

**CHAPTER 7.****INVESTIGATION OF WRECKS AND SALVAGE****ARRANGEMENT OF SECTIONS****Section****PART I - WRECKS AND SALVAGE**

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The legislation in this Chapter 7 was previously codified as Part IX of 34 MIRC 3. [With the repeal of original ss708-719, sections 720 and 721 below now re-numbered as 709 and 710 respectively] [Rev2003].

Commencement: 13 September 1990  
 Source: P.L. 1990-92  
 P.L. 2001-27  
 P.L. 2009-16

**PART I - WRECKS AND SALVAGE****§701. Short Title.**

This Chapter may be cited as the Investigations - Wrecks and Salvage Act. [Short title supplied by Commissioner.]

**§702. International agreements as to derelicts.**

The President is hereby authorized to make international agreements with governments interested for the reporting, marking and removing of dangerous wrecks, derelicts and other menaces to navigation in the Central Pacific Region outside the coastal waters bordering the Republic. [P.L. 1990-92, §141.]

**§703. International agreements; derelicts; expenses.**

- (1) The President may conclude agreements with interested maritime nations for;
- (a) a service of assistance to vessels and crews requiring aid within the limits of a patrol to be defined in the agreement concluded; and
  - (b) a service for the destruction or removal of derelicts in the Central Pacific Region, the area in which said service is to be maintained to be determined in such agreements by

appropriate latitudinal and longitudinal boundaries.

(2) The President may include in such agreements a provision for payment to the Government of the Republic by the countries concerned of a proportionate share of the expense for the maintenance of the services named. All such agreements shall be subject to ratification by the Nitijela.. [P.L. 1990-92, §142.]

**§704. Vessels stranded on foreign coasts.**

The Commissioner and Deputy Commissioner and any Special Agent in countries on whose shores vessels of the Republic are stranded shall take proper measures for saving the vessels, their cargoes and appurtenances, storing and securing the effects and merchandise saved, and taking inventories thereof; and such merchandise and effects with inventories thereof shall, after payment of the expenses, be delivered to the owners. The Commissioner, any Deputy Commissioner or any Special Agent shall not take possession of any such merchandise, or other property, when the Master, owner or consignee thereof is present or capable of taking possession of the same. The Maritime Administrator is hereby authorized to conclude agreements with countries in which the Republic is neither represented by the Commissioner, any Deputy Commissioner or any Special Agent, for the purpose of securing the service herein imposed upon the Commissioner, any Deputy Commissioner or any Special Agent in countries to which they are assigned. [P.L. 1990-92, §143.]

**§705. Right to salvage not affected by ownership of vessel.**

The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services. [P.L. 1990-92, §144.]

**§706. Salvage remuneration.**

Salvors of human life or cargo who have taken part in the services rendered in connection with the incident giving rise to salvage are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo and accessories. [P.L. 1990-92, §145.]

**§707. Time limit for salvage suits.**

A suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two (2) years from the date when such assistance or salvage was rendered, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person or corporation to be charged, in which case the right of action shall not lapse until ninety (90) days after there has been a reasonable opportunity to secure jurisdiction. [P.L. 1990-92, §146.]

**§708. Recovery for salvage services rendered by government vessels.**

The Maritime Administrator or its agent and the crew of any vessels owned or operated by the Republic or its representatives, may collect and sue for salvage services rendered by such vessel and crew. Any salvage monies recovered by the Maritime Administrator, or its agent and not for the benefit of the crew, shall be held for the credit of the government agency having possession or control of the vessel rendering such service. [P.L. 1990-92, §147.]

## PART II- INVESTIGATIONS

**§709. Marine casualties.**

In the event of any casualty or incident involving a vessel of the Republic where there is personal injury or loss of life or there is loss of or damage to property or the vessel, the Master shall immediately forward a report thereon to the Maritime Administrator in accordance with such Regulations as the Maritime Administrator may make from time to time. Where there is a failure to execute and file a report as required hereunder, the Master and vessel owner shall each be liable to a fine of one thousand dollars (US \$1,000) and five thousand dollars (US \$5,000) respectively upon notice from the Maritime Administrator. [P.L. 1990-92, §148.][Modified by P.L. 2001-27][Amended by P.L.2009-16]

**§710. Marine casualty and incident investigations.**

(1) The Maritime Administrator may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to the investigation of marine casualties and incidents involving vessels registered under the laws of the Republic or otherwise occurring within the jurisdiction of the Republic in accordance with the International Convention for the Safety of Life at Sea, 1974 (SOLAS) Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (the "Casualty Investigation Code").

(2) The Maritime Administrator may cause a preliminary investigation into a casualty or incident to be conducted by a person or agency appointed by the Maritime Administrator as an investigator of marine casualties and incidents who shall have such authority as may be conferred upon him or it by the Maritime Administrator and/or this Title. The Maritime Administrator may also enter into memorandums of undertaking with other SOLAS member States for cooperation and assistance between the parties in respect of a marine safety investigation into a marine casualty or incident. [P.L. 1990-92, §149.][Modified by P.L. 2001-27][Amended by P.L. 2009-16]

**§711. Marine offenses and criminal acts.**

(1) Any instances of a marine offense or criminal act shall be reported by the Master or shipowner to the Maritime Administrator. Upon receipt of the notification, the Maritime Administrator shall initiate an investigation as may be necessary to determine the circumstances of the offense and the action to be taken in coordination with the Attorney General of the Republic as necessary in accordance with Title 15, Marshall Islands Revised Code, Chapter 1, the Counter Terrorism Act, 2002 (15 MIRC 1) and Schedule to 15 MIRC as well as the Protocols of 2005 to amend the 1988 SUA Convention.

(2) Should a marine offense or criminal act occur or be occurring in the jurisdiction of a State or territory that is a signatory to the 1988 SUA Convention and Protocols, other than the Republic, the Maritime Administrator may waive flag State jurisdiction and all the State or territory to assert jurisdiction over the case.

(3) Should a marine offense or criminal act occur on the high seas, the Maritime Administrator shall notify and offer jurisdiction to the State government of the victim(s) and the accused. If no State accepts jurisdiction, the Maritime Administrator shall notify the Marshall Islands Minister of Justice of the Republic. After an investigation to determine that a crime has occurred, the Marshall Islands Ministry of Justice shall then make the necessary arrangements to extradite and prosecute the accused.

(4) The Minister Administrator may waive the Republic's jurisdiction where such a waiver is deemed necessary and appropriate to the prosecution of a marine offense or criminal act. [§711 inserted by P.L. 2009-16]

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