

# TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 25

11 September

2003

## SHIPPING ACT (CAP. 136)

### SHIPPING (REGISTRATION) (AMENDMENT) REGULATIONS 2003

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:

1. (1) These Regulations may be cited as the Shipping (Registration) (Amendment) Regulations 2003.
- (2) The Shipping (Registration) Regulations 2002 are in these Regulations referred to as the Principal Regulations.
- (3) These Regulations shall come into force on the day that the Shipping (Amendment) Act 2003 becomes law.
2. The Principal Regulations are amended by deleting the words "paragraph" and "sub-paragraph" wherever they appear in the Principal Regulations, and substituting therefor the words "sub-regulation" and "paragraph" respectively.
3. Regulation 20 of the Principal Regulations is repealed.
4. Regulation 21 of the Principal Regulations is amended by-
  - (1) repealing sub-regulation (1);
  - (2) in the English version only by deleting the word "registered" in sub-regulation (2);
  - (3) deleting sub-regulation (3) and substituting therefor the following-
    - "(3) Where there is more than one of the same category of maritime lien in respect of the same vessel, such liens shall, irrespective of any express, implied or constructive notice, be entitled in priority one over the other of the same category according to the date of the occurrence giving rise to the lien"; and
  - (4) re-numbering sub-regulations (2), (3), (4) and (5) as sub-regulations (1), (2), (3) and (4) respectively;

5. The Principal Regulations is amended by deleting any reference to "regulation 21(2)" and "paragraph (2) of regulation 21" wherever it appears in the Principal Regulations, and replacing them with "regulation 21(1)".
6. Regulation 23 of the Principal Regulations is amended by deleting the words "and may be recorded in the same manner as other maritime liens" and the Proviso thereto, and substituted with the following:

"and such statutory liens shall be ranked after the maritime liens set out in regulation 21(1), and also after registered mortgages."
7. Regulation 24 of the Principal Regulations is repealed.
8. Regulation 25 of the Principal Regulations is repealed.
9. The Second Schedule of the Principal Regulations is amended by repealing item 18 of paragraph 3, and re-numbering item 19 as item 18.

Made at Nuku'alofa on this 11th day of September, 2003.

Hon. James Cecil Cocker  
Minister of Marine and Ports

# FAKALAHİ KI HE KASETE 'A E PULE'ANGA TONGA KASETE MAKEHE

Fika 25

11 Sepitema

2003

## LAO KI HE FOLAU VAKA (VAHE 136)

### NGAAHI TU'UTU'UNI (LESIŠITA) (FAKATONUTONU) 'O E NGAARI FOLAU VAKA 2003

'I hono ngaue'aki 'a e ngaahi mafai kuo foaki 'e he kupu 206 'o e Lao ki he Folau Vaka (Vahe 136) 'oku fa'u 'e he Minisita 'o e Malini mo e Ngaahi Taulanga, 'i he loto ki ai 'a e Kapineta, 'a e Ngaahi Tu'utu'uni ko 'eni:

1. (1) 'E ui 'a e Ngaahi Tu'utu'uni ko 'eni ko e Ngaahi Tu'utu'uni (Lesisita) (Fakatonutonu) ki he Folau Vaka 2003.
- (2) 'Oku ui 'i he Ngaahi Tu'utu'uni ko 'eni 'a e Ngaahi Tu'utu'uni (Lesisita) ki he Folau Vaka 2002 ko e Ngaahi Tefito'i Tu'utu'uni.
- (3) 'E ngaue'aki 'a e Ngaahi Tu'utu'uni ko 'eni 'i he 'aho 'e hoko ai 'a e Lao ki he Folau Vaka (Fakatonutonu) 2003 ko e lao.
2. 'Oku fakatonutonu 'a e Ngaahi Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e ngaahi fo'i lea ko e "palakalafi" mo e "palakalafi-si'i" 'i ha feitu'u pe 'e 'asi ai 'i he Ngaahi Tefito'i Tu'utu'uni, pea fetongi 'aki 'a e ngaahi fo'i lea ko e "tu'utu'uni-si'i" mo e "palakalafi" 'i hono tu'unga taki taha.
3. 'Oku fakapekia 'a e Tu'utu'uni 20 'o e Ngaahi Tefito'i Tu'utu'uni.
4. 'Oku fakatonutonu 'a e Tu'utu'uni 21 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono-
  - (1) fakapekia 'a e tu'utu'uni-si'i (1);
  - (2) tamate'i 'i he tatau faka-Pilitania pe 'a e fo'i lea ko e "registered" 'i he tu'utu'uni-si'i (2);
  - (3) tamate'i 'a e tu'utu'uni-si'i (3) pea fetongi 'aki 'eni-
    - "(3) Kapau 'oku laka hake 'i he taha 'a e fa'ahinga 'eke malu'i mo'ua folau tahi ki he vaka tatau pe, 'oku fakahokohoko 'a e ngaahi 'eke malu'i mo'ua 'i tahi, neongo ai pe ha fa'ahinga fakaha mahino, fakahu'uhu'u

pe fa'ufa'u, 'o mu'omu'a 'a e taha 'i he taha 'i he kalasi tatau pe, 'o fakatatau ki he 'aho 'o e hoko 'a e me'a na'e makatu'unga ai 'a e 'eke malu'i mo'ui ko ia"; pea

- (4) fakafika fo'ou 'a e tu'utu'uni-si'i (2), (3), (4) mo e (5) ko e (1), (2), (3) mo e (4) 'i hono tu'unga taki taha.
5. 'Oku fakatonutonu 'a e Ngaahi Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e ngaahi fo'i lea mo e fika ko e "tu'utu'uni 21(2)" mo e "palakalafi (2) 'o e tu'utu'uni 21" 'i ha feitu'u pe 'e 'asi ai 'i he Ngaahi Tefito'i Tu'utu'uni, pea fakafetongi 'aki 'a e fo'i lea mo e fika ko e "tu'utu'uni 21(1)".
  6. 'Oku fakatonutonu 'a e Tu'utu'uni 23 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e ngaahi lea ko e "pea 'e ngofua ke lekooti kinautolu 'i he founga tatau mo ia 'oku lekooti 'aki 'a e ngaahi 'eke mo'ua folau tahi", mo e Polovisoa ki ai pea fetongi 'aki 'eni:
 

"pea ko e ngaahi mo'ua 'i he lao ko ia kuo pau ke fakahokohoko ia hili 'a e ngaahi 'eke malu'i mo'ua 'i tahi 'oku ha 'i he tu'utu'uni 21(1), pea hili 'a e ngaahi mokisi kuo lesisita."
  7. 'Oku fakapekia 'a e tu'utu'uni 24 'o e Ngaahi Tefito'i Tu'utu'uni.
  8. 'Oku fakapekia 'a e tu'utu'uni 25 'o e Ngaahi Tefito'i Tu'utu'uni.
  9. 'Oku fakatonutonu 'a e Tepile Ua ki he Ngaahi Tefito'i Tu'utu'uni 'aki hono fakapekia 'a e fika 18 'o e palakalafi 3, pea fakafika fo'ou 'a e fika 19 ke hoko ko e fika 18.

Na'e fakahoko 'i Nuku'alofa 'i he 'aho ni 11 'o Sepitema, 2003.

Hon. James Cecil Cocker  
Minisita 'o e Malini mo e  
Ngaahi Taulanga.

BY AUTHORITY:

S. T. TAUMOEPEAU, Government Printer,  
2003.