

SUPPLEMENT to the Solomon Islands Gazette

Thursday 22nd July, 2010

S.I. No.43

[Legal Notice No. 64]

MINES AND MINERALS ACT
(Cap. 42)

**REVOCATION OF RESERVED PROTECTED AREAS
DECLARATION 2010**

The Reserved Protected Areas Declaration 2008 dated 24th November 2008 is hereby revoked.

DATED AT HONIARA this third day of July, 2010.

DAVID DAY PACHA
Minister for Mines, Energy and Rural Electrification

[Legal Notice No. 65]

MINES AND MINERALS ACT
(Cap. 42)

RESERVED AND PROTECTED AREAS DECLARATION 2008

IN exercise of the powers conferred upon me by section 4, I make the following declaration –

- | | |
|--------------------------------------|---|
| Citation
and
commence-
ment | 1. This Declaration is cited the Reserved and Protected Areas Declaration 2008, and is deemed to have come into force on 22 August 2007. |
| Reserved
and
protected
area | 2. The areas specified in the Schedule are declared reserved areas and as such the carrying out of reconnaissance, prospecting or mining in such areas is prohibited. |

Schedule

SCHEDULE
(Paragraph 2)

Description of land - San Jorge and Takata areas

DATED AT HONIARA this twenty-fourth day of November, 2008.

EDWARD HUNIEHU
Minister for Mines, Energy and Rural Electrification

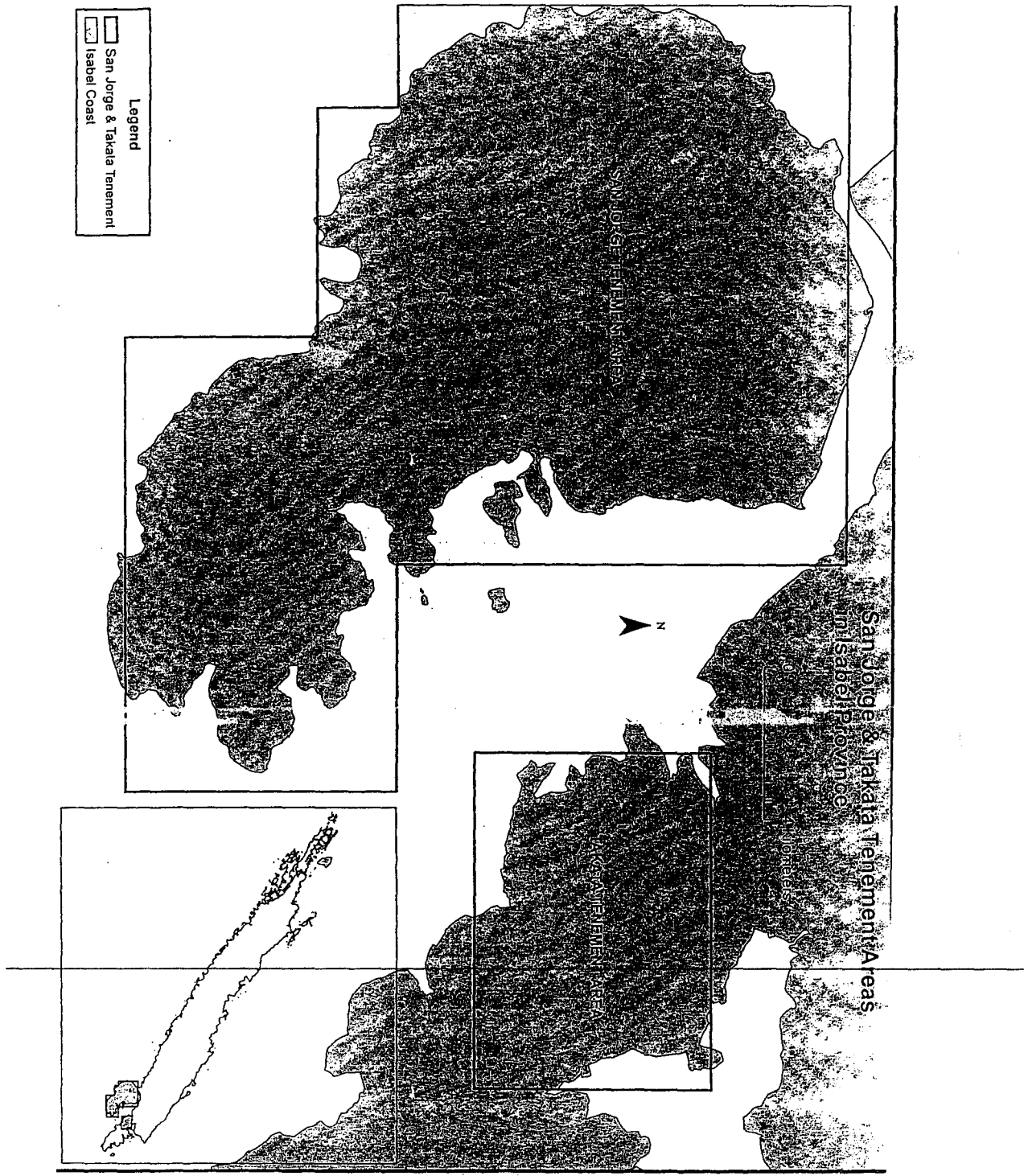
San Jorge & Takata co-ordinates in Isabel Province
--

The approximately rectangular shaped UTM boundary co-ordinates of San Jorge Island as follows:

Point	X (north)	Y (east)
1	557352.362	9073523.222
2	572007.660	9073523.222
3	571981.999	9062024.822
4	577996.930	9062001.307
5	577996.930	9055021.218
6	565993.792	9055021.218
7	565993.792	9060022.530
8	559970.459	9060022.530
9	559970.459	9062023.052
10	557326.693	9062024.822

The approximately rectangular shaped UTM boundary co-ordinates of Takata as follows:

Point	X (north)	Y (east)
1	577000.708	9070018.375
2	585908.125	9070036.231
3	585872.420	9064002.749
4	576982.864	9064020.606



[Legal Notice No. 66]

SHIPPING (PILOTAGE CERTIFICATION) REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

PART 1 - PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of these Regulations

PART 2 - QUALIFICATIONS AND EXPERIENCE REQUIRED OF PILOTS

4. Qualifications and experience required for certified pilots
5. Qualifications and experience required for issue of Pilotage Exemption Certificates

PART 3 - CERTIFICATION OF PILOTS AND EXEMPTION PILOTS

6. Applications for Pilotage Certificates
7. Applications for Pilotage Exemption Certificates
8. Issue of Pilotage Certificates and Pilotage Exemption Certificates
9. Period of validity of certificates
10. Cancellation of certificates
11. Provisions applying to fees

PART 4 - MISCELLANEOUS

12. Offences against these Regulations
 13. Compliance with other laws
-

**SHIPPING ACT 1998
(NO. 5 of 1998)**

SHIPPING (PILOTAGE CERTIFICATION) REGULATIONS 2010

IN exercise of the powers conferred upon the Minister by section 109 of the Shipping Act 1998, the Minister makes these Regulations –

PART 1 - PRELIMINARY

ation and
mmence-
nt

1. These Regulations may be cited as the Shipping (Pilotage Certification) Regulations 2010, and shall come into force on the 1st day of July 2010.

pretation

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

“the Act” means the Shipping Act 1998;

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

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

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

(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998 and the Ports Act [Cap. 161], unless a contrary intention appears.

3. (1) These Regulations shall apply to – Application of
these
Regulations
- (a) all pilotage districts established under section 36(1) of the Ports Act [Cap. 161] in any port, the approaches to any port or in territorial waters;
 - (b) all pilotage services provided in accordance with any other law; and
 - (c) all persons engaged in the provision of pilotage services to vessels in Solomon Islands, whether on a commercial basis or not.

(2) All certified pilots engaged in the provision of pilotage services other than as an employee of the Ports Authority, must have the written approval of the Ports Authority for the provision of the services in any place within Solomon Islands, and must act at all times in accordance with any directions given by the General Manager of the Ports Authority or the Harbour Master.

(3) These Regulations do not apply to any person who has been granted exemption by the Minister in accordance with section 98(6) of the Act.

(4) All qualifications and experience for the certification of pilots under this Part have been determined by the Administration, after consultation with the Ports Authority in accordance with sections 98(1) and 109(b) of the Act.

PART 2 - QUALIFICATIONS AND EXPERIENCE REQUIRED OF PILOTS

4. (1) The qualifications and experience required for the issue of a Pilotage Certificate to any applicant under these Regulations are – Qualifications
and experience
required for
certified pilots

- (a) the applicant must be the holder of a current Certificate of Competency of Master Class 3, or higher;
- (b) the applicant must be able to establish that he or she has had a minimum of 5 years experience as a Deck Officer Watchkeeping, and that –
 - (i) of the 5 year period, at least 18 months was served on a foreign going vessel; and
 - (ii) of the 18 month period, at least 6 months was served on a foreign going vessel of not less than 2,000 gross registered tonnage.

(2) The Director shall reject any application which is made by any person who does not hold the necessary qualifications and experience as required by this regulation.

qualifications
experience
required for
issue of
Pilotage
Exemption
Certificates

5. (1) An application for a Pilotage Exemption Certificate may only be made by a member of the crew of a vessel, and shall only apply in relation to his or her employment in relation to the vessel nominated by the applicant, or to any other vessel of similar length and draught as identified in the application, and endorsed in the certificate.

(2) The qualifications and experience required for the issue of a Pilotage Exemption Certificate to any applicant under these Regulations are –

- (a) that each of the requirements applicable for Pilotage Certificates in accordance with regulation ~~4, are satisfied,~~
- (b) evidence that within the period of 12 months immediately preceding the date on which the application is made that the applicant has –

- (i) served actively in commanding a vessel in pilotage charge of a certified pilot for not less than three entries into and for not less than three exits from; or
- (ii) while acting a bridge watchkeeper of a vessel that was in pilotage charge of a licensed pilot or an exempt pilot-served either actively, or as an observer on the navigation bridge of the vessel for not less than six entries into and for not less than six exits from –

the pilotage district in respect of which the issue of the Pilotage Exemption Certificate is sought.

- (3) The Director shall reject any application which is made by any person who does not hold the necessary qualifications and experience as required by this regulation.

PART 3 - CERTIFICATION OF PILOTS AND EXEMPT PILOTS

6. (1) All applications for the issue of a Pilotage Certificate must be made on a form approved for that purpose by the Director. Applications
for Pilotage
Certificates

- (2) Each application for a Pilotage Certificate must be accompanied by documentary evidence that –

- (a) the applicant currently holds the required Certificate of Competency;
- (b) there are no pending or outstanding inquiries or disciplinary proceedings relating to the conduct of the applicant;

- (c) the applicant has satisfactorily completed the requirements of regulation 4(1)(b);
- (d) the applicant is in good health and has eyesight assessed by recent examination to be not less than the standards required for masters and deck officers required to undertake look-out duties;
- (e) the applicant is of good character and considered by persons whom the applicant has served with or under to be of sufficient competence, experience and skill to hold a Pilots Certificate.

(3) A non-refundable application fee of \$1,000 must accompany each application.

Applications
or Pilotage
Exemption
Certificates

7. (1) All applications for the issue of a Pilotage Exemption Certificate must be made on a form approved for that purpose by the Director.

(2) Each application for a Pilotage Exemption Certificate must specify the vessel or vessels on which the applicant serves as crew and the pilotage district or districts in which that vessel operates.

(3) Each application for a Pilotage Exemption Certificate must be accompanied by documentary evidence as required under regulation 6(2), and which provides evidence that the applicant meets the requirements of regulation 5(2)(b).

(4) The Director may request that any additional information be provided in support of an application, and that the applicant verify any matter stated in an application, or the supporting documents relating to an application.

(5) A non-refundable application fee of \$3,000 must accompany each application.

8. (1) The Director may grant an application and issue a Pilotage Certificate or Pilotage Exemption Certificate.

Issue of
Pilotage
Certificates
and Pilotage
Exemption
Certificates

(2) When issuing a Pilotage Certificate or Pilotage Exemption Certificate under these Regulations the Director may impose any conditions in relation to the certificate and the activities that may be undertaken under the authority of the certificate.

(3) Without limiting the generality of sub-regulation (2), conditions may be imposed in relation to –

- (a) requirements for periodic medical, fitness and eyesight examinations, and for reporting outcomes of such examinations; and
- (b) requirements that the pilot give notice to the Director in relation to any specified incident, inquiry or proceeding which may affect the right of the pilot to hold a certificate under these Regulations.

(4) It is a condition of every Pilotage Certificate or Pilotage Exemption Certificate issued under these Regulations that the certified pilot must:

- (a) file an annual return with the Director;
- (b) provide any information that the Director requires from time to time; and
- (c) comply with all requirements imposed by the Ports Authority in accordance with the Ports Act [Cap.161] relating to the need for on-going training and certification, or any other requirement applying to licensed pilots under that Act.

- (5) Returns required under sub-regulation (4) must –
 - (a) be submitted to the Director by the end of each calendar year, and at such other intervals, or upon such events, as the Director may require at any time; and
 - (b) contain details of the pilotage duties performed in the 12 month period, and such other information as the Director may require.

by

(6) All conditions applying to an approval given under these Regulations shall be deemed to be conditions applying to any pilot licence issued to the certified pilot under the Ports Act [Cap.161].

Period of validity of certificates

9. All certificates issued under this Part shall be valid for a period of 5 years from the date of issue, unless sooner cancelled in accordance with regulation 10.

Cancellation of certificates

- 10. (1) A Pilotage Exemption Certificate –
 - (a) shall be deemed to be cancelled if the holder of the certificate ceases to be employed as crew member on the vessels stated in the certificate; and
 - (b) may be cancelled by the Director at any time.
- (2) A Pilotage Certificate may be cancelled by the Director on the grounds that –
 - (a) false or misleading information was provided by the certified pilot to the Administration in the application, or at any time;

by

lic:
me
lic
d b
st
re
lica
ons
r te
ice
e a
tio
fo
ove
fo
r v
dis
foi
doc
h p
f re
re
f a
ir
app
le
on.

- (b) the certified pilot has committed any offence under the Shipping Act 1998, or any other law for which a penalty of imprisonment can be imposed;
- (c) the Director has determined by inquiry conducted under section 100 of the Shipping Act 1998, and after consultation with the Ports Authority, that a certificate should be cancelled;
- (d) the Ports Authority has revoked the relevant pilot's licence in accordance with section 48 of the Ports Act [Cap.161];
- (e) the certified pilot has not performed pilotage duties in Solomon Island waters for a period of 12 months or more;
- (f) the Pilot has failed to submit an annual return or otherwise failed to comply with any other lawful requirement applying to the Certificate; or
- (g) the pilot has failed to pay any fees prescribed by law and payable to the Administration.

11. (1) Every person issued with a pilotage exemption certificate under these Regulations must pay annual fee of S3,000. Provisions applying to fees

(2) All fees prescribed under these Regulations shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.

PART 4 - MISCELLANEOUS

Offences
against these
Regulations

12. (1) Any person who provides false or misleading information –
- (a) in any application made under these Regulations;
 - (b) when required to provide a return or report; or
 - (c) when otherwise required to provide information under these Regulations –

commits an offence and shall be liable upon conviction to a fine not exceeding 250 penalty units.

- (2) Any person who –
- (a) impersonates a pilot while not being the holder or a certificate under these Regulations; or
 - (b) falsely represent that he or she is the current holder of a certificate issued under these Regulations whilst not holding such certification –

commits an offence and shall be liable upon conviction to a fine not exceeding 500 penalty units.

Compliance
with other
laws

13. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands.

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development

[Legal Notice No. 67]

**MARITIME SAFETY ADMINISTRATION (RESEARCH VESSELS)
REGULATIONS 2010**

ARRANGEMENT OF REGULATIONS

PART 1 - PRELIMINARY

1. Citation
2. Interpretation

PART 2 - APPROVALS FOR VESSELS TO UNDERTAKE RESEARCH

3. Approvals for research activities
4. Requirements for applications for approval
5. Grant of Approval
6. Approvals where research permit is not required
7. Monitoring fees

PART 3 - MISCELLANEOUS

8. Offences against these Regulations
9. Review of fees
10. Compliance with other laws

SCHEDULE

MARITIME SAFETY ADMINISTRATION ACT 2009
(No.8 of 2009)

**MARITIME SAFETY ADMINISTRATION (RESEARCH VESSELS)
REGULATIONS 2010**

IN exercise of the powers conferred upon the Minister by sections 7(1)(i) and 29 of the Maritime Safety Administration Act 2009, the Minister makes these Regulations –

PART 1 - PRELIMINARY

- | | |
|----------------|---|
| Citation | 1. These Regulations may be cited as the Maritime Safety Administration (Research Vessels) Regulations 2010. |
| Interpretation | <p>2. (1) In these Regulations, unless the contrary intention appears –</p> <p>“the Act” means the Maritime Safety Administration Act 2009;</p> <p>“the Administration” means the Solomon Islands Maritime Safety Administration established under the Act;</p> <p>“Director” means the Director of Marine;</p> <p>“maritime conventions” includes all international maritime conventions applicable in Solomon Islands by reason of any Act, regulations or rule of international law;</p> <p>“research permit” means a permit granted under the Research Act [Cap.152]; and</p> <p>“Solomon Islands waters” includes the territorial waters, the exclusive economic zone and the continental shelf as defined in the Delimitation of Marine Waters Act [Cap. 95].</p> <p>(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998, unless a contrary intention appears.</p> |

**PART 2 – APPROVALS FOR VESSELS TO UNDERTAKE
RESEARCH**

3. (1) No vessel may be used in Solomon Islands waters for the purposes of carrying out research of any nature unless approval for the vessel and its proposed operations have been given by the Administration in accordance with these Regulations. Approvals for research activities

(2) Subject to regulation 6, any approval given under these Regulations is subject to the grant of a research permit for the relevant research activities, and no rights are conferred by reason of the grant of an approval under these Regulations until such time as a research permit is granted.

(3) The Minister may exempt a vessel from the requirements of these Regulations on the grounds that –

- (a) the proposed activities of the vessel are in the nature only of delivering supplies or materials to an approved researcher; or
- (b) the vessel has been retained by the government to undertake research on behalf of the government.

4. (1) The master or owner of any vessel which is intended to be used to carry out research of any nature within Solomon Islands waters must submit an application to the Director for approval in accordance with these Regulations. Requirements for applications for approval

(2) All applications under this regulation must –

- (a) be made on a form approved for that purpose by the Director; and
- (b) include a copy of the relevant application made under section 3 of the Research Act (Cap. 152) for the grant of a research permit.

(3) A non-refundable application fee of US\$1,000 is payable at the time of making the application.

(4) Each application must be accompanied by certified copies of the following documents relating to the vessel to be used –

- (a) the Certificate of Registry;
- (b) all other certificates showing compliance with applicable international conventions;
- (c) all current insurance policies applying to the vessel; and
- (d) the current International Oil Pollution Prevention Certificate; and
- (e) a copy of the vessel's oil spill response plan.

(5) A Voyage Plan must be submitted in support of an application which gives particulars of –

- (a) the objectives of the research;
- (b) all operational aspects of the voyage and the research activities;
- (c) all equipment to be utilised in the research activities;
- (d) any proposed object, material or organism intended to be collected or taken during the research activities; and
- (e) any other matter required by the Director

(6) The approval application form shall require the applicant to certify that the vessel and the vessel's operations comply with –

- (a) the requirements of the STCW Convention;
- (b) international best practice in relation to marine pollution prevention and response;
- (c) the published research vessel safety standards of the University National Oceanographic Laboratory Systems (UNOLS), or their equivalent.

(7) Evidence of consents from provincial governments in the areas where the research is intended to be carried out, and of landowners likely to be affected by the research activities must be provided to the satisfaction of the Director.

(8) The Director may request that any additional information be provided in support of an application, and that the applicant verify any matter stated in an application, or the supporting documents relating to an application.

5. (1) The Director may grant an application and issue an approval in writing. Grant of Approval

(2) When approving an application under these Regulations the Director may impose any conditions that relate to –

- (a) safety of the vessel;
- (b) the employment and welfare of the vessel's crew;
- (c) protection of maritime infrastructure and the marine environment;

- (d) protection of the rights and interests of landowners and communities in the vicinity of marine areas, and of other persons undertaking lawful activities in such areas; and
 - (e) any other matter of compliance with maritime laws and applicable maritime conventions.
- (3) It is a condition of every approval given under these Regulations that the approved researcher must –
- (a) report to the Director in accordance with sub-regulation (4);
 - (b) permit a representative of the Administration to accompany a research voyage if required by the Director, and pay the costs of that representative as determined by the Director.
- (4) Reports required under sub-regulation (3) must –
- (a) be submitted at the completion of the research voyage, and at such other intervals, or upon such events, as the Director may require at any time; and
 - (b) contain such information as the Director may require.
- (5) All conditions applying to an approval given under these Regulations shall be deemed to be conditions applying to any research permit to which the approval relates.

6. (1) Any vessel intending to undertake scientific research of any nature must make application for approval under these Regulations even if it is determined that a research permit is not required under the Research Act [Cap. 152] in relation to the proposed research activities.

Approvals
where research
permit is not
required

(2) In any case to which sub-regulation (1) applies, the approval given under these Regulations shall be effective to permit the research to be undertaken in accordance with the terms of the approval, and any conditions applied to it by the Director.

7. (1) All vessels which are approved under regulation 5 must pay the monitoring fees specified in the Schedule.

Monitoring
fees

(2) The Director may determine the nature of the research activity undertaken by an approved vessel for the purposes of applying the monitoring fees prescribed in the Schedule.

(3) The Minister may exempt an approved research vessel from payment of monitoring fees if the vessel has been retained by the government to undertake the research, or if the nature of the research is beneficial to the government.

PART 3 - MISCELLANEOUS

8. (1) The owner or master of any vessel who permits the vessel to participate in research in Solomon Islands –

Offences
against these
Regulations

- (a) without an approval or exemption given under these Regulations; or
- (b) in breach of any term of an approval or any condition applying to an approval

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

(2) Any person who arranges for a vessel to participate in research in Solomon Islands –

- (a) without an approval or exemption given under these Regulations; or
- (b) in breach of any term of an approval or any condition applying to an approval –

commits an offence and shall be liable upon conviction to a fine not exceeding 150 penalty units.

(3) Any person who provides false or misleading information –

- (a) in any application made under these Regulations;
- (b) when required to provide a report; or
- (c) when otherwise required to provide information under these Regulations –

commits an offence and shall be liable upon conviction a fine not exceeding 100 penalty units.

Review of fees

9. (1) All fees prescribed under these Regulations shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.

(2) When fees are increased in accordance with sub-regulation (1), the Director may publish a list of revised fees to be displayed at the offices of the Administration and to be otherwise notified and circulated as the Director determines.

10. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands. Compliance with other laws

SCHEDULE

(Regulation 7(1))

MONITORING FEES

Activity classification	Monitoring fee (US\$)
Minerals	250 per month or part thereof
Oil & gas	250 per month or part thereof
Fisheries and marine resources	150 per month or part thereof
Forestry and associated activities	150 per month or part thereof
Agricultural and associated activities	150 per month or part thereof
Aquaculture	150 per month or part thereof
Oceanography	100 per month or part thereof
Hydrograph	100 per month or part thereof
Tourism	50 per month or part thereof
Other	150 per month or part thereof

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development

[Legal Notice No. 68]

SHIPPING (MARINE NAVIGATION AIDS) REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

PART 1 - PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2 - POWERS UNDER THESE REGULATIONS

3. Determination of ports
4. Exemptions of classes of vessels
5. Authorised collection officers
6. Powers relating to approved marine navigation aids

PART 3 - MARINE NAVIGATION DUES

7. Dues payable by vessels registered in Solomon Islands
8. Dues payable by vessels that are not registered in Solomon Islands
9. Dues payable for one port entry for each voyage
10. Time for payment of marine navigation dues

PART 4 - REGULATORY CONTROL OVER MARINE NAVIGATION AIDS

11. Power of the Director to determine aids covered by these Regulations
12. Controls over installation, removal etc.
13. Standards for the construction, maintenance and operation of Marine Navigation Aids
14. Approved maintenance programs

PART 5 - MISCELLANEOUS

15. Offences against these Regulations
16. Review of Dues
17. Compliance with other laws

SHIPPING ACT 1998
(No.5 of 1998)

SHIPPING (MARINE NAVIGATION AIDS) REGULATIONS 2010

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

PART 1 - PRELIMINARY

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

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

“the Act” means the Shipping Act 1998;

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

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

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

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

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

“port” includes –

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

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

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

PART 2 - POWERS UNDER THESE REGULATIONS

Declaration
of ports

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

Exemptions of
classes of ves-
sels

4. The Minister may make written determinations to –

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

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

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

(2) an authorised collection officer may –

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

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

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

^{Powers relating to approved marine navigation aids}

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

(3) Any person who –

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

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

PART 3 - MARINE NAVIGATION DUES

Dues payable
by vessels
registered in
Solomon
Islands

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

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

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

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

Dues payable by vessels that are not registered in Solomon Islands

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

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

Dues payable for one port entry for each voyage

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

Time for payment of marine navigation dues

PART 4 - REGULATORY CONTROL OVER MARINE NAVIGATION AIDS

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

Power of the Director to determine aids covered by these Regulations

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

Controls over installation, removal etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved
maintenance
programs

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

PART 5 - MISCELLANEOUS

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

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development

[Legal Notice No. 69]

SHIPPING (REGISTRATION) REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

PART 1 - PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of these Regulations

PART 2 - APPLICATIONS FOR REGISTRATION OF VESSELS

4. Form and particulars for applications
5. Declaration of Entitlement to Ownership

PART 3 - REQUIREMENTS APPLYING TO THE REGISTRATION PROCESS

6. Builders Certificates
7. Tonnage measurement
8. Carving and Marking Notes
9. Approval of Registration

PART 4 - PROVISIONAL REGISTRATION

10. Applications for Provisional Registration
11. Protection for the crew of provisionally registered vessels

PART 5 - REQUIREMENTS APPLYING TO NAMES OF VESSELS

12. Vessels to be described by registered name only
13. Restrictions applying to names of vessels
14. Change of registered names

PART 6 - CHANGES OF OWNERSHIP AND PARTICULARS

15. Recording changes of ownership
16. Requirements applying to Bills of Sale
17. Requirement to notify changes in ownership
18. Changes to a vessel's registered particulars

PART 7 - TRANSMISSION OF INTERESTS IN VESSELS

19. Authentication of the transmission of any interest
20. Transmission of interests in a registered vessel

PART 8 - REGISTRATION OF MORTGAGES AND LIENS

21. Registration of mortgages applying to registered vessels
22. Discharge of registered mortgages
23. Notification of changes in mortgage interests
24. Registration of maritime liens
25. Discharge of registered maritime liens

PART 9 - OTHER MATTERS AFFECTING THE REGISTER

26. Grounds for termination of registration
27. Review of the register
28. Registration of other authorised matters

PART 10 - SAFETY REQUIREMENTS APPLYING TO REGISTERED VESSELS

29. Survey and safety certificates
30. Survey and safety certificate fees
31. Annual registration fees

PART 11 - MISCELLANEOUS

32. Use of Forms
33. Periodic review of Fees
34. Offences against these Regulations
35. Compliance with other laws
36. Repeals
37. Saving of existing registration

SHIPPING ACT 1998

(No. 5 of 1998)

SHIPPING (REGISTRATION) REGULATIONS 2010

IN exercise of the powers conferred upon the Minister by sections 51, 52 and 92 of the Shipping Act 1998, the Minister makes these Regulations –

PART 1 - PRELIMINARY

1. (1) These Regulations may be cited as the Shipping (Registration) Regulations 2010. Citation and commencement
- (2) These Regulations shall commence on the 1st day of July 2010.
2. (1) In these Regulations, unless the contrary intention appears – Interpretation
 - “the Act” means the Shipping Act 1998;
 - “the Administration” means the Solomon Islands Maritime Safety Administration established under the Maritime Safety Administration Act 2009;
 - “approved form” means the form approved for that purpose by the Director in accordance with regulation 32;
 - “convention vessel” means any registered vessel other than a non convention vessel;

“gross tonnage” means the gross tonnage of the vessel as specified in relation to a vessel in the register, and where the gross tonnage of a vessel is not accurately known, then for all regulatory purposes it shall be determined by the formula --

$$\frac{\text{Length} \times \text{Breadth} \times \text{Depth} \times 0.75}{100};$$

“length of vessel” means the overall length of the vessel as specified in the survey certificate;

“non convention vessel” has the same meaning as in the Shipping (Non-Convention Vessel Safety) Regulations 2006;

“prescribed classification societies” mean any of the classification societies listed in Schedule 1; and

“registrar” means the Director of Marine holding office in accordance with the Maritime Safety Administration Act 2009, and lawfully vested with the functions and powers of the registrar under the Shipping Act 1998.

(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998 and the Shipping (Non Convention Vessel Safety) Regulations 2006, unless a contrary intention appears.

Application
of these
Regulations

3. (1) These Regulations shall apply to all vessels required to be registered under Part II and Part III of the Act.

(2) These Regulations shall apply to the registration of all vessels, and all other matters provided for under these Regulations, from the 1st day of July 2010.

PART 2 - APPLICATIONS FOR REGISTRATION OF VESSELS

4. (1) Applications for the registration of all vessels to which these Regulations apply shall be in the form approved by the Director pursuant to regulation 32, and shall specify – Form and particulars of applications

- (a) the name of the owners to be registered, and their residential and business addresses;
- (b) a description of the vessel, and particulars of –
 - (i) its tonnage; and
 - (ii) of any previous registration;

(2) Each application made under this regulation shall be accompanied by –

- (a) an application for the name of the vessel in the approved form, with a list of at least 3 alternative names;
- (b) a Declaration of Qualified Person in the approved form, which provides details of each of its owners;
- (c) evidence of the vessel's seaworthiness to the satisfaction of the registrar;
- (d) evidence of the cancellation of any previous foreign registration;
- (e) evidence by Bill of Sale in the approved form that the applicant is the owner of the vessel;
- (f) appointment of a Managing Owner or Manager (if any) in the approved form;
- (g) a Declaration of Appointment of Agent in the approved form, if an agent is appointed; and
- (h) a certificate in the approved form signed by the builder, if it is a new vessel.

(3) Each application for registration shall be accompanied by the prescribed fee.

Declaration of
Entitlement to
Ownership

5. (1) Every Qualified Person who wishes to be registered as an owner of a registered vessel, or a share in the ownership of a vessel, must complete a Declaration of Entitlement to Ownership in the approved form.

(2) Each declaration shall specify --

- (a) the name of the vessel;
- (b) each person who has a share in the ownership of the vessel, with particulars of --
 - (i) the address and nationality of each person claiming ownership;
 - (ii) the grounds upon which each person claims their nationality; and
 - (iii) the qualifying interest, with documentary evidence of that interest.

(3) The particulars required under this regulation can be provided in several documents, if the combined particulars provided in the several documents comply with the requirements stated in the approved form.

(4) Where the registrar has any doubts as to the bona fide ownership of a vessel in relation to which an application for registration has been made, the registrar may require the applicant to place a public advertisement notifying of the proposed application and seeking any response from persons making any claim to ownership of the vessel.

(5) The requirements applying to an advertisement under sub-regulation (4) may be determined by the registrar, and the registrar may proceed to register the vessel if no response has been received within the stipulated time.

(6) The registrar may approve a Declaration submitted under this regulation, and upon payment of the prescribed fee the registrar may make an entry in the register to record the relevant ownership interest.

6. (1) For the purposes of registration of vessels, the builders certificate required under regulation 4(2)(h) shall specify –

Builders
Certificates

- (a) the name (if any) of the vessel;
- (b) the builder's identification number for the vessel;
- (c) the year the vessel was built;
- (d) the place the vessel was built;
- (e) the name and address of the builder
- (f) the name and address of the person for whom it was built;
- (g) the particulars and characteristics of the vessel;
- (h) the builder's estimate tonnage of the vessel; and
- (i) any other matter or particular required by the registrar

(2) Every builders certificate shall be in the approved form, and shall be signed by the builder or builders of the vessel.

(3) The specifications and particulars required under this regulation may be contained in more than one document if the vessel was built in stages by more than one builder, but each builder must sign the certificate if it relates to more than one stage of construction by different builders.

(4) If the builders certificate cannot be obtained for reasons that are accepted by the registrar, then the owner must make a declaration stating each of the specifications and particulars required by this regulation, and the declaration must be attached to the application for registration.

(5) For the purposes of this regulation, if a vessel has been altered after its completion then that shall be regarded as having been constructed in more than one stage.

- Tonnage measurement measurement –
7. (1) For the purposes of registration of vessels, tonnage measurement –
- (a) for vessels to which the Tonnage Measurement Convention applies – shall be done in accordance with the Tonnage Measurement Convention 1969 as amended; or
 - (b) for non-convention vessels - shall be done in accordance with the Shipping (Non-Convention Vessel Safety) Regulations 2006.
- (2) In the case of a vessel to which the Tonnage Measurement Convention applies the Tonnage Certificate must be in the approved form.
- (3) All vessels must be made available for measurement by an approved surveyor, and the owner and master of the vessel must make available all necessary facilities for the inspection and measurement to be undertaken.
- (4) Plans, drawings, specifications and other documents required by a surveyor must be made available by the owner and master.
- (5) Registration of a vessel shall not be made under these Regulations until the registrar has been provided with –
- (a) for vessels to which the Tonnage Measurement Convention applies – an International Tonnage Measurement Certificate; or
 - (b) for non-convention vessels - a tonnage survey report issued in accordance with section 20 of the Act; and
 - (c) a certificate of survey in the approved form, which must confirm that the vessel is in class with one of the prescribed classification societies; and

- (d) a certificate of survey in the approved form, which must confirm compliance with the conventions referred to in section 56(1) of the Act.

8. (1) The Carving and Marking Note issued by the registrar shall be in the approved form and shall indicate requirements for the marking of a vessel in compliance with this regulation. Carving and
Marking Notes

(2) The marking of every vessel must confirm to the Carving and Marking Note issued by the registrar, and each vessel shall be marked –

- (a) with its name each side of the stem;
- (b) with the word “Honiara” on its stern and below its name;
- (c) on each side of its stem and stern by a scale by a scale of decimetres, or metres and decimetres, to denote its draught;
- (d) on its main beam with its official number and gross tonnage; and
- (e) with the load line marks determined by the surveyor.

(3) The name and place of registration shall be in white or yellow letters on a dark background, or black letters on a light background.

(4) Letters must be at least 10cm in height (with proportionate breadth), and not less than 2 cm in thickness.

(5) The draught markings required under sub-regulation (2)(c) shall --

- (a) be in white or yellow letters on a dark background, or black letters on a light background;
- (b) be welded or cut into the vessel;
- (c) be 10cm in length, with proportionate breadth; and
- (d) show each metre interval and each intervening 20 cm interval, with a letter "M" must be placed after each metre.

(6) The topmost figure of the scale of the draught markings shall show the metres, and the 10cm intervals denoted by the figure, and the lower line of each figure shall coincide with the draught line denoted by each figure.

(7) The surveyor shall complete the Carving and Marking Note after inspection of the vessel, and shall certify that the official number and registered tonnage have been permanently and conspicuously cut in the vessel's main beam, and that the vessel's name, port of registry and draft marks have been marked in the manner required by these Regulations.

(8) The Carving and Marking Note must then be returned to the registrar by the owner of the vessel.

Approval of
Registration

9. (1) If the registrar is satisfied that the vessel is wholly owned by Qualified Persons and that the application for registration meets the requirements of these Regulations, then upon payment of the prescribed fee, the registrar may approve the registration of the vessel, and issue a Certificate of Registry.

(2) The registrar shall ensure that particulars of registration are entered in the registry to record –

- (a) the official number assigned to the vessel in the registry;
- (b) the registered name of the vessel;
- (c) the date and time of registration;
- (d) the port of registry;
- (e) the call sign;
- (f) the place of construction and the year of completion;
- (g) the characteristics of the vessel, including its gross tonnage, net tonnage and any alternative tonnages;
- (h) in relation to each person who owns the vessel –
 - (i) the name; address and nationality of each registered owner;
 - (ii) the extent of the interest in the vessel of each owner; and
 - (iii) any other particulars of the Bill of Sale that the registrar determines should appear in the register;
- (i) in relation to any company which owns the vessel –
 - (i) the name of the company and the address of its registered office;
 - (ii) the name and address of the directors of the company and its manager or chief executive officer;

- (iii) the extent of the interest in the vessel of the company; and
 - (iv) any other particulars of the Bill of Sale that the registrar determines should appear in the registrar; and
 - (k) the name and address of the nominated Managing Owner or Manager, if any.
- (3) If the vessel has been previously registered in the register, then its official number shall be retained, but the registry number shall be the next number allocated for that year.
- (4) The registrar shall sign each entry and affix the seal of the Administration.
- (5) The registrar shall ensure that the following documents are retained and kept secure –
- (a) the Application for Registration;
 - (b) each Declaration of Qualified Person;
 - (c) the Builders Certificate;
 - (d) the Notice of Name of a Vessel, or change of name;
 - (e) the Certificate of Survey;
 - (f) the appointment of Managing Owner or Manager, if any; and
 - (g) any other documents that the registrar decides to retain.
- (6) A Certificate of Registry shall be issued in the approved form.

- (6) A Certificate of Registry shall be issued in the approved form.

PART 4 - PROVISIONAL REGISTRATION

10. (1) All applications for the provisions registration of vessels in accordance with section 26 of the Act, and for the issue of a Provincial Certificate of Registry must be in the approved form and be accompanied by the prescribed fee.

(2) The approved form for Applications for Provisional Registration shall require that the information and documentation applying under regulation 4 be provided, and each application must specify –

- (a) the name, official number and call sign of the vessel;
- (b) the proposed date and place of issue of the Provisional Certificate;
- (c) the reasons for making the application for provisional registration; and
- (d) the date on or near which the vessel is expected to arrive at the port of registry.

(3) All applications under this regulation must be accompanied by a Declaration of Qualified Person for each of its owners.

(4) Each application under this regulation must be signed by the owner or master of the vessel.

(5) The applicant must pay all expenses incurred by the Administration in inspecting the vessel, including payment for the inspection and full travel costs incurred by the surveyor, as fixed by the registrar.

(6) The registrar may approve an application for provisional registration of a vessel and upon payment of the prescribed fee, shall then issue a Certificate of Provisional Registration.

(7) The Certificate of Provisional Registration may be issued by the surveyor who is authorised to inspect the vessel prior to its departure for Solomon Islands, unless the registrar directs otherwise.

Protection for
the crew of
provisionally
registered
vessels

11. (1) No Certificate of Provisional Registration shall be issued unless the owner or master of the vessels establishes that proper articles of employment have been drawn up for all crew engaged for the voyage of the vessel to Solomon Islands.

(2) No registration of any provisionally registered vessel shall be made in accordance with Parts 2 and 3 until the owner or master satisfies the registrar that all articles have been fully discharged and closed by full payment to all crew of the provisionally registered vessel of all their entitlements in relation to the voyage to Solomon Islands.

PART 5 - REQUIREMENTS APPLYING TO NAMES OF VESSELS

Vessels to be
described by
registered
name only

12. In relation to all official records and returns, and in all commercial and trading activities, a registered vessel must be described only by its current registered name.

Restrictions
applying to
names of
vessels

13. (1) When considering an application for registration under these Regulations, or any application for a change of a registered name of a vessel, the registrar shall not approve –

- (a) names of existing vessels;
- (b) approved names of vessels in the process of registration;
- (c) names which are likely to be confused or mistaken for any registered or approved names;
- (d) names that are blasphemous or likely to cause offence;

- (c) names which falsely suggest a connection with –
 - (i) the Government of Solomon Islands, or any Government ministry or department, or any provincial or local government;
 - (ii) the Commonwealth of Nations;
 - (iii) the United Nations; or
 - (iv) the Police Service; or
- (f) names of political parties in Solomon Islands

14. (1) An application may be made to the registrar for the Change of registered names change of name of a registered vessel.

(2) An application under this regulation must be in the approved form and be accompanied by the prescribed fee.

(3) Each application must specify the current registered name and the official number of the vessel, and it must nominate three proposed names in order of preference.

(4) When the registrar approves an application under this regulation, the registrar shall cause the new name to be entered in the register and to be endorsed on the vessel's Certificate of Registry.

(5) The owner of any vessel who has obtained approval under this regulation shall forthwith ensure that the required markings of the new name are made in accordance with the regulation 8.

PART 6 - CHANGES OF OWNERSHIP AND PARTICULARS

- Recording changes of ownership
15. (1) All applications for the registration of a change of ownership of a registered vessel must be in the approved form and accompanied by a Bill of Sale and the prescribed fee.
- (2) If the registrar is satisfied that a change of ownership of a registered vessel has lawfully taken place the registrar shall –
- (a) enter details of the change in the registrar;
 - (b) endorse details of the change on the Certificate of Registry; and
 - (c) retain the Bill of Sale and Declaration of Qualified Person applying to the new owner of the vessel.
- Requirements applying to Bills of Sale
16. (1) For the purposes of section 31 of the Act and regulation 15(1), a Bill of Sale must be in the approved form, and must specify –
- (a) the name and official number of the vessel;
 - (b) the vessel's registered particulars as required by regulation 6(1)(g);
 - (c) the name and address of the transferor and the transferee; and
 - (d) the number of shares in the vessel to which the Bill of Sale relates.
- (2) Every Bill of Sale must be signed by the transferor, and must be under the corporate seal if the transferor is a company.

(3) A Declaration of Qualified Person on Transfer of a Vessel made under section 32 of the Act must be in the approved form, and must –

- (a) specify –
 - (i) the name and official number of the vessel;
 - (ii) the date of the Bill of Sale; and
 - (iii) each person who is the transferee, and their nationality and the grounds upon which the nationality is claimed; and
- (b) be signed by each transferee.

17. (1) The owner of a registered vessel must notify the registrar of any change of ownership within 14 days of the date that the change of ownership has legally taken effect, and must file a Notice of Change of Ownership. Requirement to notify changes in ownership

(2) If any owner ceases to be a Qualified Person then he or she must immediately notify the registrar.

18. (1) If any alteration is made to a registered vessel that changes its registered particulars then the owner must file a Notice of Alteration of Particulars with the Registrar within 21 days of the alterations being completed. Changes to a vessel's registered particulars

(2) Each notice filed under this regulation must be in the approved form and accompanied by the prescribed fee.

(3) Upon notification under this regulation, the registrar shall make entries in the register of all changes to –

- (a) the description of the vessel;
- (b) the tonnage and length of the vessel; and
- (c) any other particulars or material changes to the vessel that the registrar determines should be altered in the register.

- (4) Upon acceptance by the registrar of any notice filed under this regulation, the owner of the vessel shall forthwith ensure that the required markings relating to any particular of the vessel that has been changed are altered so as to comply with the requirements applying under regulation 8.

PART 7 - TRANSMISSION OF INTERESTS IN VESSELS

Authenticatio
n of the
transmission
of any interest

19. (1) The transmission of any ownership interest in a registered vessel, or an interest in a mortgage applying to a registered vessel, by reason of the operation of sections 34 and 40 of the Shipping Act 1998, must be made by application to the registrar, and authenticated by a Declaration of Transmission in the approved form.

(2) In cases of transmission arising from death, the Declaration of Transmission must be accompanied by the probate or letters of administration evidencing the legal representative of the deceased person.

(3) In the case of transmission arising from insolvency or bankruptcy, the Declaration of Transmission must be accompanied by such evidence as is receivable in court as proof of the title of the person claiming ownership.

(4) Every Declaration of Transmission filed with the registrar under this regulation must specify –

- (a) the name and official number of the vessel;
- (b) the name and address of each person from whom the interest is to be transmitted; and
- (c) the name, address and nationality of each person to whom the interest is to be transmitted.

(5) The registrar may require the provision of any additional information, or the verification of any information that is provided.

20. (1) If the registrar is satisfied that an application made under regulation 19 meets the prescribed requirements and establishes that there has been a lawful transmission of an interest in a registered vessel, the registrar may amend the register to record the transmission of the interest.

Transmission
of interests in
a registered
vessel

(2) Applications for Declaration of Transmissions under this Part must be accompanied by the prescribed fee, and all amendments of the register to give effect to any lawful transmission of an interest in a registered vessel are subject to payment of the prescribed fee.

PART 8 - REGISTRATION OF MORTGAGES AND LIENS

21. (1) Applications for the registration of mortgages affecting registered vessels must be in the approved form and accompanied by the prescribed fee.

Registration
of mortgages
applying to
registered
vessels

(2) All applications under this regulation must include the name, official number and particulars of the vessel, and the name and address of the mortgagor and mortgagee.

(3) The mortgage document must specify –

- (a) the amount and nature of the consideration;
- (b) the principal sum lent under the mortgage, or the current account or line of credit secured by the mortgage; and
- (c) any collateral loan agreement

(4) The mortgagor must sign the mortgage in the presence of a witness, or duly affix the corporate seal in the case of a company.

(5) In the case of a mortgage executed under corporate seal, the registrar must be provided with details of the particular company's requirements for the sealing of instruments to verify that the mortgage has been duly executed.

(6) If the registrar is satisfied as to the form of the mortgage and the particulars stated in it, and upon payment of the prescribed fee, the registrar shall register the mortgage in the registry and enter the date and time of registration.

Discharge of
registered
mortgages

22. (1) Applications for the discharge of a registered mortgage under section 37 of the Act must be made on the approved form, and must be accompanied by the prescribed fee.

(2) The registrar may require the provision of any relevant information, or any verification of information that is provided in support of an application for the discharge of a registered mortgage.

(3) The registrar may enter any relevant details in the registry, as determined by the registrar, when a discharge of mortgage is accepted in accordance with this regulation.

Notification of
changes in
mortgage
interests

23. (1) The holder of any interest under a registered mortgage must notify the registrar of any change of any interest held by any person in a registered mortgage, within 14 days of the date that the change has legally taken effect.

(2) A notice of change of mortgage interest must be filed in the approved form and accompanied by the prescribed fee by any person who is obliged to comply with sub-regulation (1).

Registration of
maritime liens

24. (1) Applications for the registration of maritime liens affecting registered vessels must be made to the registrar on the approved form, and must be accompanied by the prescribed fee.

(2) A maritime lien must be in the form approved by the registrar for registration under this regulation.

(3) The registrar may require that any relevant particulars be provided in relation to a maritime lien to be registered under these Regulations, and may enter any relevant details in the register, as determined by the registrar, when the registration of a maritime lien affecting a registered vessel is accepted in accordance with these Regulations.

25. (1) Applications for the discharge of a registered maritime lien must be made on the approved form, and accompanied by the prescribed fee. Discharge of registered maritime

(2) Written notification from the holder of a registered lien must be provided to the registrar before action is taken by the registrar to enter a note of the discharge of any maritime lien.

(3) The registrar may require the provision of any relevant information, or any verification of information that is provided in support of an application for the discharge of a registered maritime lien.

(4) The registrar may enter any relevant details in the registry, as determined by the registrar, when a discharge of maritime lien is accepted in accordance with this regulation.

PART 9 - OTHER MATTERS AFFECTING THE REGISTER

26. (1) The registrar shall terminate the registration of a vessel in accordance with any power provided for in the Act, these Regulations and any other law, and may terminate the registration of a vessel on the grounds that – Grounds for termination of registration

- (a) fees payable to the Administration or the government in relation to the registered vessel are unpaid;
- (b) any false or misleading information has been provided in relation to the registration of the vessel; or
- (c) if a court makes any determination in relation to the ownership of the vessel which is not consistent with a Declaration provided under Regulations 5 or 19.

(2) The registrar may amend the register to record any termination of registration made under sub-regulation (1), and shall give written notification to all persons who were registered as owners, or as otherwise having any interest in the vessel, of the termination of the registration.

Review of the register

27. (1) The registrar shall undertake a review of the register on at least one occasion each calendar year for the purposes of ensuring that registrations of vessels are current and to determine any matter affecting the validity of the registered particulars applying to the registered vessels.

(2) The registrar may exercise the powers under section 30 and 42 of the Act to ascertain the accuracy or legality of any matter stated in the register, and shall ensure that registrations are closed and vessels are struck off the register as provided for in section 41 of the Act.

Registration of other authorised matters

28. (1) In the event that the Act or any other law makes provision for the registration of any interest in a vessel other than the interests provided for in these Regulations, the registrar may determine –

- (a) the requirements applying to any application for registration that is permissible under the Act; and
- (b) the particulars of registration to be entered into the registry in such cases.

(2) The registrar shall ensure that any requirements and particulars approved under this regulation are consistent to the fullest extent possible with the requirements applying to the registration of vessels under these Regulations.

Surveys and Safety Certificates

29. (1) All registered vessels that are non convention vessels must comply with the requirements for surveys and safety certificates under the Shipping (Non Convention Vessel Safety) Regulations 2006, and any failure to comply with the provisions of those Regulations shall be grounds upon which the registrar may suspend or close the registration of the vessel.

(2) All registered vessels that are convention vessels must undergo surveys and be issued with safety certificates in a manner and at such times so as to comply with the –

- (a) International Convention for the Safety of Life at Sea (SOLAS) 1974 (as amended);
- (b) International Convention on Load Lines (as amended);
- (c) International Convention for Preventing Collisions at Sea 1972 (as amended);
- (d) International Convention for Preventing Collisions at Sea 1972 (as amended);
- (d) International Convention on Tonnage Measurement 1969; and
- (e) International Convention for the Prevention of Pollution from Ships 1973, and all other applicable Conventions relating to the prevention of marine pollution from ships.

(3) The societies set out in Schedule 1 of these regulations shall be prescribed classification societies for the purpose of section 55 of the Shipping Act 1998.

(4) For the purposes of ensuring compliance with sub-regulation (2), the Administration may apply the provisions of the Shipping (Non Convention Vessel Safety) Regulations 2006 to convention vessels, with such necessary modifications as the Director determines to be necessary to achieve compliance with the conventions referred to in sub-regulation (2), until such time as new regulations are made in respect of convention vessels under the Shipping Act 1998.

(5) The requirements applying to the maximum number of passengers which may be carried on a registered vessel are as prescribed in regulation 28 and Schedule II of the Shipping Regulations 1967 and shall be the number prescribed in respect of every vessel requiring a safety certificate, until such time as those regulations are revoked by regulations made under the Shipping Act 1998.

(6) The registration of any convention vessel which fails to comply with the provisions of this regulation may be suspended or closed.

Survey and safety certificate fees 30. Subject to regulation 33, the fees stated in Schedule 3 shall apply to all surveys and safety certificates undertaken and issued in relation to registered vessels.

Annual registration fees 31. (1) Subject to regulation 33, the annual fees specified in Schedule 4 are payable each year in respect of each registered vessel.

(2) The annual fees under this regulation are payable at the time of survey and issue of safety certificates, or at any other time determined by the Director.

PART II - MISCELLANEOUS

Use of Forms 32. All forms required for the application of these Regulations shall be approved when necessary by the Director in the exercise of the powers stated in section 11 of the Maritime Safety Administration Act 2009.

Periodic review of Fees 33. (1) All fees prescribed under these Regulations shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.

(2) When fees are increased in accordance with sub-regulation (1), the Director may publish a list of revised fees to be displayed at the offices of the Administration and to be otherwise notified and circulated as the Director determines.

Offences against these Regulations 34. (1) Any person who provides any false information or documentation --

(a) in relation to any application made, or notification given, under these Regulations; or

(b) when otherwise required to provide information, or the verification of any information, by the registrar --

commits an offence and shall be liable upon conviction to a fine not exceeding 500 penalty units or imprisonment for a term of up to 12 months, or both.

- (2) Any person who –
- (a) fails to comply with any requirement applying under these Regulations relating to the marking of a vessel;
 - (b) uses any name for a vessel other than its registered name in breach of regulation 12; or
 - (c) fails to give notification to the registrar of any matter, or of any change relating to a registered vessel, that is required to be notified to the registrar under these Regulations –

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

35. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands. Compliance with other laws

36. (1) On the coming into force of these Regulations, the following provisions of the Shipping Regulations 1967 are repealed – Repeals

- (a) regulations 18 - 27 inclusive;
- (b) regulations 29 - 36 inclusive;
- (c) regulations 38 and 39;
- (d) Schedules E (except paragraphs 21 and 30), F and G.

(2) The following provisions of the Shipping Regulations 1967 shall have the status of Regulations for the purposes of section 219 of the Shipping Act 1998, and shall continue to have application to all registered vessels and be applied in relation to the inspection and certification of registered vessels –

- (a) regulations 28 and 37;
- (b) paragraphs 21 and 30 of Schedule E; and
- (c) Schedule H

Savings of
existing
registrations

37. (1) All registrations of vessels, and of interests in vessels, appearing in the register prior to the commencement of these Regulations are deemed to be valid and in compliance with the provisions of these Regulations.

(2) The registrar may make any alterations to the register to reflect the requirements of these Regulations, and may require the owner of any registered vessel, or of any interest in a registered vessel, to provide such information or documentation as the registrar considers necessary to ensure that the details in the register are in accordance with the requirements of these Regulations.

SCHEDULE 1
(Regulation 29)

APPROVED CLASSIFICATION SOCIETIES

American Bureau of Shipping
Bureau Veritas
Det Norske Veritas
Germanischer Lloyd
Lloyd's Register of Shipping
Nippon Kaiji Kyokai

SCHEDULE 2
(Regulations 4 & 10)

REGISTRATION FEES

1. Fees for Applications for Registration –

The application fees payable for initial registration under regulation 4 (including registration made after the grant of provisional registration) and for re-registration are –

Gross Tonnage of vessel	Fees
0-50	S 750
51-100	S 900
101-150	S1,200
151-200	S1,600
201-250	S 1900
251-300	S2,200
301-400	S2,600
Above 400GT	S2,600 plus an additional S230 for every 100GT or part thereof

2. Fees for Applications for Provisional Registration under regulation 10 – \$1,000 (plus payment in full of all expenses assessed under regulation 10(5)).
3. Miscellaneous Fees
 - (a) For Certificate of Registry
 - (i) Initial issue of Certificate of Registry under section 25 \$200
 - (ii) Issue of certified copy of Certificate of Registry under section 27 \$300
 - (b) Grant of Provisional Certificate of Registry under section 26 \$200
 - (c) Extension of period of validity of Provisional Certificate of Registry \$100
 - (d) Registration of –
 - (i) Bill of Sale \$150 plus \$50 for each \$25,000 of the vessel's value as disclosed in the Bill of Sale
 - (ii) Mortgage \$150 plus \$50 for each \$25,000 of amount secured by the mortgage
 - (iii) Maritime Lien \$150 plus \$50 for each \$25,000 of the debt stated in the Maritime Lien
 - (e) Registration or endorsement of –
 - (i) Change of registered name of a vessel \$150
 - (ii) Change of Particular of a registered vessel \$150
 - (iii) Change of particular relating to owner or agent \$150
 - (iv) Change of particular relating to a mortgage or lien \$450
 - (f) Registration of transfer of ownership or transfer of mortgage \$450
 - (g) Registration of transmission of ownership or transmission of mortgage \$450
 - (h) Registration of discharge of mortgage \$200
 - (i) Fee for inspection of the Register \$200
 - (j) Search fee using services of Registry staff \$300
 - (k) Closure of Registration or deletion from the register \$300
 - (l) Extension of time for lodging documents \$150
 - (m) Transcript or certified copy of any certificate or document \$400
 - Ordinary copy of any certificate or document \$ 80
 - (n) General Application fee for any application under the Act or Regulations (if no other fee is prescribed) \$400

SCHEDULE 3
(Regulations 30 & 33)

FEES FOR SURVEYS AND SAFETY CERTIFICATES

Fees payable for annual survey and issue of safety certificate under Part 10 are

Gross Tonnage of vessel	Fees
1-2	S200
2-5	S250
5-15	S300
25-40	S360
40-60	S440
60-80	S520
800-100	S620
100-150	S900
150-200	S1,200
200-400	S1,500
Above 400GT	S2,600 plus S230 for every additional 200GT or part thereof

SCHEDULE 4
(Regulations 31 & 33)

ANNUAL REGISTRATION FEES

Annual Registration Fees payable for each registered vessel under regulation 31 are --

Gross Tonnage of vessel	Fees
0-50	S 800
51-100	S1,000
101-150	S1,200
151-200	S1,400
201-250	S1,600
251-300	S1,800
Above 300GT	Base fee of S1,800 plus S100 for every additional 100GT or part thereof

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government
Printed by Solomon Islands Printers Limited.