi 'Aonga
31. To e Sivi
32. To e Vakai'i 'o ha Tohi Fakamo'oni Fakafaito'o
33. Tangi 'i ha Tohi Fakamo'oni Fakafaito'o na'e to e Vakai'i
34. Ngaahi Totongi 'o e Sivi Fakafaito'o 'i hono To e Vakai'i mo e Ngaahi Tangi
35. Ngaahi Hia mo e Ngaahi Tautea

**KONGA VIII – NGAahi TU'UNGA POTO FE'UNGA**

36. Tohi Kole
37. Ngaahi Tu'unga Poto Fe'unga
38. Fakatuofua'i
39. Lipooti

**KONGA IX – NGAahi FAKATOTOLO TA'EFILIFILIMANAKO**

40. Tohi Kole
41. Fakatotolo Ta'efilifilimanako
42. 'Ikai Mo'ua
43. Ngaahi Hia mo e Ngaahi Tautea

**KONGA X – LETIO FAKAFOLAU TAHI**

44. Ngaahi Tu'utu'uni Letio
45. Ma'u Tohi Fakamo'oni 'a e Kau Ngaue Letio
46. Ngaahi Tohi Fakamo'oni Letio
47. Ngaahi Hia mo e Ngaahi Tautea

**KONGA XI – NGAahi TU'UTU'UNI 'E FELILIU'AKI**

48. Kouti ki Tahī 'a e Pasifiki Tonga
49. Tali 'o e Ngaahi Tohi Fakamo'oni
50. Fakapekia

**NGAAHI TEPILE**

- TEPILE I – Ngaahi Tu'utu'uni ki he Kauvaka mo e ngaahi Kalasi 'o e ngaahi Tohi Fakamo'oni.
- TEPILE II – Lahi 'o e ngaahi Tohi Fakamo'oni ki he Ma'u Poto mo e Taukei – Ngaahi Vaka Pasese.
- TEPILE III – Tohi Fakamo'oni malu ki he Ngaue Fakakauvaka.

# FAKALAHI KI HE KASETE 'A E PULE'ANGA TONGA

## KASETE MAKEHE

Fika. 4

FALAITE 31, SIULAI

1998.

### LAO KI HE FOLAU VAKA (KUPU 136) (VAHE 206)

#### NGAAHI TU'UTU'UNI (KONIVESIO STCW) KI HE FOLAU VAKA 1998

'I hono ngaue'aki 'a e ngaahi mafai kuo foaki 'e he Kupu 206 'o e Lao ki he Folau Vaka (Vahe 136), 'oku fokotu'u ai 'e he Minisita ki he Malini mo e Ngaahi Taulanga 'i he loto ki ai 'a e Kapineti 'a e Ngaahi Tu'utu'uni ni.

#### KONGA I - TALATEU

##### 1. Hingoa Nounou

Ko e Ngaahi Tu'utu'uni ni 'e ui ko e Ngaahi Tu'utu'uni (Konivesio STCW) ki he Folau Vaka 1998.

##### 2. 'UHINGA'I LEA

(I) 'I he Ngaahi Tu'utu'uni ni, tukukehe ka fiema'u 'e he kupu hano 'uhinga kehe -

"Lao" 'oku 'uhinga ia ki he Lao ki he Folau Vaka (Vahe 136) 'o hange ko hono fakatonotonu;

"Pule" 'oku 'uhinga ia ki he Potungae 'o e Malini mo e Ngaahi Taulanga, 'a ia kuo pau ke ne tokanga'i 'a hono fakahoko 'o e Konivesio;

"Aleapau" kuo pau ke 'uhinga tatau mo ia 'i he Lao;

"Tohi Fakamo'oni fe'unga" 'oku 'uhinga ia ki ha Tohi Fakamo'oni 'oku ma'u 'e ha kaivai 'oku taau mo e lahi, fa'ahinga, feitu'u 'oku folau ki ai mo e hoosi paa'o 'o e vaka 'o fakatatau ki he ngaahi tu'unga 'e pulusi 'i he Kasete 'e he Sekelitali.

"Tohi Fakamo'oni" 'oku 'uhinga ia -

(a) ki ha Tohi Fakamo'oni 'o e poto mo e taukei 'oku foaki ki ha kaivai 'i he Kupu 59 'o e Lao pea fakatatau ki he Konga VI 'o e Ngaahi Tu'utu'uni ni; pe

(b) ki ha Tohi Fakamo'oni 'oku to e faka'aonga'i 'i he Tu'utu'uni 22; pe

(c) ki ha Tohi Fakamo'oni 'o e poto mo e taukei 'oku foaki ki ha kaivai 'e ha pule fakafolau tahi 'o ha Fa'ahi Aleapau pea tali 'e he Sekelitali 'o fakatatau ki he Tu'utu'uni 20.

"Feitu'u Fakatu'utamaki" fekau'aki mo e ngaahi founga pule'i 'a ia 'oku ha 'i he Tu'utu'uni 5 'oku kau ai 'a e fepaki, tukia pe

toka; tukuange ta'efakalao 'o ha me'a mei he vaka, ngaahi ngaue 'e ala fakatu'utamaki ki he kau kaivai, koloa mo e 'ataakai mo' ha fa'ahinga fehalaaki 'i he ngaahi naunau 'o e vaka pe ko e ngaahi tohi;

"**Kouti**" 'oku 'uhinga ia ki he Kouti Ako, Tohi Fakamo'oni mo e Tauhi Taimi 'a e kau Kauvai, 'oku fakapipiki ko e Tu'utu'uni 2 ki he Lao Fakamuimui 'o e Konifelenisi STCW 'o e 1995;

"**Konivesio**" 'oku 'uhinga ia ki he Konivesio Fakavaha'apule'anga ki he Ngaahi Tu'unga 'o e Ako, Tohi Fakamo'oni mo e Tauhi Le'o ki he kau Kaivai 1978, 'o hange ko hono fakatonutonu 'i he 1995 mo ha to e fakatonutonu kehe 'oku tali 'e pe 'oku kau ki ai 'a Tonga;

"**Ngaahi Fehalaaki**" fekau'aki mo e ngaahi feitu'u fakatu'utamaki 'oku kau heni 'a e 'ikai ma'u ha Tohi Fakamo'oni fe'unga; 'ikai ke muimui ki he ngaahi tu'utu'uni 'a e Tohi Fakamo'oni Malu 'a e Ngaue Fakakauvaka; ngaahi fokotu'utu'u ki he le'o 'a ia 'oku 'ikai muimui ki he ngaahi fokotu'utu'u 'oku fai 'e he Pule'anga 'oku 'o'ona 'a e Fuka; 'ikai ke 'i ai ha taha kaivai ma'u poto fe'unga ke ne le'o; 'ikai malava ke le'o ha kau kaivai kuo nau ma'u ha malolo fe'unga pe ko ha kau kaivai, 'oku, taau mo e fa'ahinga ngaue ko ia;

"**Faka'ataa**" 'oku 'uhinga ia ki ha faka'ataa mei ha tu'utu'uni 'a e Ngaahi Tu'utu'uni ni pe ko e Konivesio pe ko e Ngaahi Tu'utu'uni STCW pe ko e Kouti, 'a ia kuo foaki fakalukufua pe 'i ha me'a pau 'e he Sekelitali 'i he Tu'utu'uni 23;

"**Kuo Ma'u Tohi Fakamo'oni**" fekau'aki mo ha kaivai, 'oku 'uhinga ia ki he ma'u 'o ha Tohi Fakamo'oni kei 'aonga 'oku ha ai 'oku ma'u 'e he taha 'oku ne ma'u ia 'a e poto fe'unga ke ne 'i he lakanga ko ia 'i he fa'ahinga toni, malohi mo e founa 'oku fakalele 'aki 'a e vaka, kalasi 'o e vaka mo e folau ko ia pea ke ne fakahoko 'a e ngaahi ngaue 'i he tu'unga 'o e fa'ahinga fatongia 'oku fakamahino 'i 'i he Tohi Fakamo'oni;

"**Fakamo'oni Poupou**" 'oku 'uhinga ia ki ha fakamo'oni poupou 'i 'o ha tohi fakamo'oni 'e he Sekelitali 'o fakatatau ki he Tu'utu'uni 21 pe 'e ha Pule Fakafolau Tahii 'o ha Fa'ahi 'e taha;

"**Pule'anga**" 'oku 'uhinga ia ki he Pule'anga 'o Tonga;

"**IMO**" 'oku 'uhinga ia ki he Kautaha ki Tahii Fakavaha'apule'anga;

"**Apiako Folau Tahii**" 'oku 'uhinga ia ki ha 'apiako kuo tali 'e he Pule'anga ke ako 'i ai 'a e kau kaivai 'i he levolo 'oku tu'utu'uni 'e he Konivesio pea ke foaki ai 'a e ngaahi Tohi Fakamo'oni ako STCW 'e he Pule'anga;

"**Taha 'oku 'o'ona**" 'oku 'uhinga ia ki he taha 'oku 'o'ona pe ko e taha 'oku ne pule 'i pe ko e taha no vaka pea 'oku kau heni 'a e "kautaha" 'o hange ko hono fakamatala 'i 'i he Tu'utu'uni STCW I/1;

"Fa'ahi" 'oku 'uhinga ia ki ha Fa'ahi ki he Konivesio;

"Toketa" 'oku 'uhinga ia ki ha taha 'oku lolotonga 'i ai ha'ane laiseni ngaue fakafaito'o kuo foaki 'i he Lao ki he Lesisita 'o e Kau Ngaue ki he Mo'ui 1991, pe 'e ha ma'u mafai foaki laiseni pehee 'oku tali 'e he Pule'anga;

"Toketa kuo fokotu'u" 'oku 'uhinga ia ki ha tokotaha 'oku 'ilo ki he mala'e 'o e folau tahi pea kuo fokotu'u 'e he Minisita pe ko ha kau toketa 'oku tali 'e he Pule'anga ke nau fakahoko 'a e ngaahi sivi fakafaito'o 'o e kau kaivai;

"Kaivai" 'oku 'uhinga ia ki ha taha 'oku 'i ai ha'ano lakanga 'i he vaka pea 'oku kau heni ha taha 'oku fakangaue'i, pe 'oku ne kumi ngaue, he hoko ko ha 'Eikivaka, 'ofisa, pe ha kauvaka ta'e 'ofisa 'i he vaka;

"Kauvaka" 'oku 'uhinga tatau pe mo e kaivai;

"Ngaue Fakakauvaka" 'oku 'uhinga ia ki he ngaue 'i he funga vaka felave'i mo e foaki 'o ha Tohi Fakamo'oni pe ngaahi Tohi Fakamo'oni pota kehe;

"SOLAS" 'oku 'uhinga ia ki he Konivesio Fakavaha'apule'anga ki he Malu 'a e Mo'ui 'i Tahī, 1974, 'o hange ko hono fakatonutonu 'e he Talite 'o e 1978 mo e 1988 mo ha ngaahi Fakatonutonu kehe mei he taimi ki he taimi 'oku ngaue'aki 'e he IMO pea tali 'e he Pule'anga.

"Ngaahi Tu'utu'uni STCW" 'oku 'uhinga ia ki he Ngaahi Tu'utu'uni 'oku ha 'i he Fakalahi ki he Konivesio;

"Kaivai Tonga" 'oku 'uhinga ia ki ha tokotaha Tonga 'i he 'uhinga 'o e Lao ki he Kakai 'o e Fonua (Vahe 59);

"Vaka Tonga" 'oku 'uhinga ia ki ha vaka 'oku lesisita pe 'oku laiseni 'i Tonga.

(2) 'O fakatatau ki he Tu'utu'uni STCW 1/3, kuo pau ke ngaue'aki 'a e ngaahi fo'i lea ko 'eni ki he Ngaahi Tu'utu'uni ni:-

"Folau Fakalotofonua" 'oku 'uhinga ia ki ha folau 'i he vaha'a 'o ha taulanga pe feitu'u 'i Tonga ni mo ha taulanga pe feitu'u 'i Tonga ni;

"Folau Ta'efakangatangata" 'oku 'uhinga ia ki ha folau 'i he vaha'a 'o ha taulanga pe feitu'u 'i tu'a 'i he feitu'u 'oku fakatangata 'e he

(a) ongo paleli 'o e latitude 15 Noate mo e 47 Saute; mo e

(b) ongo melitane 'o e longitude 130 'Isite mo e 130 Uesite; mo e

pea mo ha taulanga pe feitu'u 'e taha 'i loto pe 'i tu'a 'i he feitu'u ko ia.

(3) Fakatatau ki he Konga X, Letio Fakafolau Tahī, 'e ngaue'aki 'a e ngaahi fo'i lea ko 'eni:-

"Ngaahi Tu'utu'uni Letio" 'oku 'uhinga ia ki he Ngaahi Tu'utu'uni Letio 'oku fakapipiki ki he, pe 'oku lau 'oku fakapipiki ki he, Konivesio Fetu'utaki Fakaletio Fakavaha'apule'anga 'a ia 'e lava ke ngaue'aki 'i he fa'ahinga taimi pe.

"GMDSS" 'oku 'uhinga ia ki he founa fakamamani lahi ki he tala 'o ha fakatu'utamaki lahi mo e malu 'a e folau tahi 'o hange ko ia 'oku tu'utu'uni 'i he SOLAS.

(4) Ka 'i ai ha fo'i lea 'i he Ngaahi Tu'utu'uni ni 'oku faka'uhinga'i 'i he 'Atikoa II 'o e Konivesio pe 'i he Tu'utu'uni STCW I/1, kuo pau ke 'uhinga tatau pe 'a e fo'i lea ko ia mo ia 'i he Konivesio pe ko e Ngaahi Tu'utu'uni STCW, tukukehe ka 'oku 'ange 'e he Ngaahi Tu'utu'uni ai ha 'uhinga kehe ki he fo'i lea ko ia.

### 3. Konivesio STCW

(1) Kuo pau ke lau fakataha'i 'a e Ngaahi Tu'utu'uni STCW mo e Kouti pea kuo pau ke ne ma'u 'a e mafai tatau mo e lao 'i Tonga 'i he me'a pe ko ia 'oku ala ngaue'aki ki ai, pea 'i he me'a pe ko ia 'oku tatau ai mo e Ngaahi Tu'utu'uni ni pea mo e Lao mo e ngaahi Lao tohi kehe 'o Tonga.

(2) Kuo pau ke uta 'a e Konivesio, Ngaahi Tu'utu'uni STCW, mo e Kouti 'i he ngaahi vaka kotoa pe 'oku lesisita 'i Tonga 'a ia 'oku kau ki ai 'a e Konivesio.

(3) Kuo pau ke uta 'a e Ngaahi Tu'utu'uni ni 'i he ngaahi vaka kotoa pe 'oku lesisita 'i Tonga 'a ia 'oku kau ki ai 'a e Konivesio.

(4) Ko e ngaahi founa ki he ako, sivi mo e ma'u Tohi Fakamo'oni 'a ia 'oku 'ikai ha tu'utu'uni ki ai 'a e Konivesio, Ngaahi Tu'utu'uni STCW mo e Kouti kuo pau ke tatau mo ia 'oku ha 'i he Kouti ki Tahī 'a e Pasifiki Tonga 1986, 'a ia na'e pulusi 'e he Sekeliteliate 'o e Folamu ki he Pasifiki Tonga pea mo fakatonutonu mei he taimi ki he taimi.

(5) Ko e ngaahi angafai mo e ngaahi founa ki hono foaki 'o e ngaahi Tohi Fakamo'oni 'o fakatatau ki he Kouti ki Tahī 'a e Pasifiki Tonga kuo pau, 'i he me'a pe ko ia 'oku ala ngaue'aki ki ai, ke hange ko ia 'oku ha atu 'i he Ngaahi Tu'utu'uni ni.

### 4. Ngaue'aki

(1) Kuo pau ke ngaue'aki 'a e Ngaahi Tu'utu'uni ni -

- (a) ki he ngaahi vaka kotoa pe 'oku lesisita pe 'oku laiseni 'i Tonga;
- (b) ki he kau kaiwai kotoa pe 'oku nau ngaue 'i he ngaahi vaka 'oku lau ki ai 'i he palakalafi (a);
- (c) ki he tokotaha kotoa pe 'oku 'o'ona mo e kau 'Eikivaka kotoa pe 'o e ngaahi vaka 'oku lau ki ai 'i he palakalafi (a);
- (d) ki he kau kaiwai kotoa 'a ia ko ha tokotaha Tonga pe ko kinautolu 'oku ma'u Tohi Fakamo'oni 'a ia 'oku tali pe kuo fakamo'oni 'i 'e he Pule'anga;

- (e) ki he ngaahi 'apiako folau tahi kotoa pe 'oku tu'u 'i Tonga; pea
- (f) ki he ngaahi Tohi Fakamo'oni kotoa pe kuo foaki pea mo tali 'e he Pule'anga.

(2) Neongo 'a e 'Atikolo III 'o e Konivesio, kuo pau ke ngaue'aki 'a e Ngaahi Tu'utu'uni ni ki he ngaahi vaka toutai, ka 'e 'ikai kamata ngaue'aki leva kae'oua ke a'u ki he 'aho 31 'o Ma'asi 1999.

(3) Koe'uhi ko e ngaahi taumu'a 'o e pule 'i he Konga II, kuo pau ke ngaue'aki 'a e ngaahi tu'utu'uni 'a e Konivesio, Ngaahi Tu'utu'uni STCW mo e Kouti -

- (a) ki he ngaahi vaka muli kotoa pe 'oku 'i he potu tahi 'o Tonga; pea
- (b) ki he taha kotoa pe 'oku 'o'ona mo e 'Eikivaka kotoa pe 'o e ngaahi vaka muli 'oku 'i ha potu tahi 'o Tonga; pea
- (c) ki he kau kaivai kotoa pe 'oku ngaue 'i ha ngaahi vaka muli 'oku 'i he potu tahi 'o Tonga.

## KONGA II - PULE

### 5. Ngaahi Founa Pule

(1) Ko ha taha savea kuo fokotu'f 'i he Kupu 123 'o e Lao pea fakamafai 'i ke ne heka ki ha fa'ahinga vaka 'o fakatatau ki he Kupu 126(2)(b) 'o e Lao, 'e ngofua ke ne ngaue'aki 'a e ngaahi angafai 'o e pule 'a ia 'oku fakamatala 'i 'i he 'Atikolo X mo e Tu'utu'uni STCW 1/4 mo e Kupu 66 'o e Lao.

(2) 'I he 'ikai ke 'i ai ha ngaahi feitu'u fakatu'utamaki ke fai ai ha tui 'oku 'ikai tauhi 'a e ngaahi tu'unga 'o e Konivesio mo e Kouti, kuo pau ke fakangatangata pe 'a e pule ki hono fakamo'oni 'i 'oku kei 'aonga 'a e ngaahi Tohi Fakamo'oni kotoa pe pea 'oku fakatatau 'a e tokolahi 'o e kau kavaka mo e ngaahi Tohi Fakamo'oni ki he Tohi Fakamo'oni Malu ki he Ngaue Fakakavaka.

(3) 'I he 'i ai ha ngaahi feitu'u fakatu'utamaki ke fai ai ha tui 'oku 'ikai tauhi 'a e ngaahi tu'unga 'o e Konivesio mo e Kouti, 'e ngofua ke sivi 'i 'a e poto mo e taukei 'a e kau kaivai 'o fakatatau ki he ngaahi founa pule 'a ia 'oku fakamahino 'i 'i he Kupu A-1/4 'o e Kouti.

### 6. Lesisita 'o e Kau Kaivai mo e Ngaahi Tohi Fakamo'oni

(1) Ko e 'Ofisi Ngaue 'o e Kau Kavaka, 'a ia 'oku fokotu'u 'i he Lao, kuo pau ke tauhi ai ha Lesisita 'o e kau kavaka pea kuo pau, 'o tanaki atu ki he ngaahi me'a ke fakahu ki ai 'i he kupu 67 'o e Lao, ke lekooti ai fekau'aki mo e kau 'Eikivaka, kau 'ofisa mo e kau kavaka ta'e 'ofisa, 'a e ngaahi fakaikiiki 'o e ngaahi tohi ngaue kuo foaki atu 'i he Ngaahi Tu'utu'uni ni, kau ai 'a e -

- (a) ngaahi Tohi Fakamo'oni kotoa pe kuo foaki;
- (b) ngaahi fakamo'oni pou pou kotoa pe kuo 'ai ki he ngaahi Tohi Fakamo'oni;

- (c) ngaahi Tohi Fakamo'oni kotoa pe kuo ta'ofi fakataimi pe kaniseli;
- (d) ngaahi Tohi Fakamo'oni kotoa pe na'e foaki 'e ha fonua kehe ka 'oku tali ke faka'aonga'i 'i he ngaahi vaka Tonga;
- (e) ngaahi faka'ataa kotoa pe kuo foaki;
- (f) ngaahi Tohi Fakamo'oni kotoa pe 'oku foaki pe 'oku tali ke to e faka'aonga'i;
- (g) ngaahi Tohi Fakamo'oni kotoa pe 'oku foaki ke fetongi 'a e ngaahi Tohi Fakamo'oni kuo mole pe kuo 'osi hono taimi 'aonga.
- (h) ngaahi Tohi Fakamo'oni Mo'ui Lelei kotoa pe 'oku foaki ki he kau kaivai 'o fakataua ki he Konga VII.

(2) Kuo pau ke fakafaingamalie'i 'e he 'Ofisi Ngaue 'a e Kau Kauvaka 'a e ngaahi fakamatala 'i he Lesisita ki he Sekelitali, Sekelitali-Seniale 'o e IMO, fa'ahinga Fa'ahi, pe ha taha 'oku 'o'ona 'a ia 'oku ne fiema'u ke 'ilo pe 'oku mo'oni mo kei 'aonga 'a e ngaahi Tohi Fakamo'oni mo e ngaahi fakamo'oni poupuu kuo foaki.

#### 7. Ngaahi Hia mo e Ngaahi Tautea

(1) Fekau'aki mo e Ngaahi Tu'utu'uni ni, pe ko e Konivesio, pe ko e Ngaahi Tu'utu'uni STCW, pe ko e Kouti, ka 'i ai ha taha -

- (a) 'oku fakahoko ha fa'ahinga me'a 'oku tapui; pe
- (b) 'ikai ke ne fakahoko ha me'a 'oku fiema'u ke fakahoko; 'oku ne fakahoko ha hia pea, kapau 'oku 'ikai ha tautea ki ai, kuo pau ke ne mo'ua 'oka halaia ki he tautea ko ia 'oku ha 'i he tu'utu'uni-si'i (2).

(2) Kuo pau ko e ngaahi tautea leva 'eni:

- (a) Ki he kakai 'oku 'onautolu 'a e vaka, kau fakafofonga mo e kau pule 'o e vaka -

ko ha tautea pa'anga 'e 'ikai laka hake 'i he \$20,000 pe ko e ngaue popula 'i he vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e 2, pe fakatou'osi;

- (b) Ki he kau 'Eikivaka -

ko ha tauea pa'anga 'e 'ikai laka hake 'i he \$5,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 6, pe fakatou'osi.

- (c) Ki he kau 'ofisa pe kau kaivai -

ko ha tautea pa'anga 'e 'ikai laka hake 'i he \$3,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he mahina 'e 3, pe fakatou'osi.



**KONGA III – NGAABI FATONGIA 'O E KAKAI 'OKU  
'ONAUTOLU 'A E VAKA MO E NI'IHI KEHE**

**8. Ngaahi Fatongia 'o e Kakai 'oku 'onautolu 'a e Vaka**

(1) Kuo pau ke fakangaue'i 'e he taha 'oku 'o'ona 'a e vaka 'oku ngaue'aki ki ai 'a e Ngaahi Tu'utu'uni ni ha kau kaivai ke nau ngaue 'i he vaka 'o fakatatau ki he Konivesio.

(2) Kuo pau ke 'atu 'e he taha 'oku 'o'ona 'a e vaka ki he 'Eikivaka ha fakahinohino 'oku tohi ai 'a e ngaahi founa ngaue mo e ngaahi founa ngaue ke muimui ki ai ke fakapapau'i 'oku 'ange ha faingamalie ki he kau kaivai kotoa pe 'i he vaka ke nau maheni mo e –

- (a) naunau 'o e vaka mo e founa hono ngaue'aki; pea mo ha
- (b) fa'ahinga fokotu'utu'u kehe 'e fiema'u ke fakahoko lelei 'aki 'enua ngaahi ngaue kimu'a pea toki vahé kinautolu ki he ngaahi ngaue ko ia.

(3) Ko e ngaahi founa fakalele mo e ngaahi founa ngaue 'oku lau ki ai 'i he tu'utu'uni-si'i (2) kuo pau ke kau ai –

- (a) hono tuku atu ha vaha'a taimi fe'unga ke ma'u faingamalie ai 'a e kaivai takitaha ke ne maheni mo e:
  - (i) fa'ahinga me'angaue 'e ngaue tafataha ki ai 'a e taha kaivai; pea mo e
  - (ii) tauhi le'o 'o e vaka, malu, malu'i 'o e 'ataakai mo e ngaahi me'a 'e fakahoko 'i ha hoko ha fakaevaha fakafokifa mo e ngaahi fokotu'utu'u 'a ia 'oku fiema'u ke 'ilo'i 'e he taha kaivai ke ne lava 'o fakahoko lelei 'aki 'a e ngaahi fatongia kuo vahe'i ki ai; mo

(b) hono vahe'i 'o ha kaivai 'oku ne 'ilo mo taukei 'a ia te ne fakapapau'i 'oku 'i ai ha faingamalie 'o e taha kaivai taki taha ke ne 'ilo 'a e ngaahi fakamatala mahu'inga 'i he lea 'oku mahino ki he taha kaivai ko ia; mo

(c) hono fakapapau'i 'oku 'ikai ongosia 'a e kau kaivai, faka'aonga'i 'a e ngaahi taimi malolo pea mo fakapipiki fakahaha 'a e ngaahi taimi tepile ki he taimi le'o 'o fakatatau ki he ngaahi fokotu'utu'u ki he Tauhi Le'o 'i he Konga IV 'o e ngaahi Tu'utu'uni ni pea ke fakafaingamalie ma'u pe 'a e ngaahi taimi tepile ko 'ehi ke sivi'i 'e he Pule 'o e Fonua Taulanga (Port State Control), kau 'ofisa mo e kau kaivai.

(4) Kuo pau ke fokotu'u 'e he taha 'oku 'o'ona 'a e vaka ha ngaahi polokalama fakataukei ki he vaka 'o taumu'a ke tokoni ki he kau kaivai ngaue fo'ou ke fakataukei'i kinautolu ki he ngaahi founa ngaue kotoa pe mo e ngaahi naunau 'oku fekau'aki mo e ngaahi 'elia 'o honau fatongia.

(5) Kuo pau ke fai 'e he taha kotoa pe 'oku 'o'ona 'a e vaka ha alepau ngaue mo e kaivai taki taha ki he fo'i folau takitaha, 'a ia 'oku ha 'i he Alepau ke fakamo'oni hingoa fakatou'osi ki ai 'a e 'Eikivaka mo e kaivai.

(6) Kuo pau ke ha 'i he Aleapau 'a e fakamatala fakaesino (bio-data) 'o e kaivai 'a ia 'oku fiema'u 'e he Konivesio.

(7) Kuo pau ke ha 'i he Aleapau 'a e 'aho na'e fakangaue'i ai 'a e taha kaivai mo hono lakanga, Tohi Fakamo'oni 'a e taha kaivai, natula 'o e folau, mo e 'aho faka'ataa ai 'a e taha kaivai ko ia.

### 9. Ngaahi Fatongia 'o e kakai 'oku 'onautolu 'a e vaka mo e kau 'Eikivaka

(1) Kuo pau ke fakapapau'i 'e he kakai 'oku 'onautolu 'a e vaka mo e 'Eikivaka 'a ia 'oku kau ki ai 'a e Ngaahi Tu'utu'uni ni -

- (a) 'oku ma'u Tohi Fakamo'oni 'a e taha kaivai takitaha 'oku fakangaue'i 'i he vaka; pea
- (b) 'oku fakakauvaka 'a e vaka 'o fakatatau ki he ngaahi tu'utu'uni fekau'aki mo e malu 'a e kau kauvaka 'a ia 'oku ha 'i he Konga V; pea
- (c) 'oku tauhi mo fakafaingamalie'i ke vakai'i 'a e ngaahi pepa ngaue mo e ngaahi fika fekau'aki mo e kau kaivai kotoa pe 'oku fakangaue'i 'i he'enua ngaahi yaka pea kuo pau ke kau heni, kae 'ikai fakangatangata pe ki he, ngaahi tohi mo e ngaahi fika fekau'aki mo 'enua taukei ngaue, ako, mo'ui lelei mo e poto mo taukei 'i he ngaahi ngaue kuo vahe'i kiate kinautolu; pea
- (d) 'oku taukei 'a e taha kaivai takitaha 'oku fakangaue'i 'i he vaka 'i he'enua ngaahi tefito'i ngaue mo e ngaahi fokotu'utu'u kotoa pe 'o e vaka, ngaahi naunau fakatekinikale kuo fokotu'u (installations) ngaahi naunau, ngaahi founga ngaue mo e fotunga 'o e vaka mo hono anga 'a ia 'e 'aonga ki he'ene ngaue pe ngaahi fatongia 'i ha hoko ha fakaevaha fakatu'upake; pea
- (e) 'oku malava 'e he ngaahi naunau tokoni 'o e vaka 'o fakafehokotaki lelei 'enua ngaahi ngaue 'i ha hoko ha fakaevaha fakatu'upake pea mo fakahoko 'a e ngaahi fatongia 'oku matu'aki mahu'inga ki he malu 'a e mo'ui pe ko e ta'ofi pe fakasi'isi'i ha hoko ha 'uli lahi.

(2) Kuo pau ke fakatou, fakapapau'i 'e he taha 'oku 'o'ona mo e 'Eikivaka 'o ha vaka 'a ia 'oku kau ki ai 'a e Ngaahi Tu'utu'uni ni 'oku malava 'e he taha kaivai taki taha 'i he'ene 'ilo pe 'a'ana pe 'i ha fakahinohino 'i 'o tokoni ki hono fakalele lelei 'o e vaka.

(3) Kuo pau ke lekooti 'a e 'aho 'o e fakangaue'i mo e faka'ataa, mo e ngaahi fakaikiiki 'o e vaka, 'e he taha 'oku 'o'ona pe ko e 'Eikivaka 'i he Tohi Lekooti 'o e Kau Kauvaka.

### 10. Ngaahi Fatongia 'o e 'Eikivaka

(1) Kuo pau ke fakahoko 'e he 'Eikivaka 'a e ngaahi sitepu kotoa pe 'oku taau ke fakahoko'aki ha ngaahi fakahinohino kuo 'oatu 'o fakatatau ki he Tu'utu'uni 7, 'a ia 'e kau 'i he ngaahi sitepu ko ia -

- (a) 'a e fakamatala fakafo'ituitui 'o e kau kaivai kotoa pe 'oku fakangaue'i fo'ou 'i he vaka kimu'a pea toki vahe kinautolu ki ha fa'ahinga ngaue; mo
- (b) hono 'oange ha faingamalie ki he kau kaivai hu fo'ou kotoa pe -
- (i) ke nau 'a'ahi ki he ngaahi feitu'u 'ataa, 'a ia 'e fakahoko ai 'enau ngaahi tefito'i ngaue; pea
  - (ii) ke nau 'ilo 'a e tu'u'anga, ngaahi me'a pule'i mo e ngaahi fotunga 'o e 'u me'angaue te nau fakalele pe ngaue'aki; pea
  - (iii) ke nau fakamo'ui 'a e me'angaue 'i he taimi 'e lava ai pea ke nau fakahoko 'enau ngaahi ngaue 'o faka'aonga'i 'a e ngaahi me'a pule'i 'o e me'a ngaue ko ia; pea
  - (iv) ke nau ako mo 'eke ha ngaahi fehu'i ki ha taha kuo 'osi maheni mo e me'angaue ko ia, ngaahi founga ngaue mo e ngaahi fokotu'utu'u kehe, 'a ia te ne lava 'o fakahoko 'a e ngaahi fakamatala 'i ha lea 'oku mahino ki he kaivai; pea mo
- (c) hono 'ange ha vaha'a taimi fe'unga ke fai ai hano tokanga'i 'o kapau 'oku 'i ai ha veiveiua fekau'aki mo e maheni 'a ha kaivai 'oku fakangaue'i fo'ou mo e fa'ahinga me'angaue 'i he vaka, ngaahi founga hono fakalele mo e ngaahi fokotu'utu'u kehe 'oku fiema'u ke fakahoko lelei 'aki hono ngaahi fatongia.

(2) Kuo pau ke tauhi 'e he 'Eikivaka kotoa pe 'a e Aleapau 'oku fakamo'oni'i 'aki 'a e aleapau ngaue 'i he vaha'a 'o e taha 'oku 'o'ona mo e taha kaivai 'i he taimi 'o e folau.

(3) Kuo pau ke fakamo'oni hinga 'a e 'Eikivaka 'i he Aleapau ma'a e taha 'oku 'o'ona pea ke ne fakapapai'i 'oku mahino kakato ki he kaivai hono 'uhinga kimu'a pea ne toki fakamo'oni hinga pe 'ai ki ai 'ene faka'ilonga.

## 11. Ngaahi Fatongia 'o e kau Kaivai

(1) Ko e kau kaivai kuo vahe'i ki ha vaka kuo pau ke nau faka'aonga'i kakato 'a e faingamalie kotoa pe 'oku ma'u ke nau anga ki he me'angaue 'i he vaka, ngaahi founga hono fakalele, mo e ngaahi fokotu'utu'u kehe 'oku fiema'u ke fakahoko lelei 'aki honau ngaahi fatongia, pea 'i he taimi pe ko ia 'oku ne fuofua heka ai ki he vaka, ko e fatongia ia 'o e kaivai takitaha ke ne fakaangaanga leva ki he 'ataakai ngaue 'o e vaka, tautautefito ki he ngaahi me'angaue, ngaahi founga ngaue, pe ngaahi fokotu'utu'u 'oku fo'ou pe te'eki ke maheni mo ia.

(2) Ko e kau kaivai ko ia 'oku 'ikai te nau anga pe maheni vave mo e ngaahi tu'unga 'oku fiema'u ki he fakahoko honau ngaahi fatongia kuo pau ke nau fakaha 'eni ke 'ilo 'e honau supavaisa.

## 12. Ngaahi Hia mo e Ngaahi Tautea

(1) Kuo pau ke fakahoko 'e he kakai 'oku 'onautolu 'a e vaka 'a e ngaahi fatongia kotoa pe 'oku ha 'i he Tu'utu'uni 8 mo e 9.

(2) Ka 'i ai ha taha 'oku 'o'ona ha vaka 'oku 'ikai ke ne fakahoko ha tu'utu'uni 'oku ha 'i he Tu'utu'uni 8 mo e 9 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$25,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 2, pe fakatou'osi.

(3) Kuo pau ke fakahoko 'e he kau 'Eikivaka 'a e ngaahi fatongia kotoa pe 'oku ha 'i he Tu'utu'uni 9 mo e 10.

(4) Ka 'i ai ha 'Eikivaka 'oku, 'ikai ke ne fakahoko ha tu'utu'uni 'oku ha 'i he kupu 9 mo e 10 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(5) Kuo pau ke fakahoko 'e he taha kaivai kotoa pe 'a e ngaahi fatongia kotoa pe 'oku ha 'i he Tu'utu'uni 11.

(6) Ka 'i ai ha taha kaivai 'e 'ikai ke ne fakahoko ha tu'utu'uni 'oku ha 'i he Tu'utu'uni 11 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$5,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he mahina 'e 6, pe fakatou'osi.

## KONGA IV - TAUHI LE'O

### 13. Fokotu'utu'u 'o e Tauhi Le'o

(1) Ko e taha 'oku 'o'ona, 'Eikivaka, 'ofisa 'enisinia pule mo e kau ngaue tauhi le'o kotoa pe 'o e vaka 'a ia 'oku kau ki ai 'a e Ngaahi Tu'utu'uni ni kuo pau ke nau fakahoko 'a e ngaahi fiema'u, ngaahi taumu'a ngaue (principles) mo e ngaahi fakahinohino 'oku ha 'i he Konivesio mo e Kouti ke fakapapai 'oku tauhi ha le'o 'oku malu 'i he taimi hono kotoa pe.

(2) Kuo pau ke fakapapai 'e he 'Eikivaka 'o ha vaka 'oku fe'unga 'a e ngaahi fokotu'utu'u ki he tauhi le'o ke 'i ai ha le'o 'oku malu lolotonga 'oku 'i he tahi 'a e vaka, 'o fakakaukau 'i 'a e ngaahi taumu'a ngaue (principles) ko 'eni:-

- (a) ko e 'ofisa 'oku ne pule 'i 'a e le'o 'o e folau 'oku ne tokanga 'i 'a e malu mo e hao 'a e folau 'a e vaka pea kuo pau ke ne 'i he taumu'a loki faka'uli pe ko ha tu'u'anga pehe lolotonga 'ene taimi ngaue;
- (b) ko e taha fai letio 'oku ne tokanga 'i 'e ia 'a e le'o fakaletio 'i he taimi kotoa pe 'i he ngaahi tu'u'anga fakaletio totonu lolotonga 'ene taimi ngaue;
- (c) ko e 'ofisa 'oku ne tokanga 'i 'a e le'o 'o e misini kuo pau ke ne mateuteu 'i he vave taha pe kuo pau ke ne 'i he ngaahi fo'i 'ataa 'i he loki misini 'i he taimi 'oku fiema'u ai.

(3) Kuo pau ke 'i ai ha kau le'o fe'unga mo lelei koe'uhi ke malu 'i he taimi kotoa pe

- (a) 'i he taimi 'oku li taula pe no'o ai 'a e vaka; pea
- (b) 'i he taimi 'oku uta ai 'e he vaka ha uta koloa fakatu'utamaki.

(4) Ko e ngaahi fokotu'utu'u ki he tauhi le'o mo e ngaahi taumu'a ngaue (principles) ke fakahoko kuo pau ko ia 'oku ha 'i he Kupu A-VIII/2 'o e Kouti, pea kuo pau fakakaukau'i mo e fakahinohino 'oku ha 'i he Kupu B-VIII/2 'o e Kouti.

(5) Ko e taha 'oku 'o'ona, 'Eikivaka, 'ofisa 'enisinia pule mo e kau ngaue le'o kotoa pe 'o ha vaka 'oku kau ki ai 'a e Ngaahi-Tu'utu'uni ni 'a ia 'oku 'ikai ke ne ngaue'aki 'a e tu'utu'uni, ngaahi taumu'a ngaue (principles), mo e ngaahi fakahinohino fekau'aki mo e Tauhi Le'o 'oku ha 'i he Konivesio mo e Kouti 'oku ne fakahoko ha hia pea kuo pau, 'o ka halai'a, ke ne ala mo'ua 'i he ngaahi tautea 'oku ha 'i he Tu'utu'uni 12.

#### 14. Fe'unga Fakasino ki he Ngaue

(1) Kuo pau ke fakahokohoko 'a e founa le'o mo fokotu'utu'u 'a e ngaahi ngaue 'i he vaka ke -

- (a) 'oua 'e uesia 'e he ongoongosia 'a e kau ngaue le'o kotoa pe;
- (b) ma'u ha malolo fe'unga 'e he 'uluaki le'o 'i he kamata'anga 'o ha folau mo e kau le'o fetongi kirai ai pea ke nau fe'unga fakasino ki he ngaue.

(2) 'O 'ikai fakangatangata ai 'a e ngaahi fiema'u fakalukufua 'o e tu'utu'uni-si'i (1) -

- (a) ko e kau kaivai kotoa pe kuo vahe'i ke hoko ko e 'ofisa ke ne tokanga'i ha tauhi le'o pe ko ha kauvaka ta'e 'ofisa 'oku ne tokanga'i ha konga 'o e tauhi le'o kuo pau ke 'oange hano houa malolo 'a ia ko e si'isi'i taha ko e houa 'e 10 'i ha fa'ahinga vaha'a taimi houa 'e 24 pe; pea
- (b) ko e ngaahi houa malolo 'e ngofua ke vahevahe 2 ia pe si'i ange, 'a ia ko e vaha'a taimi 'e taha kuo pau ke 'e 'ikai to e si'i ange hono loloa 'i he houa 'e 6; pea
- (c) ko e ngaahi tu'utu'uni ki he ngaahi taimi malolo 'oku ha 'i 'olunga 'e 'ikai fiema'u ke fakahoko ia 'i ha hoko ha fakaevaha fakafokifa pe 'i he ako tokateu ki ha fakatu'utamaki, pe 'i ha tu'unga 'oku hulu ai 'a e ngaue; pea
- (d) neongo 'a e ngaahi tu'utu'uni 'i he palakalafi (a) mo e (b) 'i 'olunga, 'e lava pe ke fakasi'isi'i 'a e vaha'a taimi si'isi'i taha ko e houa 'e 10 ki he houa hokohoko 'e ono pe lahi ange, ka ko e fakasi'isi'i ko ia kuo pau 'e 'ikai to e laka atu ia 'i he 'aho 'e ua pea ke 'oua 'e to e si'i ange 'i he houa 'e 70 'a e houa malolo 'i he 'aho 'e fitu kotoa pe, pea
- (e) ko e ngaahi taimi tepile le'o kuo pau ke fakapipiki ia 'i he funga vaka 'i he feitu'u 'e faingofua ki he vakai.

## KONGA V - NGAUE FAKAKAUVAKA

## 15. Ngaue Fakakauvaka

(1) Ko e tokolahi 'o e kau kaivai mo e ngaahi kalasi 'o e Tohi Fakamo'oni 'oku fiema'u ki he malu 'a e ngaue fakakauvaka 'o e kalasi vaka takitaha kuo pau ke fakatatau ia ki he Tepile I 'o e Ngaahi Tu'utu'uni ni.

(2) 'O tanaki atu ki he ngaahi fiema'u 'a e tu'utu'uni-si'i (1), kuo pau ke uta 'e he vaka uta pasese kotoa pe ha kau kaivai ma'u Tohi Fakamo'oni poto mo taukei fekau'aki mo e ngaahi lafalafa mo e ngaahi vaka fakahaofi mo'ui 'o hange ko ia 'oku fiema'u 'e he Tepile II 'o e Ngaahi Tu'utu'uni ni.

(3) Ko e fika si'isi'i taha 'o e kau kaivai Tonga 'oku ngaue 'i he vaka takitaha 'oku lesisita pe laiseni 'i Tonga kuo pau ke fakapapau'i ia 'e he Minisita.

(4) Ko e tokolahi 'o e kau kaivai mo e ngaahi kalasi 'o e ngaahi Tohi Fakamo'oni ki he malu 'o e ngaue fakakauvaka 'i he ngaahi vaka 'oku toho ki 'uta pe 'oku no'o ma'u kuo pau ke fakapapau'i ia 'e he Minisita.

(5) Ka 'i ai ha vaka kuo fakakauvaka'i 'o fakatatau ki he Ngaahi Tu'utu'uni ni, kuo pau ke foaki 'e he Minisita ha Tohi Fakamo'oni Malu 'a e Ngaue Fakakauvaka 'i he foomu 'oku ha 'i he Tepile III 'o e Ngaahi Tu'utu'uni ni.

## 16. Ngaahi Hia mo e Ngaahi Tautea

(1) Ka 'i ai ha taha 'oku 'o'ona ha vaka Tonga te ne fakangaue'i, pe te ne 'ai pe te ne fakangofua ke fakangaue'i, fakakaivai ha taha 'oku te'eki ke ma'u Tohi Fakamo'oni, 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$25,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he ta'u 'e 2, pe fakatou'osi.

(2) Ka 'i ai ha taha 'oku 'o'ona ha vaka Tonga, te ne 'ai pe te ne fakangofua ha vaka ke folau 'i tahi ka 'oku te'eki ke fakakauvaka malu ia 'o fakatatau ki he Konga ni, 'oku ne fakahoko ha hia pea 'o ka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$25,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 2, pe fakatou'osi.

(3) Ka 'i ai ha taha 'oku 'o'ona ha vaka Tonga, 'oku 'ai pe 'oku ne fakangofua ha vaka ke folau 'i tahi ka 'oku te'eki fakakauvaka ia ki he tokolahi 'o e kau kaivai Tonga kuo tu'utu'uni, 'oku ne fakahoko ha hia pea 'o ka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(4) Ka 'i ai ha 'Eikivaka 'o ha vaka Tonga, 'oku ne fakangaue'i, fakakaivai ha ha taha 'oku 'ikai ma'u Tohi Fakamo'oni, 'oku ne fakahoko ha hia pea 'o ka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(5) Ka 'i ai ha 'Eikivaka 'o ha vaka Tonga, 'oku ne 'ave 'a e vaka ki tahi ka 'oku te'eki fakakauvaka malu ia 'o fakatatau ki he Konga ni, 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(6) Ka 'i ai ha 'Eikivaka 'o ha vaka Tonga, 'oku ne 'ave 'a e vaka ki tahi ka 'oku te'eki ke fakakauvaka ia ki he tokolahi 'o e kau kaivai Tonga kuo tu'utu'uni, 'oku ne fakahoko ha hia pea 'oka halala 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(7) Ka fiema'u 'e he Ngaahi Tu'utu'uni ni ke fakahoko ha fatongia pe ha ngaue 'i he vaka 'e ha taha kaivai 'oku ma'u Tohi Fakamo'oni fe'unga, ka 'i ai ha 'Eikivaka te ne fekau pe te ne fakangofua ha taha kaivai 'oku 'ikai ke ne ma'u ha Tohi Fakamo'oni, faka'ataa fakalao, pe ko ha fakamo'oni pou pou 'o e tali 'oku taau, ke ne fakahoko 'a e fatongia pe ko e ngaue ko ia, 'oku ne fakahoko ha hia pea 'oka halala 'e mo'ua tautea pa'anga 'o 'ikai to e laka hake 'i he \$10,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he ta'u 'e 1, pe fakatou'osi.

## KONGA VI – AKO MO E MA'U TOHI FAKAMO'ONI

### 17. Ako mo e Sivi

(1) Ko e ako mo e sivi 'i 'o e poto mo e taukei 'a e kau kaivai 'i Tonga kuo pau ke pule'i mo tokanga'i ia 'o fakatatau ki he ngaahi tu'utu'uni 'a e Kupu A-1/6 'o e Kouti.

(2) Ko e taha kotoa pe 'oku ne tokanga'i 'a hono ako'i mo sivi 'i 'a e poto mo e taukei 'o e kau kaivai kuo pau ko ha taha poto fe'unga 'o fakatatau ki he ngaahi tu'utu'uni 'a e Kupu A-1/6 'o e Kouti fekau'aki mo e fa'ahinga mo e tu'unga 'o e ako mo e sivi ko ia.

(3) Ko e ngaahi polokalama ako ma'a e kau kaivai 'i Tonga ni kuo pau ke tatau mo ia 'oku pulusi 'i he Kasete 'e he Sekelitali pea kuo pau ke fakahoko 'o fakatatau ki he ngaahi tu'utu'uni 'o e Konivesio, Ngaahi Tu'utu'uni STCW pea ki he ngaahi tu'unga 'oku fiema'u 'e he Kouti.

(4) Ko e sivi 'i 'o e poto mo e taukei 'o e kau kaivai 'i Tonga kuo pau ke fakatatau ia ki he ngaahi tu'utu'uni 'a e Konivesio mo e Ngaahi Tu'utu'uni STCW pe ki he ngaahi tu'unga 'oku fakamahino'i 'i he ngaahi Kupu 'o e Kouti 'oku fekau'aki mo ia.

(5) Ko e ngaahi silapa 'o e ngaahi polokalama ako 'oku fakahoko 'i Tonga kuo pau ke fakatefito ia 'i he ngaahi koosi Motolo IMO (IMO Model) pea kuo pau ke fakakau atu ki ai 'a e ngaahi tu'utu'uni 'o e Kouti 'oku fekau'aki mo ia.

(6) Kuo pau ke pulusi 'e he Sekelitali ha ngaahi tu'unga mo e ngaahi founga ki:

- (a) he ngaahi koosi fakalukufua, fakaikiiki 'o e silapa mo e ngaahi founga 'o e sivi;
- (b) ha tohi kole ki he ngaahi Tohi Fakamo'oni, fika'i 'o e ngaue ki tahi mo fakapapai 'a e ngaahi me'a kuo pau ke tomu'a fakahoko;
- (c) he ngaahi sivi mo hono fakapapai 'i 'o e ngaahi maaka lava;
- (d) hono to e fai 'o e sivi;

- (e) he fotunga 'o e ngaahi Tohi Fakamo'oni 'o e faka'ataa;
- (f) he ngaahi polokalama ako 'i Tonga ni;
- (g) he totongi 'o e ngaahi sivi.

### 18. Ngaahi 'Apiako

(1) Ko e 'Apiako Fakatekinikale ki he Folau Tahī 'a Tonga (TMPI) kuo pau ke hoko ia ko e tefito 'i 'apiako ki hono ako 'i mo sivi 'i 'o e folau tahi 'i Tonga.

(2) 'Oku ngofua ke tali 'e he Minisita 'i ha fengaue'aki pea mo e Minisita Ako, fakataata ki he ngaahi tu'utu'uni 'a e Konivesio, Ngaahi Tu'utu'uni STCW mo e ngaahi tu'utu'uni 'a e Kouti, 'a e ako, sivi mo e ngaahi Tohi Fakamo'oni sivi 'oku foaki 'e he 'Apiako Fakatekinikale ki he Folau Tahī 'a Tonga (TMPI).

(3) 'E ngofua ke fokotu'u 'e he Minisita ha kau fakamaau tokoni ma'u poto fe'unga ki he fa'ahinga kalasi mo e tu'unga 'o e ako 'i mo e sivi 'i 'o e poto mo e taukei 'o e kau kaivai.

(4) 'E ngofua ki he 'Apiako Fakatekinikale ki he Folau Tahī 'a Tonga (TMPI) ke ne foaki ha tu'unga ki hono sivi 'o e tokotaha ako takitaha 'a ia kuo ne lava 'i kakato 'a e ngaahi polokalama ako 'oku fakamahino 'i 'i hono pulusi 'i he Kasete 'e he Sekelitali.

(5) Ko e Tohi Fakamo'oni sivi fakamuimui taha 'oku foaki 'e he Potungae ki he Malini mo e Ngaahi Taulanga kuo pau ko e fakamo'oni fe'unga ia 'o e poto mo e taukei 'a e taha kaivai 'i he ngaahi lesone 'oku ha 'i he Tohi Fakamo'oni ko ia.

(6) Kuo pau ke tauhi 'e he Pule Ako pe ko e tokotaha 'oku ne tokanga 'i 'a e 'Apiako Fakatekinikale ki he Folau Tahī 'a Tonga (TMPI) ha lekooti 'o e sivi 'o e kau kaivai kotoa pe 'a ia kuo 'osi foaki 'enau Tohi Fakamo'oni sivi.

### 19. Foaki 'o e Ngaahi Tohi Fakamo'oni

(1) 'Oku 'i he Sekelitali 'a e mafai ke ne tali mo foaki ha ngaahi Tohi Fakamo'oni ako, ngaahi faka'ataa; tali mo fakamo'oni pou pou 'i 'a e ngaahi Tohi Fakamo'oni; pea mo ta'ofi fakataimi, kaniseli pea mo fakahoko ha fa'ahinga ngaue fakaepule 'a ia 'e taau mo fe'unga ki hono fakalele lelei 'o e ako mo e ma'u Tohi Fakamo'oni 'o e kau kaivai 'o fakataata ki he ngaahi tu'utu'uni 'a e Konivesio mo e Ngaahi Tu'utu'uni STCW, mo e ngaahi tu'utu'uni 'a e Kouti.

(2) 'E ngofua ki he Sekelitali, 'i ha fa'ahinga taimi pe, 'i ha tohi, ke ne tuku atu ki ha 'ofisa fe'unga ha taha pe ko e kotoa 'a hono ngaahi mafai 'a ia 'oku lau ki ai 'i he tu'utu'uni-si 'i (1), kau ai 'a e mafai ke foaki, fakamo'oni pou pou 'i, to e faka'aonga 'i, ta'ofi fakataimi pe kaniseli 'a e ngaahi Tohi Fakamo'oni, pe foaki 'o e ngaahi faka'ataa.

(3) Ko e ngaahi kalasi 'o e ngaahi Tohi Fakamo'oni 'e lava ke foaki mo e ngaahi me'a 'oku fiema'u ke tomu'a fakahoko 'e he kau kanititeiti kimu 'a pea toki foaki, kuo pau ke tatau mo ia 'oku pulusi 'i he Kasete 'e he Sekelitali.



(4) Ko e kau kanititeiti 'oku nau fiema'u Tohi Fakamo'oni kuo pau ke nau 'omai ha fakamo'oni fakafiemale --

- (a) 'o e fakamatala fekau'aki mo ia mo hono ta'u motu'a;
- (b) fekau'aki mo 'ene mo'ui lelei, 'o fakatatau ki he Konga VII 'o e Ngaahi Tu'utu'uni ni;
- (c) 'o e kakato 'o e ngaue tahi, ako pe ko e to e ako; pea mo e
- (d) 'o ha fa'ahinga fiema'u kehe 'a e Pule.

(5) Ko e ngaahi Tohi Fakamo'oni ko ia 'oku foaki 'i he tu'utu'uni-si'i (1) mo e (2) kuo pau ke 'i he fotunga 'oku tatau mo ia 'oku ha 'i he Kupu A-1/2 'o e Kouti pea kuo pau ke 'i he lea faka-Pilitania.

(6) Kuo pau 'e 'ikai foaki atu ha Tohi Fakamo'oni ki he kaivai kae'oua kuo ne ma'u ha poto fe'unga 'o fakatatau ki he ngaahi tu'utu'uni 'a e 'Atikolo VI mo e Tu'utu'uni STCW 1/2 mo e ngaahi tu'unga 'oku tu'utu'uni 'e he Kouti.

(7) Ka fiema'u ke tui ha me'a tokoni ki he sio 'o fakatatau ki he ngaahi tu'unga fakafaito 'o kuo pau ke lekooti ia 'i he Tohi Fakamo'oni pe fakamo'oni pou pou takitaha, 'e foaki.

## 20. Tali 'o e Ngaahi Tohi Fakamo'oni

(1) Ko e ngaahi Tohi Fakamo'oni 'oku foaki 'e he Ngaahi Fa'ahi ki he Konivesio pea fakamo'oni pou pou 'i 'e he Pule'anga 'oku ne foaki ia 'oku ne muimui ki he ngaahi tu'utu'uni 'a e Konivesio mo e Kouti, 'o hange ko ia 'oku pulusi 'i he Kasete 'e he Sekelitali, kuo pau ke tali ia 'i Tonga, ka kuo pau ko e ngaahi Tohi Fakamo'oni pehee --

- (a) ko e foaki ia 'e he pule fakafolau tahi 'o ha Fa'ahi kehe pea 'oku ne muimui ki he ngaahi tu'utu'uni 'a e Kouti; pea
- (b) 'oku fe'unga mo taau ia mo e ngaahi fatongia 'oku fakahoko 'i he vaka 'e he taha 'oku 'a'ana ia; pea
- (c) 'oku 'aonga ia 'o fakatatau ki he Konivesio ki he vaka mo e folau ko ia 'oku fai 'e he vaka.

(2) Ko e kau kaivai ko ia, 'oku nau 'oatu 'a e ngaahi Tohi Fakamo'oni ke tali kuo pau, 'o fakatatau ki he Tu'utu'uni STCW 1/10, ke nau ma'u ha 'ilo fe'unga ki he lao fakafolau tahi 'oku fekau'aki tonu mo e vaka mo e 'elia 'oku ne folau holo ai pea fekau'aki foki mo e ngaahi fatongia 'oku fakangofua ke nau fakahoko.

(3) 'E ngofua ki he Sekelitali, 'o fakatatau ki he ngaahi tu'utu'uni 'o e Tu'utu'uni STCW 1/10 palakalafi 5, kapau 'oku taau mo e ngaahi me'a 'oku hoko ke ne fai pehee, ke ne fakangofua 'a e taha kaivai ke ngaue 'i ha vaka 'oku lesisita 'i Tonga 'i he vaha'a taimi 'e 'ikai laka hake 'i he mahina 'e tolu lolotonga 'oku ne ma'u ha Tohi Fakamo'oni fe'unga mo 'aonga kuo foaki pea fakamo'oni pou pou 'i 'e ha Fa'ahi kehe, lolotonga 'oku fakatatali ke fakamo'oni pou pou 'i ke ngaue 'i ha ngaahi vaka 'oku lesisita 'i Tonga.

(4) Kuo pau ke pulusi 'i he Kasete 'e he Sekelitali 'a e Tepile Hokohoko ke lisi ai 'a e tatau 'o e Tohi Fakamo'oni poto mo e taukei ki he Kouti ki Tahī 'a e Pasifiki Tonga mo e Ngaahi Tu'utu'uni ki he Folau Vaka mo e Folau Tahī (Vahe 136).

## 21. Fakamo'oni Poupou'i 'o e Ngaahi Tohi Fakamo'oni

(1) Kapau 'e fakamo'oni poupou'i ha Tohi Fakamo'oni kuo pau ke fakahoko 'a e fakamo'oni poupou'i ko ia 'e he Sekelitali, 'i he lea faka-Pilitania, 'i he fotunga 'oku tatau mo ia 'oku fakahinohino 'i he Kouti, pea 'e ngofua ke hoko ia ko e kongā 'o e Tohi Fakamo'oni.

(2) Kuo pau 'e 'ikāi ke fakahoko ha fakamo'oni poupou'i pehee kae'oua ke fiemalie 'a e Pule kuo fakahoko kotoa 'a e ngaahi tu'utu'uni 'a e Konivesio.

## 22. To e Faka'aonga'i 'o e Ngaahi Tohi Fakamo'oni

(1) Ko e taha kaivai kotoa pe 'oku ne ma'u Tohi Fakamo'oni 'a ia kuo foaki pe tali 'o fakatatau ki he Ngaahi Tu'utu'uni ni kuo pau, koe'uhi ke lava 'o ngaue ki tahi, ke fiema'u ia 'o fakahili ta'u nima 'o 'oua 'e to e loloa ange ai ke ne -

(a) ma'u 'a e ngaahi tu'unga mo'ui lelei 'oku tu'utu'uni 'i he Konga VII 'o e Ngaahi Tu'utu'uni ni; pea mo

(b) faka'aonga'i ma'u pe 'a e poto mo e taukei fakapalofesinale 'o fakatatau ki he Kupu A-I/11 'o e Kouti.

(2) Ko e taha kaivai kotoa pe 'oku ne ma'u ha Tohi Fakamo'oni poto kuo foaki 'o fakatatau ki he ngaahi tu'utu'uni 'a e Tu'utu'uni STCW VI/1, VI/2, VI/3 mo e VI/4 kuo pau 'e fiema'u ia ke ne faka'aonga'i 'ene poto mo taukei 'o fakatatau ki he ngaahi tu'utu'uni 'a e Kupu A-VI/1, VI/2, VI/3 mo e VI/4 'i he ngaahi me'a 'oku fekau'aki mo ia, 'o fakahili ta'u 5 'o 'oua 'e to e loloa ange ai.

(3) Ka 'i ai ha taha kaivai 'oku ne fiema'u ke to e faka'aonga'i ha Tohi Fakamo'oni te ne 'oatu ki he Sekelitali ha fakamo'oni.

(a) kuo ne fakakakato ha koosi to e ako fekau'aki mo e ngaahi founga ngaue 'i he hoko ha fakaevaha fakafokifa, ngaahi ngaue haofaki mo'ui, malu fakaengaue, mo e 'uluaki tokoni 'i loto 'i he fo'i ta'u 'e nima kuo hili; pea

(b) 'oku ne kei ma'u 'a e poto mo e taukei 'i he ngaahi fatongia ko ia,

pea kuo ne totongi 'a e totongi 'oku pulusi 'i he Kasete 'e he Sekelitali, 'e ngofua ki he Sekelitali ke to e faka'aonga'i 'a e Tohi Fakamo'oni 'a e taha kaivai ki ha vaha'a taimi 'e 'ikai to e laka hake 'i he ta'u 'e 5.

(4) Ka 'i ai ha Tohi Fakamo'oni, 'oku 'ikai to e faka'aonga'i 'o fakatatau ki he Ngaahi Tu'utu'uni ni, kuo pau 'e 'ikai faka'aonga ia ki he folau tahi.

## 23. Ngaahi Faka'ataa

Kuo pau 'e 'ikai foaki 'e he Pule ha faka'ataa ngata pe kapau 'oku fakatatau 'aupito ki he 'Atikolo VIII 'o e Konivesio.

## 24. Ngaahi Tu'utu'uni 'e Feliliu'aki

(1) Kuo pau ke fakatatau 'a e ngaahi tu'utu'uni 'e feliliu'aki fekau'aki mo e ako'i mo e ma'u Tohi Fakamo'oni 'a e kau kaivai ki he 'Atikolo VII 'o e Tu'utu'uni STCW 1/15.

(2) Ko kinautolu na'e foaki ki ai ha ngaahi Tohi Fakamo'oni 'o fakatatau ki he ngaahi tu'utu'uni 'a e Konivesio 'a'ia na'e ngaue'aki kimu'a 'i he 'aho 1 'o Fepueli 1997, kuo pau, koe'uhi ke nau ngaue hili 'a e 'aho 1 'o Fepueli 2002, ke nau to e fai ha sivi pe ako ke fakamanatu mo/mo e fakafo'ou ke a'u ki he ngaahi tu'unga poto mo taukei 'oku taau mo e ngaahi Tohi Fakamo'oni 'oku ha 'i he Konga A 'o e Kouti.

## 25. Ngaahi Totongi

Ko e ngaahi totongi ke totongi ki hono ma'u ha ngaahi tohi kole, sivi'i 'o e poto mo e taukei pea mo hono foaki 'o ha ngaahi Tohi Fakamo'oni 'i he Konga ni kuo pau ke hange ko ia 'oku pulusi 'i he Kasete 'e he Sekelitali.

## 26. Ngaahi Hia mo e Ngaahi Tautea

(1) Ka 'i ai ha kaivai 'oku ne fai ha fakapapau loi koe'uhi ke ma'u ai ha Tohi Fakamo'oni pe fakamo'oni pou pou 'oku foaki 'i he Konga ni 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$1,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e taha, pe fakatou'osi.

(2) Ka 'i ai ha kaivai 'oku ne ma'u pe ngaue'aki ha tohi ngaue kuo tohi loi'i pe 'oku ne ma'u ha ngaahi tohi ngaue 'i ha founa kaka koe'uhi ke ma'u ai ha Tohi Fakamo'oni 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$1,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e taha, pe fakatou'osi.

(3) Ka 'i ai ha kaivai 'oku ne foaki ha tohi ngaue pe 'oku ne tohi loi'i ha tohi ngaue ke tokoni'i hano foaki 'o ha Tohi Fakamo'oni 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$1,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e taha, pe fakatou'osi.

## KONGA VIII - NGAABI TU'UNGA FAKAFAITO'O

### 27. Ngaahi Tohi Fakamo'oni mo'ui lelei

Ko e taha kaivai kotoa pe 'oku fakangaue'i 'i ha vaka 'oku kau ki ai 'a e Konivesio ni kuo pau ke ne ma'u ha Tohi Fakamo'oni mo'ui lelei 'oku kei 'aonga kapau ko e taha kaivai ko ia -

- (a) 'oku fiema'u ke heka ki he vaka 'i ha Tohi Fakamo'oni malu ki he Ngaue Fakakauvaka 'o e vaka; pe
- (b) 'oku 'i ai hano fa'ahinga fatongia 'i he vaka fekau'aki mo e ngaahi fakatu'utamaki fakafokifa;
- (c) 'oku 'i ai hano ngaahi fatongia tauhi le'o, pe
- (d) 'oku 'i ai ha'ane fa'ahinga ngaue fekau'aki mo e fakatele angamaheni 'o e vaka.

## 28. Ngaahi Tu'unga

(1) Ko e ngaahi tu'unga fakafaito'o ki he kau kaivai 'oku fiema'u 'e he Tu'utu'uni STCW 1/9 'oku pulusi 'i he Kasete 'e he Sekelitali.

(2) Ko e kau toketa pe ko ia 'oku lesisita 'i he Lao ki he Lesisita 'o e Kau Ngaue ki he Mo'ui 1991 pe ko e kau ngaue mo'ui pe ko ia 'oku tali 'e he Pule'anga ke nau fakahoko 'a e ngaahi sivi fakafaito'o 'o e kau kaivai kuo pau ke nau fakahoko 'a e ngaahi sivi fakafaito'o 'o fakatatau ki he "Tohi Fakahinohino ki he Kau Toketa" 'a,ia 'oku pulusi 'i he Kasete 'e he Sekelitali.

(3) Kuo pau ke tauhi ha lisi 'o e kau ngaue fakatoketa kuo fili pe tali ko ia 'e he Failesisita pea ke fakafaingamalie 'i ki he ngaahi Fa'ahi kehe ki he Konivesio pea ki he kakai 'oku 'onautolu 'a e vaka.

## 29. Ngaahi Tohi Fakamo'oni Fakafaito'o

(1) Kuo pau ki he toketa, hili hono fakakakato 'o e sivi 'o ha taha kaivai 'i he Ngaahi Tu'utu'uni ni, ke ne foaki ha Tohi Fakamo'oni fakafaito'o ki he kaivai 'i he foomu 'e fakapapau 'i 'e he Minisita.

(2) Kuo pau ke fakaha 'e he toketa 'i he Tohi Fakamo'oni fakafaito'o 'a 'ene sivi fakafaito'o fekau'aki mo e taau 'a e taha kaivai pe -

(a) 'oku 'ikai fe'unga ke ne ngaue ki tahi; pe

(b) 'oku fe'unga ke ne ngaue ki tahi kae fakangatangata pe; pe

(c) 'oku fe'unga ke ne ngaue ki tahi, ta'e fakangatangata.

(3) Ko ha toketa 'oku ne sivi 'i 'oku fe'unga ha taha kaivai ke ngaue ki tahi kae fakangatangata pe kuo pau ke ne fakaha 'a e ngaahi fakangatangata ko ia 'i he Tohi Fakamo'oni fakafaito'o 'a e taha kaivai.

## 30. Taimi 'Aonga

(1) Tukukehe ka fiema'u ke to e fai ha sivi 'i he Tu'utu'uni 31, pea fakatatau ki he tu'utu'uni-si'i (2) mo e (3), kuo pau ke 'aonga 'a e Tohi Fakamo'oni fakafaito'o 'o kamata mei he 'aho 'oku foaki ai ki he vaha'a taimi -

(a) kapau ko e taha kaivai 'oku ta'u 40 ki 'olunga 'oku ne ma'u Tohi Fakamo'oni, ko e ta'u 'e 2; pea

(b) 'i he ngaahi me'a kehe kotoa pe, ko e ta'u 'e 3.

(2) Kapau 'e fiema'u, fakatatau ki he tu'unga mo'ui lelei 'a e taha kaivai 'oku sivi 'i, 'e ngofua ke foaki 'e he toketa ha Tohi Fakamo'oni fakafaito'o 'oku fakamahino 'i ai ha vaha'a taimi 'aonga 'oku nounou ange 'i he vaha'a taimi 'oku ha 'i he tu'utu'uni-si'i (1).

(3) Kapau 'e ngata 'a e taimi 'aonga 'o ha Tohi Fakamo'oni fakafaito'o lolotonga 'o ha folau, 'e kei 'aonga pe 'a e Tohi Fakamo'oni kae'oua ke a'u 'a e folau, pe kae'oua ke 'osi ha taimi fakalahi ko e mahina 'e tolu pe ko fe pe 'e uluaki hoko.

### 31. To e Sivi

'E ngofua ke to e sivi ha taha kaivai 'i ha fa'ahinga taimi pe -

- (a) kapau 'oku 'i ai ha 'uhinga ke tui ai 'a e Minisita 'oku fiema'u ke to e sivi koe'uhi ke malu'i 'a e malu 'a e vaka pe ko e kau kaivai kehe 'i he vaka; pe
- (b) 'i ha kole 'e he taha 'oku ne fakangaue'i 'a e kaivai ki he Minisita, kapau 'oku 'i ai ha ngaahi tu'unga ke tui ai 'a e taha 'oku ne fakangaue'i 'e ala fakatupu 'e he tu'unga mo'ui 'a e taha kaivai ha fakatu'utamaki ki he malu 'a e vaka pe ko e kau kaivai kehe 'i he vaka; pe
- (c) 'i ha kole 'a e taha kaivai.

### 32. To e vakai'i 'o ha Tohi Fakamo'oni Fakafaito'o

(1) 'E ngofua ke kole 'e ha taha kaivai ki he Sekelitali ke to e vakai'i 'e ha toketa te ne to e vakai'i ia ha Tohi Fakamo'oni fakafaito'o kuo foaki 'i he Kōnga ni 'a ia 'oku ha ai ko e taha kaivai 'oku -

- (a) 'ikai fe'unga ke ngaue ki taha; pe
  - (b) 'oku fe'unga ke ngaue ki tahi kae fakangatangata pe.
- (2) Kuo pau ko e toketa te ne to e vakai'i ko ha toketa ia kuo fili'i.
- (3) Hili hono to e vakai'i ha Tohi Fakamo'oni fakafaito'o mo e tu'unga 'o e mo'ui lelei 'a e taha kaivai na'e foaki ia ki ai, 'e ngofua ki he toketa 'oku ne to e vakai'i ke ne fekau ke to e fakahoko ha ngaahi sivi fakafaito'o pea 'e ngofua ke ne tu'utu'uni 'a e ngaahi sivi ko ia mo e kau kaivai pe ngaahi kautaha ke fakapapau'i 'oku fakahoko 'a e tu'utu'uni ko ia.
- (4) Kuo pau ki he toketa 'oku ne to e vakai'i -

- (a) ke ne fakapapau'i 'a e 'uluaki Tohi Fakamo'oni fakafaito'o na'e tomu'a foaki; pe
- (b) kapau 'e fiema'u, 'o makatu'unga 'i ha ngaahi sivi na'e to e fakahoko 'o fakatatau ki he tu'utu'uni-si'i (3), ke ne foaki ha Tohi Fakamo'oni fakafaito'o fo'ou 'i he foomu 'e 'oatu 'e he Sekelitali.

### 33. Tangi 'i ha Tohi Fakamo'oni Fakafaito'o na'e to e vakai'i

(1) 'E ngofua ki ha taha kaivai na'a ne kole ke to e vakai'i ha Tohi Fakamo'oni fakafaito'o, ke ne tangi ki he Minisita ke to e vakai'i 'a e me'a ko ia 'e ha poate tangi kapau ko e Tohi Fakamo'oni fakafaito'o na'e fakapapau'i pe na'e foaki 'oku ha ai ko e taha kaivai -

- (a) 'oku 'ikai fe'unga ke ngaue ki tahi; pe
- (b) 'oku fe'unga ke ngaue ki tahi kae fakangatangata pe.

(2) Ko e tohi kole ke to e vakai'i 'e he poate tangi kuo pau ke 'atu fakataha ia mo e totongi ki he to e vakai'i ko e \$25.00.

(3) 'I ha tangi mei ha taha kaivai 'o hange ko e tu'utu'uni-si'i (1), kuo pau ke fokotu'u 'e he Minisita ha poate tangi 'a ia 'e kau ki ai -

(a) ha fakafofonga 'o e Minisita;

(b) ha fakafofonga 'e fokotu'u mai 'e he taha 'oku ne fakangaue'i 'a e taha kaivai; mo

(c) ha fakafofonga 'e fokotu'u mai 'e he taha kaivai.

(4) Kuo pau ke tokoni'i 'a e tu'utu'uni 'a e poate tangi kotoa pe 'e ha toketa 'e to'o mei he lisi 'o e kau toketa kuo fili'i 'e he kau fakafofonga 'oku lau ki ai 'i he tu'utu'uni-si'i (3).

(5) 'Oku ma'u 'e he poate tangi 'a e mafai tatau mo ia 'oku ma'u 'e he toketa 'oku ne to e vakai'i pea 'e ngofua -

(a) ke ne fakapapai'i 'a e Tohi Fakamo'oni fakafaito'o kuo foaki pe kuo fakapapai'i 'e he toketa na'a ne to e vakai'i; pe

(b) kapau 'oku fiema'u, 'o fakatatau ki he'ene tu'utu'uni, ke ne foaki ha Tohi Fakamo'oni fakafaito'o fo'ou 'i he foomu 'oku tu'utu'uni 'i he Tu'utu'uni 29.

(6) Kuo pau ke lekooti 'e he poate tangi 'a 'ene tu'utu'uni mo e ngaahi 'uhinga ki ai 'i he tohi pea ke 'ave hano tatau ki he Minisita, taha kaivai pea ki he taha 'oku ne fakangaue'i 'a e taha kaivai.

#### 34. Ngaahi Totongi 'o e Sivi Fakafaito'o 'i hono To e Vakai'i mo e Ngaahi Tangi

Ko e ngaahi fakamole ki ha sivi fakafaito'o na'e fakahoko 'i ha to e vakai'i 'o fakatatau ki he Tu'utu'uni 32 pe ko ha tangi 'i he Tu'utu'uni 33 kuo pau ke totongi ia 'e he taha kaivai 'oku ne fai 'a e kole.

#### 35. Ngaahi Hia mo e Ngaahi Tautea

(1) Kuo pau 'e 'ikai fakangaue'i 'e ha taha 'oku 'o'ona ha vaka ha taha kaivai kae'oua 'e 'oatu 'e he kaivai ha Tohi Fakamo'oni fakafaito'o 'oku kei 'aonga 'a ia 'oku foaki 'i he Ngaahi Tu'utu'uni ni, 'o ha ai 'oku fe'unga 'a e taha kaivai -

(a) ke ne fakahoko 'a e ngaahi ngaue 'oku fakangaue'i ia ki ai; pea

(b) ke ne kau 'i he folau 'e fakahoko 'e he vaka.

(2) Ka 'i ai ha taha 'oku 'o'ona te ne fakangaue'i ha taha kaivai, 'a ia 'oku fiema'u ki he'ene fa'ahinga ngaue 'oku fakahoko 'i he vaka ha Tohi Fakamo'oni fakafaito'o ka 'oku 'ikai ke 'i ai ha Tohi Fakamo'oni fakafaito'o pehee 'a e taha kaivai ko ia, 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$3,000 pe ko e ngaue popula 'o 'ikai to e laka hake 'i he mahina 'e 3, pe fakatou'osi.

(3) Kuo pau 'e 'ikai tali 'e ha taha ke ngaue fakakaivai 'i ha vaka kae'oua ke ma'u 'e he taha kaivai ko ia ha Tohi Fakamo'oni fakafaito'o 'oku kei 'aonga 'a ia na'e foaki 'o fakatatau ki he Ngaahi Tu'utu'uni ni.

(4) Ka 'i ai ha taha kaivai te ne tali ke ngaue 'i ha vaka 'i ha fa'ahinga fatongia, 'a ia 'oku fiema'u ki ai ha Tohi Fakamo'oni fakafaito'o ka 'oku 'ikai ha'ane tohi pehee, 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$1,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 1, pe fakatou'osi.

(5) Ka 'i ai ha taha kaivai 'oku 'ikai ke ne fakaha ha fa'ahinga faka'ilonga 'o ha alanga mahaki pe puke 'a ia na'e mei fakapapau'i mei ai 'oku ne ta'efe'unga ke ngaue 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$1,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 1, pe fakatou'osi.

## KONGA VIII - NGAahi TU'UNGA POTO FE'UNGA

### 36. Tohi Kole

(1) Ko e taumu'a 'o e Konga ni ke fakapapau'i ke tokappa'i 'i he taimi kotoa pe 'a e ako, sivi 'o e poto mo e taukei, foaki Tohi Fakamo'oni, fakamo'oni poupou ke ngaue'aki ha founa tu'unga poto fe'unga ke fakapapau'i 'oku a'usia 'a e ngaahi taumu'a 'oku fiema'u, kau ai 'a e fiema'u ke fakatatau 'a e ma'ia poto fe'unga mo e taukei 'a e kau fai fakahinohino mo e kau fai sivi ki he ngaahi tu'utu'uni 'a e Kouti.

(2) Kuo pau ke ngaue'aki 'a e Konga ni ki he ngaahi ngaue 'oku fakahoko 'e he ngaahi potungaue mo e kau fakafofonga fakapule'anga mo e ngaahi fakafofonga pe ngaahi potungaue ta'e fakapule'anga 'oku nau kau 'i he ako, sivi 'i 'o e poto mo e taukei, foaki Tohi Fakamo'oni, fakamo'oni poupou mo e to e faka'aonga'i 'a ia 'oku fiema'u 'e he Konivesio.

### 37. Ngaahi Tu'unga Poto Fe'unga

(1) Kuo pau ke fokotu'u ha ngaahi tu'unga poto fe'unga ke ne tokanga'i hono pule'i mo fakalele 'o e ako mo e sivi 'oku fakahoko 'e he Pule'anga 'o Tonga 'o fakatatau ki he ngaahi fakahinohino 'oku ha 'i he Kupu B-1/8 'o e Kouti.

(2) Kuo pau ke fakamatala'i mahino 'aupito 'a e ngaahi taumu'a ako mo e ngaahi tu'unga 'o e poto mo e taukei 'oku felave'i mo ia pea kuo pau ke fakamahino'i mo e ngaahi levolo 'o e mahino mo e ngaahi poto'i ngaue 'oku fe'unga mo taau mo e ngaahi sivi 'oku fiema'u 'e he Konivesio.

### 38. Fakafuofua'i

Kuo pau ke fokotu'u 'e he Pule ha kakai ma'u poto fe'unga, 'a ia 'oku 'ikai ke nau kau 'i he ngaahi ngaue ko ia, ke nau fakahoko hano fakafuofua'i tau'ataina 'o e 'ilo, mahino, mo e ngaahi poto'i ngaue mo e poto mo e taukei mo fai 'a e ngaahi sivi, pea mo e pule'i 'o e founa ma'u Tohi Fakamo'oni, 'o fakahili ngaahi'u nima koe'uhi ke fakapapau'i -

- (a) 'oku muimui 'a e founa pule'i 'i loto mo e ngaahi founa tokanga'i mo e ngaahi ngaue (follow-up actions) ki he ngaahi fokotu'utu'u kuo 'osi palani mo e ngaahi founa 'oku ha 'i he ngaahi tohi ngaue pea 'oku nau lava 'o fakapapau'i 'oku a'usia 'a e ngaahi taumu'a kuo fakamahino'i; pea

- (b) 'oku fakahu ki he ngaahi tohi ngaue 'a e ngaahi ola 'o e fakafuofua tau'atina takitaha pea ke vakai ki ai 'a kinautolu 'oku nau tokanga'i 'a e 'elia ko ia kuo fakafuofua'i; pea
- (c) 'oku fakahoko kei taimi ha ngaue ke fakatonutonu ha ngaahi fehalaaki.

### 39. Lipooti

- (1) Kuo pau ke fakahu atu ki he Minisita 'a e lipooti fakafuofua 'oku fiema'u 'e he Tu'utu'uni 38 'i he taimi pe ko ia 'oku lava kakato ai.
- (2) Kuo pau ke fakaha ki he Sekelitali-Seniale 'o e IMO 'a e fakamatala 'oku fekau'aki mo e fakafuofua tau'atina.

## KONGA IX - NGAahi FAKATOTOLO TA'E FILIFILI MANAKO

### 40. Tohi Kole

- (1) 'Oku ha 'i he Konga ni 'a e tu'utu'uni ki he ngaahi founa ki ha fakatotolo ta'e filifili manako 'a ia 'oku fakahoko 'o fakatatau ki he Tu'utu'uni STCW I/5.
- (2) Kuo pau ke ta'e filifili manako ha fa'ahinga fakatotolo 'e fakahoko fekau'aki mo ha lipooti 'o ha ta'etaukei, ngaue pe ta'e fai ha ngaue 'e ha taha kaivai, 'a ia 'e lava ke hoko ai ha fakatu'utamaki ki he malu 'o e mo'ui pe koloa 'i tahi pe ki he 'ataakai 'o e tahi.
- (3) Kuo pau ke ngaue'aki 'a e Konga ni ki he -
- (a) kakai 'oku 'onautolu mo e kau fakafofonga 'o e ngaahi vaka 'oku lesisita pe laiseni 'i Tonga; mo e
- (b) kau kaivai kotoa pe 'oku fakangaue'i 'i ha ngaahi vaka 'oku lesisita pe laiseni 'i Tonga; mo e
- (c) kau kaivai kotoa pe 'oku ma'u Tohi Fakamo'oni 'oku foaki pe tali 'e he Pule'anga 'o Tonga, mo e
- (d) ngaahi vaka muli kotoa pe 'i he ngaahi potu tahi 'o Tonga.

### 41. Fakatotolo Ta'efilifilimanako

- (1) Kapau kuo 'ai 'e he Minisita ke fakahoko ha fakatotolo ta'efilifilimanako 'o fakatatau ki he Tu'utu'uni STCW I/5, ko e ngaahi founa 'i lalo kuo pau ke muimui ki ai 'i he ngaahi me'a pe ko ia 'e ngaue'aki ki ai.
- (2) Ko e tokotaha 'oku ne fakahoko ha fakatotolo ta'efilifilimanako, kuo pau, kapau 'oku ne pehe 'oku taau, ke ne fakatahataha'i ha kau fale'i ke fa'u ha penolo ke tokoni ki ha fa'ahinga fakatotolo ta'efilifilimanako.
- (3) 'E ngofua ki he taha 'oku ne fakahoko ha fakatotolo ta'efilifilimanako ke ne pule'i 'a e ngaahi founa ngaue 'i ha founa 'oku taau pe fe'unga felave'i mo e ngaahi me'a ko ia 'oku hoko 'o fakatatau ki he tu'utu'uni-si'i (4) mo e (5).

- (4) Kapau 'i he lolotonga ha fa'ahinga fakatotolo ta'efilifilimanako 'oku ngalingali 'e ui ke fakafehu'i 'a e fa'ahinga angafai 'a ha taha kaivai pe 'oku



ngalingali 'e uesia lahi ha taha kaivai 'e ha tu'utu'uni 'i he faka'eke'eke pe fakatotolo, kuo pau ki he taha 'oku ne fakahoko 'a e faka'eke'eke pe fakatotolo -

- (a) ke ne 'oatu ki he taha kaivai ha fanongonongo 'o 'oua 'e to e tomui ange 'i he houa 'e 72 fekau'aki mo e feitu'u, 'aho mo e houa 'o e faka'eke'eke; pea
- (b) ke ne 'oatu ki he taha kaivai ko ia -
  - (i) ha tatau 'o e lipooti 'o ha fa'ahinga 'uluaki fakatotolo fekau'aki mo ia; pe
  - (ii) 'i ha to e me'a kehe, ha fakamatala 'o e me'a na'e hoko 'a ia kuo tu'utu'uni ke fakahoko hono faka'eke'eke.

(5) Ko e taha kaivai kotoa pe 'oku ngalingali ke fakafehu'i lolotonga 'a e fakahoko 'o ha fakatotolo ta'efilifilimahako, pe 'a ia 'oku ngalingali ke uesia lahi 'e ha tu'utu'uni 'i he fakatotolo ta'efilifilimanako 'oku 'i ai 'ene totonu -

- (a) ke ne kau 'i he fakatotolo pea ke fakafofonga'i ia 'e ha loa;
- (b) ke fakafuakava'i mo fau ha fakamatala fakamo'oni 'i he 'ao 'o e taha fakatotolo pe ko e penolo;
- (c) fekau ke ha'u pe ke ui ha kau fakamo'oni;
- (d) ke ne fakafehu'i, fakafehu'i-fakafihi mo to e fakafehu'i 'a e kau fakamo'oni kotoa pe 'o fakatau ki he ngaahi tu'utu'uni mo e angafai 'o e fakamo'oni (evidence);
- (e) ke ne ngaue'aki 'a e ngaahi kehe kotoa pe fekau'aki mo e tali 'o e fakamo'oni; pea
- (f) ke ne fai ha fakamalanga ki he taha fakatotolo pe ki he penolo, aofangatuku pe 'i ha fa'ahinga taimi kehe 'oku taau.

(6) 'E ngofua ke 'ikai tali 'i ha tohi 'e ha memipa 'o e penolo fakatotolo ha fa'ahinga lipooti 'a e Poate pea kuo pau ko e Tu'utu'uni 'e fai ia ki he loto 'o e tokolahi taha 'o e kau memipa.

(7) 'E ngofua ke fakapapau'i 'i ha fakatotolo 'a e ngaahi fakamole kuo hoko 'i he fakatotolo ko ia, 'a ia 'e fiema'u ke totongi 'e he taha kaivai, 'i ha Tu'utu'uni.

(8) Kapau 'oku ha ki he Minisita 'oku taau pe 'oku fiema'u ke fai pehe, 'e ngofua ke ne tu'utu'uni ke fakata'e'aonga'i fakataimi ha fa'ahinga Tohi Fakamo'oni kuo foaki ki ha taha kaivai ma'u poto fe'unga 'o fakatatau ki he Lao pe ko e Ngaahi Tu'utu'uni, 'o fakatatali ki he ola 'o e fakatotolo.

(9) Kapau, 'oku fakapapau'i, mei he ola 'o ha fakatotolo ko ha taha kaivai 'a ia kuo fakata'e'aonga'i fakataimi 'ene Tohi Fakamo'oni na'e 'ikai ta'efe'unga ia ke ne fakahoko hono ngaahi fatongia koe'uhi ko e ta'etaukei, 'ulungaanga kovi pe ko ha to e 'uhinga pe, pe na'e 'ikai ke ne matu'aki ta'etokanga 'i he fakahoko 'o hono ngaahi fatongia, 'e ngofua ke fokotu'u

atu 'e he taha 'oku ne fakahoko 'a e fakatotolo ki he Minisita ke kaniseli 'a e fakata'e'aonga'i fakataimi 'o e Tohi Fakamo'oni 'i he vave taha 'e ala lava pea ke fakafoki leva 'a e Tohi Fakamo'oni ki he taha kaivai.

(10) Ko e kau fakamaau tokoni ko ia kuo fokotu'u ki ha penofo fakatotolo kuo pau ke 'i ai ha'anau ngaahi 'ilo fakafolau tahi fe'unga pea ke 'i ai ha'anau taukei fe'unga koe'uhi ke nau 'oatu ha fale'i fakapalofesinale 'oku taau.

(11) 'E ngofua ke fokotu'u ha ongo fakamaau tokoni 'e toko ua pe lahi hake kapau ko e fakatotolo -

(a) 'oku matu'aki mahu'inga, 'o hange ko ha fakatotolo 'oku kau ai ha maumau lahi pe ko e mole 'a e vaka, lavea lahi pe ko e mole 'a e mo'ui 'a ha taha kaivai, pe ko ha maumau lahi ki he 'ataakai; pe

(b) 'oku matu'aki fih'i 'o lahi 'a e ngaahi 'isiu 'oku kau ki ai.

(12) Ko e tokotaha 'oku ne fakahoko 'a e fakatotolo kuo pau 'e 'ikai ke ne fokotu'u atu ke kaniseli pe ta'ofi fakataimi ha Tohi Fakamo'oni 'a ha 'Eikivaka pe ko ha kaivai ma'u poto fe'unga, kae'oua ke 'oatu ha fakamatala ki he ngaahi 'uhinga 'o e tu'utu'uni ko ia ki he 'Eikivaka pe ko e taha kaivai ma'u Tohi Fakamo'oni, pea kapau 'e ala lava, ke ma'u 'e he 'Eikivaka pe ko e taha kaivai ma'u poto fe'unga ko ia ha faingamalie ke fai ai ha'ane tali.

(13) Kapau 'oku fakahoko ha fakatotolo ta'efilifilimanako, kuo pau 'e 'ikai ha taha, felave'i mo ha taha 'oku ne fakahoko 'a e faka'eke'eke pe fakatotolo -

(a) te ne ta'ofi pe fakafaingata'a'ia'i ha taha pehe; pe

(b) te ne ta'e tali ha fehu'i 'e fai ki ai 'e ha taha pehe; pe

(c) te ne ta'e 'oatu ha tohi ngaue pe ha Tohi Fakamo'oni 'oku ne ma'u pe 'oku ne pule'i 'i hano fiema'u 'e ha taha pehe.

#### 42. 'Ikai Mo'ua

Kuo pau 'e 'ikai mo'ua ha taha 'oku ne fakahoko 'a e fakatotolo ta'efilifilimanako 'i ha fa'ahinga hopo pe faka'ilo koe'uhi ko ha fa'ahinga ngaue, me'a pe me'a kuo fai, 'a ia na'a ne tu'utu'uni fai, 'i he loto totonu 'i he fakahoko hono ngaahi fatongia.

#### 43. Ngaahi Hia mo e Ngaahi Tautea

Ka 'i ai ha taha 'oku ne maumau'i pe 'oku 'ikai ke ne muimui ki he Tu'utu'uni 41 'oku ne fakahoko ha hia pea "'oka" 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$3,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 3, pe fakatou'osi.

#### 44. Ngaahi Tu'utu'uni Letio

Ko e Ngaahi Tu'utu'uni Letio 'oku lau fakataha ia pea 'oku ne ma'u 'a e mafai tatau mo e lao 'i Tonga

#### 45. Ma'u Tohi Fakamo'oni 'a e Kau Ngaue Letio

(1) Ko e taha kaivai kotoa pe 'oku ne tokanga'i pe 'oku ne fakahoko 'a e ngaahi ngaue letio 'i ha vaka 'a ia 'oku fiema'u ke kau 'i he GMDSS kuo pau ke ne ma'u ha Tohi Fakamo'oni 'oku taau 'o fekau'aki mo e GMDSS, 'a ia 'e foaki pe tali 'e he Minisita 'o fakatatau ki he Ngaahi Tu'utu'uni Letio.

(2) Ko e taha kanititeiti kotoa pe ki ha Tohi Fakamo'oni ki he ngaue 'i ha vaka 'i he tu'utu'uni-si'i(1), 'a ia 'oku fiema'u 'e he SOLAS ke fokotu'u ki ai ha letio, kuo pau ke ne muimui ki he Tu'utu'uni STCW IV/2 mo e Kupu A-IV/2 'o e Kouti.

(3) Kae'oua ke a'u ki he 'aho 1 'o Fepueli 1999, ko e kau ngaue letio 'i he ngaahi vaka 'a ia 'oku muimui ki he ngaahi tu'utu'uni 'a e SOLAS, 'a ia na'e kamata ngaue'aki kimu'a 'i he 'aho 1 'o Fepueli 1992 kuo pau ke nau muimui ki he ngaahi tu'utu'uni 'a e Konivesio, 'a ia na'e kamata ngaue'aki kimu'a 'i he 'aho 1 'o Tisema 1992.

(4) Ko e kau ngaue letio 'i he ngaahi vaka 'oku 'ikai fiema'u ke nau muimui ki he ngaahi tu'utu'uni 'a e GMDSS 'i he Vahe IV 'o e SOLAS 'oku 'ikai fiema'u ke nau muimui ki he Ngaahi Tu'utu'uni ni. Kaikehe, 'oku fiema'u 'a e kau ngaue letio 'i he ngaahi vaka ko 'eni, ke nau muimui ki he Ngaahi Tu'utu'uni Letio. Kuo pau ke fakapāpau'i 'e he Minisita 'a e ngaahi Tohi Fakamo'oni 'oku fe'unga 'a ia 'oku fiema'u 'e he Ngaahi Tu'utu'uni Letio ke 'oatu ki he pe ke tali 'o felave'i mo e kau ngaue letio pehe.

#### 46. Ngaahi Tohi Fakamo'oni Letio

(1) Ko e taha kaivai kotoa pe 'oku ne tokanga'i, pe 'oku fiema'u ke ne fakahoko, ha ngaahi ngaue fakaletio 'oku ngaue'aki ki ai 'a e founga GMDSS kuo pau ke 'i ai:

- (a) 'I he ngaahi vaka ko ia 'oku 'i ai 'enau Tohi Fakamo'oni Malu Fakaletio ki he Vaka Uta Koloa pe Malu 'a e Vaka Uta Pasese 'a ia 'oku 'aonga ki he fefolau'aki 'i he 'elia A1 'ata'ata pe, ha Tohi Fakamo'oni GMDSS fai letio fakangatangata na'e foaki 'o fakatatau ki he Kupusi'i D 'o e Kupu IIIA 'o e 'Atikolo 55 'o e Ngaahi Tu'utu'uni Letio mo e Tu'utu'uni STCW IV/2;
- (b) 'I he ngaahi vaka ko ia 'oku 'i ai ha'anau Tohi Fakamo'oni Malu Fakaletio ki he Vaka Uta Koloa pe Malu 'a e Pasese 'oku 'aonga ki he fefolau'aki 'i he ngaahi 'elia A1 + A2, A1 + A2 + A3 mo e A1 + A2 + A3 + A4 ko ha Tohi Fakamo'oni GMDSS fai letio fakalukufua na'e foaki 'o fakatatau ki he Kupusi'i C

'o e Kupu IIIA 'o e 'Atikolo 55 'o e Ngaahi Tu'utu'uni Letio mo e Tu'utu'uni STCW IV/2;

- (c) Ha fakamo'oni pou pou ki ha Tohi Fakamo'oni 'oku taau 'a ja na'e foaki 'e he Fa'ahi 'i he Konga ni 'a ia 'oku ha ai 'oku ma'u poto fe'unga 'a e taha 'oku 'a'ana ia ke ne fakahoko 'a e fetu'utaki fakaletio 'i he tu'unga ngaue fakaletio.

(2) Neongo 'a e tu'utu'uni-si'i (1) 'o e Tu'utu'uni ni, ko e ngaahi vaka 'oku toni fakalukufua 'e 300 pe lahi hake 'oku 'i ai ha'anau founga-letio GMDSS 'i he ngaahi potu tahi A2, A3 pe A4 kuo pau ke 'i ai ha'ane 'ofisa letio 'elekitulonika kalasi 'uluaki pe kalasi ua 'oku ma'u poto fe'unga 'o fakatatau ki he palakalafi-si'i 1(b), 'a ia kuo pau 'e 'ikai ko e 'Eikivaka; pea ka hala ia ko ha ongo fai letio fakalukufua 'e toko ua, 'a ia 'e ngofua pe ko ha taha 'iate kinaua ko e 'Eikivaka ia.

(3) Kuo pau 'e 'ikai ha me'a 'i he Tu'utu'uni ni te ne ta'ofi 'a e Sekelitali pe ko ha taha kuo ne foaki ki ai hono mafai mei ha'ane liliu 'a e ngaahi fiema'u ko ia ki he tokolahi 'o e kau ngaue letio 'oku fiema'u ke uta ka kuo pau ke fakatatau 'a e ngaahi fiema'u ko ia ki he Ngaahi Tu'utu'uni Letio mo e Konivesio.

#### 47. Ngaahi Hia mo e Ngaahi Tautea

(1) Kuo pau ke muimui 'a e kakai 'oku 'onautolu 'a e vaka ki he ngaahi fatongia 'oku ha 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti mo e Ngaahi Tu'utu'uni Letio.

(2) Ka 'i ai ha taha 'oku 'o'ona 'oku 'ikai ke ne muimui ki ha tu'utu'uni 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti, mo e Ngaahi Tu'utu'uni Letio 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$25,000, pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 2, pe fakatou'osi.

(3) Kuo pau ke muimui 'a e kau 'Eikivaka ki he ngaahi fatongia kotoa pe 'oku ha 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti mo e Ngaahi Tu'utu'uni Letio.

(4) Ka 'i ai ha 'Eikivaka 'oku 'ikai ke ne muimui ki he ngaahi tu'utu'uni 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti, mo e Ngaahi Tu'utu'uni Letio 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea pa'anga 'o 'ikai laka hake 'i he \$10,000 pe ko e ngaue popula 'i he vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e 1, pe fakatou'osi.

(5) Kuo pau ke muimui 'a e taha kaivai kotoa pe ki he ngaahi fatongia 'oku ha 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti, mo e Ngaahi Tu'utu'uni Letio.

(6) Ka 'i ai ha taha kaivai 'e 'ikai te ne muimui ki ha ngaahi tu'utu'uni 'i he Konga ni, Konivesio, Ngaahi Tu'utu'uni, Kouti, mo e Ngaahi Tu'utu'uni Letio 'oku ne fakahoko ha hia pea 'oka halaia 'e mo'ua tautea

pa'anga 'o 'ikai laka hake 'i he \$3,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 3, pe fakatou'osi.

### **KONGA XI – NGAahi TU'UTU'UNI 'E FELILIU'AKI**

#### **48. Fakangofua 'o e Kouti ki Tahī 'a e Pasifiki Tonga**

Ko e fotunga 'o e Tohi Fakamo'oni mo e ngaahi fakangatanga ki he fefolau'aki 'a ia 'oku ha 'i he Kouti ki Tahī 'a e Pasifiki Tonga kuo pau ke kei ngaue'aki pe 'o a'u ki he 'aho 1 'o Fepueli 2002.

#### **49. Tali 'o e Ngaahi Tohi Fakamo'oni**

Kimu'a pea ngaue'aki kakato 'a e Konivesio, Ngaahi Tu'utu'uni, mo e Kouti STCW, ko e ngaahi Tohi Fakamo'oni kotoa pe 'oku foaki kimu'a 'i 'Akosi 1, 1998 'a ia 'oku fakamatala'i 'i he Tu'utu'uni 20(4) kuo pau ke kei ngaue'aki pe ia kae'oua ke a'u ki he 'aho 1 'o Fepueli 2002.

#### **50. Fakapekia**

'Oku fakapekia heni 'a e Kupu 7, 8, 11 ki he 16 mo e Tepile 'Uluaki mo e Tolu 'o e Ngaahi Tu'utu'uni ki he Folau Vaka mo e Folau Tahī.

Na'e fai 'i Nuku'alofa 'i he 'aho 16 'o Siulai, 1998.

Minisita ki he Malini  
mo e Ngaahi Taulanga

**TEPILE I****(Tu'utu'uni 15(1))****NGAAHI TU'UTU'UNI KI HE KAU KAUVAKA MO E NGAARI  
KALASI 'O E NGAARI TOHI FAKAMO'ONI**

1. Ko e lahi 'o e kakai 'oku nau ma'u 'a e ngaahi Tohi Fakamo'oni 'oku fiema'u ki he ngaue 'i he ngaahi vaka 'oku ngaue'aki ki ai 'a e ngaahi Tu'utu'uni ni kuo pau ke fakatatau ia ki he ngaahi Tepile ko ia 'oku tu'utu'uni 'e he ngaahi feitu'u fefakatau'aki takitaha.
2. 'E ngofua ki he Sekelitali, 'i ha tohi kole, ke ne tali ha faka'ata mei he ngaahi fiema'u 'oku tu'utu'uni 'i he palakalafi (1) 'i 'olunga, kapau 'oku ne pehe 'o ka fai pehe 'e lelei ki he kakai pea 'e 'ikai ke ne uesia ai 'a e malu 'a e vaka, 'ene kau kauvaka, kau pasese pe uta.
3. 'E ngofua ki he kau ma'umafai ke nau hilifaki ha fakangatangata 'a e ngaue 'o ha vaka 'oku ne folau fakalotofonua.

**NGAAHI FOLAU TA'E FAKANGATANGATA**  
**Tu'unga si'isi'i taha ki he Ma'u Poto**

TONI FAKA-KATO'A 'O E NGA'AAHI VAKA (LOLOA)	'EIKI VAKA	METI PULE	TAUHI LE'O Kapau 'oku fiema'u	TAUHI LE'O KEHE Kapau 'oku fiema'u	TAUHI LE'O KAUVAKA TA'E'OFISA Kapau 'oku fiema'u
3,000 GT pea lahi hake	Kalasi 1 'Eikivaka	Kalasi 2 'Eikivaka	Tauhi Le'o	Tauhi Le'o	Kauvaka Ta'e'ofisa
3,000 GT ki he 500 GT	Kalasi 2 'Eikivaka	Kalasi 2 'Eikivaka	Tauhi Le'o	Tauhi Le'o	Kauvaka Ta'e'ofisa
500 GT ki he 80 GT	Kalasi 2 'Eikivaka	Tauhi Le'o	Tauhi Le'o		Kauvaka Ta'e'ofisa
80 GT ki he 20 GT	Kalasi 2 'Eikivaka	Tauhi Le'o			Kauvaka Ta'e'ofisa
20 GT	Kalasi 2 'Eikivaka	Tauhi Le'o			

**NGAAHI FOLAU FAKALOTOFONUA**  
**Tu'unga si'isi'i taha ki he Ma'u Poto**

TONI FAKA-KATO'A 'O E NGA'AAHI VAKA (LOLOA)	'EIKI VAKA	METI PULE	TAUHI LE'O Kapau 'oku fiema'u	TAUHI LE'O KEHE Kapau 'oku fiema'u	TAUHI LE'O KAUVAKA TA'E'OFISA Kapau 'oku fiema'u
>3,000 GT	Kalasi 1 'Eikivaka	Kalasi 2 'Eikivaka	Tauhi Le'o	Tauhi Le'o	Kauvaka Ta'e'ofisa
3,000 GT ki he 1600 GT	Kalasi 2 'Eikivaka	Kalasi 3 'Eikivaka	Tauhi Le'o	Tauhi Le'o	Kauvaka Ta'e'ofisa
1600 GT ki he 1000 GT	Kalasi 2 'Eikivaka	Kalasi 4 'Eikivaka	Kalasi 5 'Eikivaka		Kauvaka Ta'e'ofisa
1000 GT ki he 500 GT	Kalasi 2 'Eikivaka	Kalasi 5 'Eikivaka	Kalasi 5 'Eikivaka		Kauvaka Ta'e'ofisa
500 GT ki he 20 GT	Kalasi 2 'Eikivaka	Kalasi 5 'Eikivaka			Kauvaka Ta'e'ofisa
<20 GT	Kalasi 6 'Eikivaka/ 'Enisinia				Kauvaka Ta'e'ofisa

**NGAAHI FOLAU TA'E FAKANGATANGATA 'A E NGAahi  
VAKA TOUTAI**

Tu'unga si'isi'i taha ki he Ma'u Poto

TONI FAKA-KATO'A 'O'E NGAahi VAKA (LOLOA)	'EIKI VAKA	METI PULE	TAUHI LE'O  Kapau 'oku fiema'u	TAUHI LE'O KEHE  Kapau 'oku fiema'u	KAU NGAUE FUNGAVAKA 'I HE VAKA TOUTAI  Kapau 'oku fiema'u
3,000 GT  (>95 M)	Kalasi 1 (F) 'Eikivaka	Kalasi 2 (F) 'Eikivaka	Tauhi Le'o (F)	Tauhi Le'o (F)	Toko 2 'oku 'i ai ha'ana PIQFD, ko e toenga ke 'i ai ha'anau Tohi Fakamo'oni Malu'i
3,000 GT ki he 500 GT  (60-95 M)	Kalasi 2 'Eikivaka (F)	Kalasi 2 'Eikivaka (F)	Tauhi Le'o (F)	Tauhi Le'o (F)	Toko 2 'oku 'i ai ha'ana PIQFD, ko e toenga ke 'i ai ha'anau Tohi Fakamo'oni Malu'i
500 GT ki he 80 GT  (25-60 M)	Kalasi 2 'Eikivaka (F)	Tauhi Le'o (F)	Tauhi Le'o (F)		Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i
80 GT ki he 20 GT  (15-25 M)	Kalasi 2 'Eikivaka (F)	Tauhi Le'o (F)			Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i
20 GT  (15-7 M)	Kalasi 2 'Eikivaka (F)	Tauhi Le'o			Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i



**NGAAHI FOLAU FAKALOTOFONUA 'A E NGA'HI VAKA TOUTAI**

Tu'unga si'isi'i taha ki he Ma'u Poto

TONI FAKA-KATO'A 'O'E NGA'HI VAKA (LOLOA)	'EIKI VAKA	METI PULE	TAUHI LE'O  Kapau 'oku fiema'u	TAUHI LE'O KEHE  Kapau 'oku fiema'u	KAU NGAUE FUNGAVAKA 'I HE VAKA TOUTAI  Kapau 'oku fiema'u
3,000 GT  (>95 M)	Kalasi 1 (F) 'Eikivaka Fakangatanga	Kalasi 2 'Eikivaka Fakangatanga (F)	Tauhi Le'o (F)	Tauhi Le'o (F)	Toko 2 'oku 'i ai ha'ana PIQFD, ko e toenga ke 'i ai ha'anau Tohi Fakamo'oni Malu'i
3,000 GT ki he 1600 GT  (75-95 M)	Kalasi 2 'Eikivaka Fakangatanga (F)	Kalasi 3 'Eikivaka Fakangatanga (F)	Tauhi Le'o (F)	Tauhi Le'o (F)	Toko 2 'oku 'i ai ha'ana PIQFD, ko e toenga ke 'i ai ha'anau Tohi Fakamo'oni Malu'i
1600 GT ki he 1000 GT  (50-75 M)	Kalasi 3 'Eikivaka (F)	Kalasi 4 (F) 'Eikivaka	Kalasi 5 (F) 'Eikivaka		Toko 2 'oku 'i ai ha'ana PIQFD, ko e toenga ke 'i ai ha'ana Tohi Fakamo'oni Malu'i
1000 GT ki he 500 GT  (30-50 M)	Kalasi 2 'Eikivaka (F)	Kalasi 5 (F) 'Eikivaka	Kalasi 5 (F) 'Eikivaka		Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i
500 GT ki he 20 GT  (15-30 M)	Kalasi 2 'Eikivaka (F)	Kalasi 5(F) 'Eikivaka			Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i
<20 FT  (15-7 M)	Kalasi 5/6 (F)  'Eikivaka/ 'Enisinia				Ko e kotoa 'o kinautolu ke 'i ai 'enau Tohi Fakamo'oni Malu'i

NOUTI : PIQFD - Pacific Islands Qualified Fishing Deckhand.

**TOHI FAKAMO'ONI FAKA-'ENISINIA  
NGAAHI FOLAU TA'E FAKANGATANGATA  
Tu'unga si'isi'i taha ki he Ma'u Poto**

MALOHI 'O E MISINI	'ENISINIA PULE	'ENISINIA HONO 2  hange ko ia kuo tu'u- tu'umi	TAUHI LE'O  hange ko ia kuo tu'u- tu'umi	TAUHI LE'O KEHE  hange ko ia kuo tu'u- tu'umi	TAUHI LE'O KAUVAKA TA'E'OFISA hange ko ia kuo tu'u- tu'umi
>3.000 kW	'Enisinia Kalasi 1	'Enisinia Kalasi 2	'Enisinia Tauhile'o	'Enisinia Tauhile'o	Kauvaka Ta'e'ofisa
3.000 kW ki he 750 kW	'Enisinia Kalasi 2	'Enisinia Kalasi 2	'Enisinia Tauhile'o	'Enisinia Tauhile'o	Kauvaka Ta'e'ofisa
750 kW ki he 500 kW	'Enisinia Kalasi 3	'Enisinia Kalasi 3			Kauvaka Ta'e'ofisa
500 kW ki he 250 kW	'Enisinia Kalasi 4			Kauvaka Ta'e'ofisa	
<250 kW	'Enisinia Kalasi 4			Kauvaka Ta'e'ofisa	

**NGAAHI FOLAU FAKALOTOFONUA**  
**Tu'unga si'isi'i taha ki he Ma'u Poto**

MALOHI 'O E MISINI	'ENISINIA PULE	'ENISINIA HONO 2	TAUHI LE'O	TAUHI LE'O KEHE	TAUHI LE'O KAU- VAKA TA'E- 'OFISA
		hange ko ia kuo tu'u- tu'uni	hange ko ia kuo tu'u- tu'uni	hange ko ia kuo tu'u- tu'uni	hange ko ia kuo tu'u- tu'uni
>3,000 kW	'Enisinia Fakangata- ngata Kalasi 1	'Enisinia Fakangata- ngata Kalasi 2	'Enisinia Tauhile'o	'Enisinia Tauhile'o	Kauvaka Ta'e'ofisa
3,000 kW ki he 2,000 kW	'Enisinia Fakangata- ngata- Kalasi 2	'Enisinia Fakangata- ngata- Kalasi 3			Kauvaka Ta'e'ofisa
2,000 kW ki he 1,500 kW	'Enisinia Fakangata- ngata- Kalasi 3	'Enisinia Fakangata- ngata- Kalasi 4			Kauvaka Ta'e'ofisa
1,500 kW ki he 250 kW	'Enisinia Fakangata- ngata- Kalasi 4	'Enisinia Kalasi 5 (Nouti)			Kauvaka Ta'e'ofisa
<250 kW	'Enisinia Kalasi 5/6 (Nouti)				Kauvaka Ta'e'ofisa

NOUTI: 'E 'ata ki he Pule Fakafolau Tahī ke ne tukuhifo 'a e ngaahi tu'unga 'i 'olunga.

## TEPILE II

(Tu'utu'uni 15(2))

LAHI 'O E NGAHI TOHI FAKAMO'ONI KI HE MA'U POTO  
MO E TAUKEI - NGAHI VAKA PASESE

FA'AHINGA MO E NGAHI 'ULUNGAANGA 'O E VAKA FAKAHAOFI MO'UI PE FOUNGA	KAKAI 'OKU MA'U POTO MO TAUKEI
Vaka fakahaofi mo'ui 'oku fakaheka 'i he tuku'anga vaka fokotu'u pea 'oku lava ke tukuange mo e tukutukuhifo mei loto	toko 2 ki he vaka
Vaka fakahaofi mo'ui 'oku fakaheka 'i he tuku'anga vaka fokotu'u pea 'oku lava ke tukutukuhifo mei loto hili hano tukuange 'i tu'a	toko 2 fakataha mo e toko 1 ki he vaka 'e ua kotoa pe
Vaka fakahaofi mo'ui, 'oku lava ke tukuange mo tukutukuhifo mei he vaka	toko 3 ki he vaka
Vakafokotu'u fakahaofi mo'ui 'oku tukutukuhifo 'e he tavite (davite)	Toko 1 ki he vakafokotu'u fakahaofi mo'ui fakataha mo e toko 1 ki he tavite (davite) takitaha
Me'a fakahaofi mo'ui 'i tahi	Toko 4 ki he me'a fakahaofi mo'ui 'e taha, fakataha mo e toko 1 ki he vakafokotu'u kotoa pe 'oku 'alu fakataha mo e me'a fakahaofi mo'ui.

## TEPILE III

(Tu'utu'uni 15(5))

TOHI FAKAMO'ONI MALU KI HE NGAUE FAKAKAUVAKA  
 POTUNGAUE MALINI MO E NGAahi TAULANGA

Tu'asila  
 Puha 144  
 Nuku'alofa  
 Tonga

Telefoni:  
 Fika Fax:

Hingoa  
 Call Sign  
 Taulanga 'oku lesisita ai  
 Fa'ahinga  
 Toni Fakakatoa  
 Feitu'u Fefakatau'aki  
 Misini Lele Tefito  
 Misini 'Uhila  
 Kalasi  
 Tu'unga Ngauc  
 Fika IMO

Malu fakakauvaka ki he ngaue 'i ha vaha'a taimi 'i ha lo'i misini ta'ekauvaka  
 pea mo e ngaahi ngaue malu'i ke fakatatau mo e Lao ki he Fola Vaka,  
 Vahe 136, mo e Ngaahi Tu'utu'uni (Konivesio STCW) ki he Fola Vaka.

**Ki he Fefakatau'aki  
 Ta'efakangatangata/  
 Fakalotofonua**

**Tu'unga Fakaako  
 Ma'ulalo Taha**

**Lahi**

'Eikivaka  
 Meti  
 Tauhi Le'o Fungavaka  
 Tauhi Le'o Kehe  
 'Enisinia Pule  
 'Enisinia II  
 Tauhi Le'o Misini  
 Kauvaka Ta'e'ofisa 'i he Fungavaka  
 Kauvaka Ta'e'ofisa 'i he Misini

'Aho .....

Sekelitali 'o e Malini mo e Ngaahi Taulanga .....