

[LEGAL NOTICE NO. 106]

MARITIME TRANSPORT DECREE 2013  
(DECREE NO. 20 OF 2013)

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## **Marine (Anti-fouling Systems on Ships) Regulations 2014**

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In exercise of the powers conferred upon me by section 240(1)(b) of the Maritime Transport Decree 2013, I hereby make these Regulations—

## PART 1—PRELIMINARY

*Short title and commencement*

1. These Regulations may be cited as the Marine (Anti-fouling Systems on Ships) Regulations 2014 and shall come into effect on a date or dates appointed by the Minister by notice in the *Gazette*.

*Interpretation*

2. In these Regulations, unless the context otherwise requires,—

“Administration” means the Government of the State under whose authority a ship is operating and whose flag the ship is entitled to fly;

“AFS” survey” means a survey conducted on a ship in accordance with regulation 19 to ensure that the anti-fouling system applied on a ship complies with the requirements of these Regulations;

“Anti-fouling System Certificate” or “Certificate” means a certificate issued under regulation 11;

“anti-fouling system” means a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms;

“Anti-fouling System Declaration” or “Declaration” means a declaration in the prescribed form, relating to compliance with the anti-fouling requirements;

“authorised organisation” means an organisation that has entered into a memorandum of agreement with the Chief Executive Officer in compliance with the International Maritime Organization Assembly Resolution A.739 (18) and the annex as amended by Resolution MSC 208(81), entitled

“Adoption of Amendments to the Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration” whereby that organisation may carry out surveys and audits and issue certificates on behalf of the Authority;

“authorised person” means a person employed by an authorised organisation and appointed under section 38(1) of the Decree to carry out such inspections and audits as the Authority considers necessary for the purposes of these Regulations;

“authorised officer” shall have the same meaning as under section 2 of the Decree;

“Authority” means the Maritime Safety Authority of Fiji;

“AFS Convention” means the International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001;

“Change of anti-fouling system” means the entire removal or the removal of any part of existing anti-fouling systems that do not comply with the requirements given under regulation 9(2);

“Chief Executive Officer” means the Chief Executive Officer of the Authority;

“Decree” means the Maritime Transport Decree 2013;

“Designated external surface” means any part of the hull or external parts or surfaces;

“enforcement and compliance officers” means officers appointed by the Chief Executive Officer in accordance with regulation 6 to verify compliance with these Regulations;

“Fiji waters” shall have the same meaning as under section 2 of the Decree;

“HAFC” or harmful anti-fouling compound means an organotin compound that acts as a biocide in an anti-fouling system;

“International Anti-fouling System Certificate” means a Certificate issued in accordance with regulation 11 of these Regulations;

“occasional survey” means the survey required under regulation 21(1)(c);

“periodical survey” means the survey required under regulation 21(1)(b);

“replacement of anti-fouling system” means the application of any anti-fouling systems which are the same as those previously applied and is in compliance with the requirements given in sub-regulation 9(2);

“sealer coats” means those paints deemed appropriate by the Chief Executive Officer and recommended by manufactures to form barriers preventing organotin compounds from leaching out of any underlying non-compliant anti-fouling systems;

“ship inspector” means an inspector appointed under regulation 6;

“shipping facility” means a port or a shipyard or an offshore terminal including docks and slipways within the meaning of the AFS Convention; and

“surveyor” shall have the same meaning as under section 2 of the Decree.

*Objectives*

3. The objectives of these Regulations are to—

- (a) give effect to Articles 3, 4 and 10 and Annex 4 of the AFS Convention, which provides for controls on anti-fouling systems and the survey, inspection and certification of ships in relation to those systems;
- (b) prescribe various other matters, such as survey and certification requirements and forms to be used to report incidents for the purpose of the protection of the sea from harmful anti-fouling systems from ships; and
- (c) ban organotin compounds, and in particular tributyltin which acts as biocides in anti-fouling paints on ships and have been found to have a significant detrimental effect on marine life and the ecosystems.

*Application*

4. These Regulations shall apply to—

- (a) all Fiji ships;
- (b) all ships entitled to be registered under the Ship Registration Decree 2013; and
- (c) foreign registered ships visiting our ports or offshore terminal or slipped or docked in Fiji.

PART 2—APPOINTMENTS AND DELEGATED FUNCTIONS

*Surveyors*

5. The Chief Executive Officer shall in writing, appoint a surveyor or an authorised person for the purpose of surveying a ship to which these Regulations apply.

*Appointment of ships' inspectors and enforcement and compliance officers*

6. The Chief Executive Officer shall in writing, appoint appropriately qualified persons, as ship inspectors and enforcement and compliance officers for the purpose of verifying compliance with these Regulations.

*Inspection of ships*

7.—(1) A ship inspector may do the following to verify compliance with these Regulations—

- (a) go on board the ship with such assistance and equipment as the ship inspector considers necessary;
- (b) require the master of the ship to take such steps as the ship inspector directs to facilitate the boarding;
- (c) examine and take samples of any substances on board the ship or on any designated external surface of the ship;

- (d) inspect any part of the ship or its machinery or equipment;
- (e) require the master of the ship to take such steps as the ship inspector directs, to facilitate the inspection of any part of the ship or its machinery or equipment;
- (f) open, or require the master of the ship to cause to be opened, any hold, compartment or receptacle in or on board the ship and inspect the contents of any hold, compartment or receptacle in or on board the ship;
- (g) require the master of the ship to produce—
  - (i) any certificate, declaration, endorsement or record that is required by these Regulations to be carried on the ship; or
  - (ii) any other documents, records or books relating to the ship or its cargo that are carried on the ship;
- (h) make copies of or take extracts from any such documents, records or books;
- (i) require the master of the ship to certify that a true copy or extract made by the inspector under paragraph (h) is a true copy of the original;
- (j) take photographs (including video recordings) of the ship or of equipment, or anything else, in or on board the ship; and
- (k) require a person to answer questions relating to the requirements of these Regulations.

(2) An enforcement and compliance officer may do all or any of the following to verify compliance with these Regulations—

- (a) require the master of the ship to produce—
  - (i) any certificate, declaration, endorsement or record that is required by these Regulations to be carried on the ship; or
  - (ii) any other documents, records or books relating to the ship or its cargo that are carried on the ship;
- (b) make copies of, or take extracts from, any such documents, records or books;
- (c) require the master of the ship to certify that a true copy or extract made by the inspector under sub-regulation (1)(h) is a true copy of the original;
- (d) take photographs, including video recordings of the ship or of equipment, or anything else, in or on board the ship; and
- (e) require a person to answer questions related to the requirements of these Regulations.

*Detention of ships*

8. Pursuant to section 40 of the Decree, the Chief Executive Officer shall detain a ship in a Fiji shipping facility, if the Chief Executive Officer has reasonable grounds to believe that an offence against these Regulations has been committed in respect of the ship.

## PART 3—ANTI-FOULING

*Compliance with anti-fouling requirements*

9.—(1) The owner and master of any Fiji ship or any foreign ship entering any shipping facility in Fiji, shall ensure that the ship complies with the anti-fouling requirements under these Regulations.

(2) A ship complies with the anti-fouling requirements if—

- (a) it has no HAFC applied on any designated external surface; or
- (b) each HAFC that is applied on any designated external surface has a coating that forms a barrier to the HAFC leaching into the water.

*Shipping facilities*

10.—(1) The discharge, disposal and escape of—

- (a) hull scrapings;
- (b) paints and paint residues;
- (c) abrasive blasting mediums;
- (d) any other pollutant or harmful substance; and
- (e) any effluent containing such pollutants or harmful substances ,

into Fiji waters from any shipping facility in Fiji shall be prohibited.

(2) Shipping facilities in Fiji shall put in place a waste management system for the effective containment and recovery of all substances specified in sub-regulation (1) for proper re-use, recycling, treatment or disposal in a waste management facility on-shore.

(3) Proper records shall be maintained by shipping facilities on the re-use, recycling, treatment or disposal in a waste management facility on-shore of all substances specified in sub-regulation (1) and such records shall be inspected by surveyors.

(4) Scraping and cleaning of the hulls and other external surfaces of ships shall be undertaken in a manner that prevents the introduction of non-indigenous harmful aquatic organisms or pathogens, paint residues or HAFC into Fiji waters.

(5) A non-compliant ship shall not be permitted to enter or remain in a shipping facility and the owner or master of the ship shall ensure that the ship does not enter or remain in the shipping facility unless it is in compliance with the requirements under these Regulations.

(6) The Chief Executive Officer shall issue a written warning, detain, dismiss or exclude a non-compliant ship from a shipping facility and shall immediately inform the Administration of the ship.

(7) The owner or operator of a shipping facility in Fiji who contravenes this regulation commits an offence and shall be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years, or to both.

*Issue and endorsement of Anti-fouling System Certificates*

11.—(1) Where a Fiji ship of 400 gross tonnage or more engaged in international voyage complies with the anti-fouling requirements under these Regulations, the Chief Executive Officer or an authorised person shall issue an International Certificate in the form prescribed in Schedule 1 in respect of that ship.

(2) Where on the basis of the survey, the Chief Executive Officer or the authorised person is satisfied that the ship complies with the anti-fouling requirements under these Regulations, the Chief Executive Officer or an authorised person shall endorse a current International Certificate for a Fiji ship of 400 gross tonnage or more engaged in international voyage in order for the Certificate to continue in effect.

*Lapsing of Certificates*

12. The Certificate ceases to be in force—

- (a) if the ship ceases to be a Fiji ship;
- (b) where any coating or treatment is applied to any designated external surface of the ship without the knowledge of the Chief Executive Officer or authorised organisation, since the Certificate was issued or last endorsed; and
- (c) if after the coating or treatment is applied, the ship is taken to sea without the Certificate having been endorsed in respect of the coating or treatment.

*Cancellation of Certificates*

13.—(1) The Chief Executive Officer shall cancel a Certificate that is in force in respect of a Fiji ship if the Chief Executive Officer has reason to believe that the—

- (a) ship does not comply with the anti fouling requirements; or
- (b) Certificate was issued or endorsed upon false or erroneous information.

(2) The Chief Executive Officer shall cancel a Certificate under sub-regulation (1) whether or not the Certificate was issued by the Authority.

(3) The cancellation under this regulation takes effect when the Chief Executive Officer gives notice in writing of the cancellation and serves the notice to the owner, master or agent of the ship.

(4) When a Certificate in respect of a Fiji ship is cancelled, the master or owner of a ship shall hand over the Certificate to the Chief Executive Officer and the ship shall be detained until the requirement has been complied with.

*Issue of Declaration*

14. The Chief Executive Officer or an authorised person shall issue a Declaration in the form prescribed in Schedule 2 in respect of a Fiji ship—

- (a) engaged in domestic voyage; and
- (b) of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages.

*Cancellation of Declaration*

15.—(1) The Chief Executive Officer shall cancel a Declaration that is in force in respect of a Fiji ship engaged in domestic voyage and a Fiji ship of 24 meters or more in length but less than 400 gross tonnage engaged in international voyages, if the Chief Executive Officer has reason to believe—

- (a) that the ship does not comply with the anti-fouling requirements; or
- (b) that the Declaration was issued upon false or erroneous information.

(2) The Chief Executive Officer shall have authority to cancel a Declaration under sub-regulation (1) even if the Certificate had not been issued by the Authority.

(3) The cancellation takes effect when the Chief Executive Officer gives notice in writing of the cancellation and serves the notice to the master, owner or agent of the ship.

(4) Where a Declaration in respect of a Fiji ship engaged in a domestic voyage and a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages is cancelled, the master or owner of the Fiji ship shall hand over the Certificate to the Chief Executive Officer and the ship shall be detained until the requirement is complied with.

*Requirements for ships to carry Certificate*

16.—(1) The owner or master of a Fiji ship of 400 gross tonnage engaged in international voyages shall ensure that an International Certificate is carried onboard at all times.

(2) The master of a foreign ship entering Fiji's water to berth at a port in Fiji or to use the docking or slipway facility in Fiji shall ensure that an International Certificate is carried onboard at all times.

(3) The master of a Fiji ship and foreign ship shall produce the Certificate to an appointed surveyor, port state control inspector, enforcement and compliance officer, or port state control inspectors of another state party to the AFS Convention, when required.

(4) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months, or to both.

*Requirement to carry Declaration*

17.—(1) The owner or master of a Fiji ship engaged in domestic trade and a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in an international voyage shall ensure that a Declaration is carried onboard at all times.

(2) The master of a Fiji ship engaged in domestic trade shall produce the Declaration to an appointed surveyor or inspector, enforcement and compliance officer or police officer when required at all reasonable times.

(3) The owner or master of a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages, shall produce the Declaration to an appointed surveyor, port state control inspector, enforcement and compliance officer, or port state control inspectors of another state party to the AFS Convention, when required.



*Requirement to report damage to ship*

18.—(1) The owner or master of a Fiji ship engaged in domestic trade shall report to the Chief Executive Officer any incident that occurs to the ship, including but not limited to grounding or collision, that affects, or might affect the ship's compliance with the requirements under these Regulations within 24 hours out at sea or immediately upon arrival in port.

(2) The owner or master of a Fiji ship engaged in international voyage shall report any incident that occurs to the ship that affects or might affect the ship's compliance with the requirements under these Regulations within 48 hours to the Chief Executive Officer.

(3) Schedule 3 prescribes the Notice or Report of Damage or Alteration to a Ship under sub-regulation (2).

## PART 4—SURVEYS

*Survey and inspections of anti-fouling systems*

19. All ships shall be surveyed and inspected by the Chief Executive Officer or an authorised person.

*Installations character*

20.—(1) Anti-fouling systems on ships complying with those requirements given under regulation 27 shall be distinguished by the characters "AFS".

(2) In cases where compliant anti-fouling systems are applied on barriers which have covered any existing underlying non-compliant anti-fouling systems in accordance with the provisions of regulation 25, such systems shall be distinguished by the characters "AFS C".

(3) In cases where anti-fouling systems on ships designated by the installations characters "AFS C" are changed in accordance with regulation 26 (1), the installations characters shall be changed to "AFS".

*Types of AFS Survey*

21.—(1) Anti-fouling systems on Fiji ships shall be subject to the following surveys—

- (a) initial survey in which anti-fouling systems shall be applied during construction;
- (b) periodic survey carried out at the time of docking or slipping surveys;
- (c) occasional survey which shall be carried out at the following occasions at times other than initial surveys or periodical surveys which include—
  - (i) any change or replacement of anti-fouling systems on ships;
  - (ii) any major conversion affecting anti-fouling systems on ships;
  - (iii) any applications for surveys submitted by owners; and
  - (iv) other occasions when occasional surveys are considered necessary.

(2) Periodical surveys can be carried out in place of occasional surveys in cases where the causes of carrying out occasional surveys are cleared at the periodical survey.

*AFS initial survey*

22.—(1) During initial surveys when a ship is under construction, issues relating to anti-fouling systems on that ship shall be examined in detail in order to ascertain whether it meets the relevant requirements in these Regulations.

- (2) Samplings of coatings may be required to verify compliance in cases where—
- (a) anti-fouling systems complying with the requirements provided in regulation 28 have been applied to a ship and its application works;
  - (b) in cases where any anti-fouling systems not complying with those requirements given in regulation 28 have been applied to a ship and compliant anti-fouling systems are applied to that ship after the removal of the non-compliant anti-fouling systems, the removal works of the existing non-compliant anti-fouling system and the compliant system and its application works shall be newly applied; or
  - (c) in cases where any anti-fouling systems not complying with the requirements provided in regulation 28 have been applied to a ship and compliant anti-fouling systems are applied on barriers which cover any existing non-compliant anti-fouling systems and are applied in accordance with the provisions of regulation 29, the barrier and the system and their application works shall be newly applied.

*Submission of plans and documents for reference*

23.—(1) In the case of regulation 22(2)(a), the following plans and documents shall be submitted to the Chief Executive Officer or authorised organisation and copies of the following shall be maintained on board—

- (a) purchase order sheets of anti-fouling systems;
- (b) receipt of anti-fouling systems issued by manufacturers;
- (c) plans and documents showing specifications of anti-fouling systems applied to ships, including plans and documents showing areas where such anti-fouling systems are applied and their procedures, Material Safety Data Sheets (MSDS) for those anti-fouling systems applied to ship;
- (d) declaration letter certifying the anti-fouling system used on the ship complying with the requirements in regulation 27 issued by the manufacturer, including the Chemical Abstract Service Registry Number (CAS No.);
- (e) documents or certificates showing the inauguration of any works relating to existing anti-fouling systems issued by builders and contractors; and
- (f) in cases where anti-fouling systems are newly applied to ships, declaration letters certifying that any anti-fouling systems used on ships comply with those requirements given in regulation 27 issued by manufacturers, including the Chemical Abstract Service Registry Number (CAS No.), and documents or certificates showing the inauguration of any works relating to such anti-fouling systems issued by builders and contractors.

(2) In the case of regulation 22 (2)(b), the following plans and documents in addition to those listed in sub-regulation (1) are to be submitted to the Chief Executive Officer or authorised organisation and copies of the following are to be maintained on board—

- (a) plans or documents showing specifications of works for the removal of any existing anti-fouling systems on ships;
- (b) documents or certificates showing the inauguration of any works for the removal of existing anti-fouling systems issued by builders or contractors.

(3) In the case of regulation 22 (2)(c), the following plans and documents in addition to those listed in sub-regulation (1) are to be submitted to the Chief Executive Officer or authorised organisation and copies of the following are to be maintained on board—

- (a) purchase order sheets of sealer coats;
- (b) receipts of sealer coats issued by manufacturers;
- (c) plans or documents showing specifications of works for covering all existing anti-fouling systems on ships;
- (d) certificates or declaration letters for sealer coats issued by manufacturers, including the Chemical Abstract Service Registry Number (CAS No.); and
- (e) documents or certificates showing the inauguration of any works for covering existing anti-fouling systems on ships issued by builders and contractors.

(4) For a Fiji ship engaged in domestic trade and a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages, the owner or master of the ship shall ensure that declarations signed by owners or their authorised agents and deemed appropriate by the Chief Executive Officer are carried on board and their copies are submitted to the Chief Executive Officer.

*Presence of surveyor*

24.—(1) Surveyors or authorised persons shall be present at the following stages of work in relation to anti-fouling systems—

- (a) in cases where materials and paints, manufactured away from the site are being applied to the ship concerned;
- (b) in cases where any existing non-compliant anti-fouling systems on ships are removed or covered by barriers, appropriate occasions during or after such works for the removal or covering; and
- (c) in cases where any compliant anti-fouling systems are newly applied to ships, appropriate occasions during or after the works for the anti-fouling system.

(2) The above requirements are subject to change having shown regard to the actual status of facilities, technical abilities and quality control at the places of manufacture.

*Periodical surveys*

25.—(1) During periodical surveys, management conditions of the plans and documents specified in regulation 23 as applicable, shall be inspected by the Chief Executive Officer or an authorised person, and in cases where deemed necessary by the Chief Executive Officer, samplings of coatings such as anti-fouling systems may be required to verify such compliance.

(2) During any periodical surveys carried out at the time of docking of a ship, in addition to those items mentioned in sub-regulation (1), the conditions of any barriers covering existing anti-fouling systems shall be inspected by the Chief Executive Officer or authorised person and in cases where deemed necessary by the Chief Executive Officer, samplings of coatings such as anti-fouling systems may be required to verify such compliance.

(3) Notwithstanding the provisions of sub-regulations (1) and (2), periodical surveys substituting the occasional surveys in accordance with the provisions of regulation 21(c) shall be carried out in accordance with the requirements under regulation 26.

*Occasional surveys*

26.—(1) In cases where anti-fouling systems are changed or replaced, a survey shall be carried out and such anti-fouling systems on ships shall be confirmed as complying with those requirements of this regulation in line with those requirements given in regulation 21.

(2) Notwithstanding sub-regulation (1), in cases where anti-fouling systems are not changed and all the plans and documents listed in regulation 23 are submitted to the Chief Executive Officer and compliance with these Regulations can be confirmed from such plans and documents, the Chief Executive Officer may omit onsite inspections.

## PART 5—ANTI-FOULING SYSTEMS AND BARRIERS

*Anti-fouling systems*

27.—(1) The use and application of harmful anti-fouling systems containing organotin compounds on ships in Fiji waters shall be prohibited.

(2) Anti-fouling systems on ships shall comply with the limit of organotin compounds in accordance with regulation 28.

(3) Tributyltin (TBT) based anti-fouling paint shall be banned from use in Fiji.

*Organotin Compounds*

28. Anti-fouling systems on ships shall not use any organotin compounds exceeding 2,500 mg total per kg of dry paint.

*Barriers*

29.—(1) In cases where any anti-fouling systems not complying with the requirements provided under regulation 28 have been applied to ships and cannot be removed, existing non-compliant systems shall be covered by sealer coats deemed appropriate by the Chief Executive Officer to form a barrier against organotin compounds leaching out from underlying non-compliant anti-fouling systems.

(2) For the purpose of this regulation, the colours of barriers selected shall be such, that the barriers can be distinguished from any underlying anti-fouling systems and any newly applied anti-fouling systems on such barriers.

## PART 6—OFFENCES AND PENALTIES

*H AFC not to be applied to a ship*

30.—(1) The owner or master of a Fiji ship or a foreign ship shall not engage in a conduct or act in a negligent manner, which results in a HAFC being applied on a designated external surface of a ship while the ship is in a Fiji shipping facility.

(2) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years, or to both.

(3) The owner or master of a Fiji ship or a foreign ship shall ensure that no HAFC is applied or re applied on a designated external surface of the ship whilst the ship is in a Fiji shipping facility.

(4) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or to both.

*Non compliant ships not to enter or remain in shipping facilities*

31.—(1) The owner or master of a Fiji ship and a foreign ship shall not take the ship or permit the ship to be taken into a shipping facility in Fiji if the ship does not comply with the requirements of these Regulations one year after the commencement of these Regulations.

(2) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years, or to both.

(3) The owner or master of a Fiji ship and a foreign ship shall not allow the ship to remain in a Fiji shipping facility whether or not the ship entered the shipping facility before the one year after the commencement of these Regulations.

(4) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or to both.

*Obligation to carry Certificate*

32.—(1) The owner or master of a Fiji ship of 400 gross tonnage or more engaged on international voyage or foreign ship shall ensure that the ship is not taken to or from a shipping facility in Fiji, or permit a ship to be taken to or from a shipping facility in Fiji one year after the commencement of these Regulations, if the ship does not carry onboard a Certificate.

(2) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or to both.

(3) The owner or master of a Fiji ship of 400 gross tonnage or more engaged on international voyage shall ensure that one year after the commencement of these Regulations, a Certificate is always carried onboard the ship.

(4) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months, or to both.

*Obligation to carry Declaration*

33.—(1) The owner or master of a Fiji ship engaged on domestic voyage and a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages shall ensure that the ship is not taken to or from a shipping facility in Fiji, or permit a ship to be taken to or from a shipping facility in Fiji one year after the commencement of these Regulations if the ship does not carry onboard an anti-fouling declaration.

(2) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or to both.

(3) The master or owner of a Fiji ship engaged on domestic voyage and a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages shall ensure that one year after the commencement of these Regulations, a Declaration is always carried onboard the ship.

(4) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months, or to both.

*Obligation to report damage to ship*

34.—(1) The master or owner of a Fiji ship engaged on international voyage which carries a current Certificate and Fiji ship engaged on domestic voyage which carries a Declaration shall report any damage to the ship that affects, or might affect its compliance to these Regulations within 24 hours of its occurrence or upon arrival of the ship in port.

(2) The master or owner of a Fiji ship of 400 gross tonnage or more, engaged on international voyage which carries a current Certificate and the master and owner of a Fiji ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages which carries a Declaration shall report any damage to the ship that affects, or might affect its compliance with these Regulations within 48 hours of its occurrence or upon arrival of the ship in port.

(3) Any person who contravenes sub-regulations (1) and (2) commits an offence and shall be liable upon conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 month, or to both.

*Scraping and cleaning of ship's hull*

35.—(1) Any person who scrapes or cleans any hull or other external surface of a ship in a manner—

- (a) which permits the introduction of non-indigenous harmful aquatic organisms or pathogens, paint residues or HAFC into Fiji waters;
- (b) which is inconsistent with the requirements applying to the scraping and cleaning of hulls published by the Authority, an Administration or the International Maritime Organization from time to time; or

- (c) which contravenes a direction given to the person by the Chief Executive Officer or an authorised officer in relation to the scraping or cleaning of the hull,

commits an offence and shall be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 1 year, or to both.

(2) The owner and master of a vessel in relation to which an offence is committed under this section shall also be liable for that offence.

*Exemptions*

36. Regulations 31 to 34 shall not apply to ships entering or remaining in shipping facilities in Fiji for the purpose of securing the safety of the ship or seeking urgent medical attention for a person on board the ship.

PART 7—TRANSITIONAL PROVISIONS AND REPEALS

*Repeal, savings and transitional provisions*

37.—(1) A licence or permit in force immediately prior to the commencement of these Regulations remains in force—

- (a) for a period of 2 years and 4 months from the date of commencement of the Regulations; or
- (b) until the date of the expiration of that licence or permit,

whichever is earlier.

(2) For the purpose of these Regulations, appropriate attention shall be paid to the following issues in relation to the implementation schemes of the AFS Convention—

- (a) ships which were at the beginning stage of construction before 17 September 2008 and on which anti-fouling systems complying with those requirements given in regulation 27 before that date are subject to initial surveys, carried out until the first time of any change, or replacement of their anti-fouling systems on or after that date; and
- (b) ships which were at the beginning stage of construction before 17 September 2008 and on which anti-fouling systems not complying with those requirements given in regulation 27 have been applied before that date, any existing non-compliant anti-fouling systems on these ships shall be removed or covered and then compliant anti-fouling systems shall be applied to them, within 12 months of coming into force of these Regulations and any such ships shall be subject to initial survey in accordance with these Regulations.

Made this 14th day of December 2014.

P. TIKODUADUA  
Minister for Infrastructure and Transport

SCHEDULE 1  
(Regulation 11)

ANTI-FOULING SYSTEM CERTIFICATE



Republic of Fiji

Maritime Safety Authority of Fiji

Certificate Number



INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

Issued under the  
INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL  
ANTI-FOULING SYSTEM ON SHIPS,

under the authority of the Government of Fiji

When a Certificate has been previously issued, this Certificate replaces the certificate dated .....

*Particulars of ship*

<i>Name of ship</i>		<i>IMO Number</i> <sub>1</sub>
<i>Gross tonnage</i>	<i>Distinctive numbers or letters</i>	<i>Port of registry</i>

An anti-fouling system controlled under Annex 1 has not been applied during or after construction of this ship .....

An anti-fouling system controlled under Annex 1 has been applied on this ship previously, but has been removed by ..... on .....

An anti-fouling system controlled under Annex 1 has been applied on this ship previously, but has been covered with a sealer coat applied by ..... on .....

An anti-fouling system controlled under Annex 1 was applied on this ship prior to .....<sup>2</sup>, but must be removed with a sealer coat prior to .....<sup>3</sup> .....

<sup>1</sup>In accordance with the IMO ship identification Number Scheme adopted by the Organization by resolution A600(15).

<sup>2</sup>Date of entry into force of the control measure.

<sup>3</sup>Date of expiration of any implementation period specified in article 4(2) or Annex 1.



**THIS IS TO CERTIFY THAT:**

1. The ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and
2. The survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention.

Issued at :

.....  
*(Place of issues of certificate) (Date of issue) (Signature of authorized official issuing the certificate)*

Date of completion of the survey on which this certificate is issued:

(MSAF seal or authorised organisation seal)

Certificate Number

**RECORD OF ANTI-FOULING SYSTEMS**

This Record shall be permanently attached to the International Anti-fouling System Certificate.

*Particulars of ship*

<i>Name of ship</i>	<i>Distinctive number or letters</i>	<i>IMO Number</i>
---------------------	--------------------------------------	-------------------

**Details of anti-fouling system(s) applied**

Type(s) of anti-fouling system(s) used .....

Date(s) of application of anti-fouling system(s) .....

Name(s) of company(ies) and the facility(ies)/location(s) where applied .....

Name(s) of anti-fouling system manufacturer(s) .....

Name(s) and colour(s) of anti-fouling system(s) .....

Active ingredient(s) and their Chemical Abstract Services

Registry Number(s) (CAS number(s)) .....

Type(s) of sealer coat, if applicable .....

Name(s) and colour(s) of sealer coat applied, if applicable .....

Date of application of sealer coat .....

**THIS IS TO CERTIFY that this Record is correct in all aspects.**

Issued at :

.....  
*(Place of issue of certificate) (Date of issue) (Signature of authorized official issuing the certificate)*

(MSAF seal or authorised organisation seal)

**Endorsement of the Records <sup>4</sup>**

**THIS IS TO CERTIFY** that a survey required in accordance with regulation 1(1)(b) of Annex 4 to the Convention found that the ship was in compliance with the Convention.

**Details of anti-fouling system(s) applied:**.....  
 Type(s) of anti-fouling system(s) used .....  
 Date(s) of application of anti-fouling system(s) .....  
 Name(s) of company(ies) and the facility(ies)/location(s) where applied .....  
 Name(s) of anti-fouling system manufacturer(s) .....  
 Name(s) and colour(s) of anti-fouling system(s) .....  
 Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s)) .....  
 Type(s) of sealer coat, if applicable .....  
 Name(s) and colour(s) of sealer coat applied, if applicable .....  
 Date of application of sealer coat.....

Issued at :

.....  
*(Place of issue of certificate) (Date of issue) (Signature of authorized official issuing the certificate)*

(MSAF seal or authorised organisation seal)

SCHEDULE 2  
*(Regulation 14)*

ANTI-FOULING SYSTEM DECLARATION

Republic of Fiji

Maritime Safety Authority of Fiji



**DECLARATION ON ANTI-FOULING SYSTEM**

*Drawn up under the*

**International Convention on the Control of Harmful Anti-fouling Systems on Ships**

**Particulars of ship**

Name of ship

Distinctive number or letters

Port of Registry

<sup>4</sup>*This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.*

Length

Gross tonnage

IMO number (if applicable)

*I declare that the anti-fouling system used on this ship complies with Annex 1 of the Convention.*

Signature of owner or owner's authorised agent

Date

**Endorsement of anti-fouling system(s) applied**

Type(s) of anti-fouling system(s) used and date(s) of application

Signature of owner or owner's authorised agent

Date

Type(s) of anti-fouling system(s) used and date(s) of application

Signature of owner or owner's authorized agent

Date

Type(s) of anti-fouling system(s) used and date(s) of application

Signature of owner or owner's authorised agent

Date

SCHEDULE 3  
(Regulation 18)

NOTICE OF ALTERATION OR DAMAGE TO A FIJI SHIP



Republic of Fiji  
Maritime Safety Authority of Fiji



To : Chief Executive Officer  
Maritime Safety Authority of Fiji  
P.O.Box 326, Suva  
email: info@msaf.com.fj  
Fax: 3303251/3313127

**Particulars to be notified**

Name of ship	IMO number	Official number (if any)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Home port/port of registry	Call sign
<input type="text"/>	<input type="text"/>

Name of owner (s) or agent

Address of principal place of business of owner or agent in Fiji

Date of issue and reference number of International Anti-fouling Certificate

Date of issue	Reference Number
<input type="text"/>	<input type="text"/>

Nature and extent of alteration or damage to the ship (including date(s) on which the damage occurred and the date(s) on which repairs or alterations, as the case may be, were commenced and completed).

Nature and extent of alteration or damage to the ship	Location of ship when alteration or damage occurred	Date alteration or damage occurred	Date repairs/ alterations commenced	Date repairs/ alterations completed

Name and address of person or corporation effecting alteration or repairs

Reason(s) for, or cause(s) of, alteration or repairs

Particulars of changes in the construction of the ship

Additional information (if any) affecting the compliance of the ship with the provisions of the Convention

Signature of master or owner

Date