

REPUBLIC OF VANUATU

THE COASTAL TRADING (CONTROL) (AMENDMENT) ACT No. 8 OF 1985

Arrangement of Sections

1. Interpretation.
2. Amendment of the Principal Regulation.
3. Repeal.
4. Commencement.

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THE COASTAL TRADING (CONTROL) (AMENDMENT) ACT No. 8 OF 1985

Assent: 10.6.85
Commencement: 12.8.85

To amend the Coastal Trading (Control) Regulation No. 17 of 1980.

BE IT ENACTED by the President and Parliament as follows:-

INTERPRETATION

1. In this Act "the Principal Regulation" means the Coastal Trading (Control) Regulation No. 17 of 1980 as amended by the Coastal Trading (Control) (Amendment) Act No. 24 of 1981.

AMENDMENT OF THE PRINCIPAL REGULATION

2. The Principal Regulation is amended as follows:-

- (a) In section 1 by deleting the definition of "licensing officer";
- (b) By substituting "Minister" for "Licensing Officer" wherever those words appear,
- (c) In section 4 by substituting the following subsection for subsection (2) -
"(2) Without derogating from the generality of subsection (1), a licence granted in accordance with subsection (1) shall -
 - (a) specify the period for which the licence is granted;
 - (b) specify the route or routes which the ship for which the licence is granted may operate;
 - (c) specify the freight rates and fares which may be charged in respect of goods and passengers being carried or intended to be carried on the ship for which the licence is granted";
- (d) By repealing subsection (3) of section 4;
- (e) In section 5 by adding the following new paragraphs after paragraph (d) -
"(e) the route or routes operated or to be operated;
(f) the freight rates charged or to be charged in respect of goods;
(g) the fares charged or to be charged in respect of passengers";

- (f) By repealing section 7 and substituting therefor the following new section -

"CANCELLATION OR SUSPENSION OF A LICENCE

7. (1) The Minister may cancel or suspend a licence if in his opinion the licence holder has failed to comply with any condition or limitation to which the licence is subject.
- (2) A cancellation under subsection (1) shall be effective 15 days from notification thereof to the licence holder.
- (3) A suspension under subsection (1) shall be effective three days from notification thereof to the licence holder.
- (4) Where the Minister suspends a licence he shall specify the conditions or limitations with which the licence holder has failed to comply and give such directions as he shall consider necessary.
- (5) If in his opinion the Minister is satisfied that the licence holder has complied with his directions he shall either -
- (a) restore the suspended licence subject to additions to or variations of its original conditions or limitations, or
- (b) restore the suspended licence without making any changes in its conditions and limitations;

Otherwise he shall cancel the licence and such cancellation shall be effective 15 days from notification thereof to the licence holder.";

- (g) By repealing section 8 and substituting therefor the following new section -

"DELEGATION OF POWERS AND FUNCTIONS

8. (1) The Minister may from time to time either generally or particularly delegate any of his powers and functions under this Regulation to any officer holding or acting in any office of the Public Service.
- (2) Subject to any general or specific directions given by the Minister, the officer to whom any powers or functions are delegated may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on him directly by this Regulation and not by delegation.
- (3) Every officer purporting to act in accordance with a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

- (4) Every delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Minister".

REPEAL
The Coastal Trading (Control) (Amendment) Act No. 24 of 1981 is repealed.

COMMENCEMENT
This Act shall come into force on such day as the Minister shall by Order appoint.