

[LEGAL NOTICE NO. 82]

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

Maritime (Pleasure Craft) Regulations 2014

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

Short title and commencement

1. These Regulations may be cited as the Maritime (Pleasure Craft) Regulations 2014 and shall come into force on a date appointed by the Minister by notice in the *Gazette*.

Interpretation

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

“approved form” means a form approved by the Chief Executive Officer;

“Authority” means the Maritime Safety Authority of Fiji;

“Boat Master Licence” means the licence issued by the Chief Executive Officer in accordance with section 24 of the Decree;

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

“COLREGs” means the International Regulations for Preventing Collision at Sea 1972;

“Decree” means the Ship Registration Decree 2013;

“derelict craft” is a pleasure craft that is abandoned within any part of Fiji waters and is not claimed by its owner for a period of 30 days;

“non-propelled pleasure craft” means a pleasure craft solely powered manually or by sail;

“operator” has the same meaning as “operate “ defined under section 2 of the Decree;

“owner” has the same meaning as defined under section 2 of the Decree;

“propelled pleasure craft” means a pleasure craft powered by an engine of any horsepower or kilowatts;

“MRCC” means the Maritime Rescue Coordination Centre;

“pleasure craft” has the same meaning as that prescribed in section 2 of the Decree;

“surveyor” means a Flag State Surveyor appointed by the Chief Executive Officer in accordance with section 101 of the Maritime Transport Decree 2013 to carry out tests, inspections, surveys, audits or certification of ships, maritime equipment or products.

Application

3. These Regulations shall apply to all pleasure craft registered in the Fiji Register of Ships.

Registration of propelled pleasure craft

4.—(1) A propelled pleasure craft shall be registered initially as a pleasure craft.

(2) Annual registration shall not be applicable to pleasure craft.

(3) A pleasure craft owner shall make an application for the registration of his or her pleasure craft to the Chief Executive Officer in an approved form.

(4) The fees applicable for registration of a pleasure craft is prescribed in the Schedule.

(5) A propelled pleasure craft owner who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Survey of propelled pleasure craft

5.—(1) A propelled pleasure craft shall be surveyed by a surveyor—

(a) initially for newly constructed or existing pleasure craft;

(b) 3 yearly periodical surveys; and

(c) in special surveys in cases where the pleasure craft or its engine is damaged due to collision, grounding, fire or other similar accidents, incidents or mishap, to determine the seaworthiness of the craft and the operational condition of its engine.

(2) A propelled pleasure craft owner shall make an application for the survey of his or her pleasure craft to the Chief Executive Officer in an approved form.

(3) The fees applicable for the survey of a propelled pleasure craft is prescribed in the Schedule.

(4) The requirements for construction, stability, machinery, lifesaving appliances, radio equipment, navigation equipment, safety of navigation, survey and COLREGs as prescribed in regulations 4, 5, 7, 9, 11, 12 and 14 of the Maritime (Small Craft Code) Regulations 2014 shall apply to pleasure craft at the discretion of the surveyor to ensure that pleasure craft are maintained in seaworthy condition and holds the required safety equipment on board for safe navigation.

(5) An owner of a propelled pleasure craft who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Requirements for abandoned, wrecked or unseaworthy pleasure craft

6.—(1) The owner of a propelled pleasure craft shall report to the Chief Executive Officer within 30 days from when the pleasure craft is no longer seaworthy, has been wrecked or abandoned.

(2) The Chief Executive Officer shall de-register a registered propelled pleasure craft that is abandoned, wrecked or is a derelict craft once a report is received from the owner or operator of the pleasure craft.

(3) It shall be the responsibility of the owner of the pleasure craft to remove and dispose of his or her pleasure craft in a manner that does not adversely affect the environment.

(4) Any person who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Coasting-trade Licence

7. The requirements for Coasting-trade Licence required under the Maritime (Coasting-trade) Regulations 2014 shall not apply to propelled and non-propelled pleasure craft.

Safe manning

8.—(1) Subject to sub-regulations (2) and (3), the requirements for safe manning shall not apply to propelled pleasure craft.

(2) The owner or operator of a propelled pleasure craft engaged in Fiji waters must have basic knowledge of navigation and the COLREGs, and hold at least a Boat Master Licence or an equivalent certificate.

(3) If a propelled pleasure craft engages on an international voyage, the owner or operator must have knowledge of watch keeping duties and hold at least a class 5 Masters Certificate of Competency.

(4) An operator who contravenes sub-regulation (2) and (3) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Registration of pleasure craft belonging to non-residents of Fiji

9. An owner of a propelled pleasure craft who is a non-Fiji resident may register his or her propelled pleasure craft in accordance with section 4(3) of the Decree.

Non-propelled pleasure crafts

10.—(1) With the exception of sub-regulation (5)(a), registration and survey shall not be applicable to non-propelled pleasure craft.

(2) A non-propelled pleasure craft shall have the basic safety requirements required for an operator to safely sail the non-propelled pleasure craft.

(3) Basic safety requirements shall be determined by the surveyor and shall include but not be limited to the following—

- (a) lifejacket for 100% compliment of those using the non-propelled pleasure craft; and
- (b) means of radio communication.

(3) Any person who contravenes sub-regulations (1) and (2) commits an infringement offence and shall be liable to a fine not exceeding \$300.

(4) The operator of a non-propelled pleasure craft engaged in Fiji waters must have basic knowledge of navigation and the COLREGs, and hold a Boat Master Licence or an equivalent certificate.

(5) If a non-propelled pleasure craft engages on an international voyage—

- (a) it must be registered initially and surveyed for such a voyage to ensure that safety equipment are sufficient for the voyage; and
- (b) the operator must have basic knowledge of navigation and the COLREGs and hold a Class 6 Master/Engineer licence issued by the Chief Executive Officer, or an equivalent certificate.

(6) An owner or operator of a non-propelled pleasure craft who contravenes sub-regulations (4) and (5) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Exempted pleasure craft

11.—(1) An owner of a pleasure craft may apply to the Chief Executive Officer for an exemption from registration and survey in accordance with section 4(2)(c) of the Ships Registration Decree 2013.

(2) The Chief Executive Officer shall only grant an exemption if the exemption does not compromise the safety of the owner or operator using the pleasure craft and the seaworthiness of the pleasure craft.

Radar reflector

12. An owner or operator of a pleasure craft shall ensure that a radar reflector or other means to enable detection by ships navigating by radar at both 3 and 9 GHz, if practicable, is fitted on a pleasure craft to allow ships navigating by radar to detect the pleasure craft in the area.

Lifesaving signals

13.—(1) An owner or operator of a pleasure craft shall ensure that a life-saving signals table as described in the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual and illustrated in the International Code of Signals, as amended, is carried on-board the pleasure craft engaged on international voyage.

(2) Lifesaving signals under sub-regulation (1) shall be used by the pleasure craft or a person in distress when communicating with ships and aircraft within the area.

(3) An owner or operator of a pleasure craft who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Reporting dangers to navigation

14.—(1) An owner or operator of a pleasure craft shall report to the Authority information about navigation dangers which include dangerous derelict or other dangerous obstructions, tropical storms, and winds of Force 10 or more on the beaufort scale, for which no warning has been received.

(2) Information about any navigation danger including the position, nature of danger, time seen or witnessed and any other useful information must be reported by the owner or operator of a pleasure craft to enable other ships or pleasure craft in the area to avoid it.

(3) An owner or operator of a pleasure craft who contravenes sub-regulation (1) commits an infringement offence and is liable to a fine not exceeding \$300.

Distress at sea

15.—(1) The owner or operator of a pleasure craft at sea who is in a position to provide assistance on receiving information from any source, of persons in distress at sea, shall proceed with maximum speed to assist and if possible, shall inform the persons in distress, the MRCC and the Authority of such assistance or action taken.

(2) The owner or operator of a pleasure craft shall be released from the obligation imposed by sub-regulation (1), on being informed by the persons in distress, the MRCC or

the Authority, or by the master of another ship which has reached the persons in distress, that assistance is no longer necessary.

(3) With exception to circumstances under sub-regulation (2), an owner or operator who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Voyage planning

16.—(1) Prior to proceeding to sea, the owner or operator of a pleasure craft shall ensure that the intended voyage has been planned using relevant nautical charts and a nautical almanac, if available.

(2) The voyage plan shall take into account the following—

- (a) normal shipping routes and ships traffic within the area;
- (b) sufficient sea room for the safe passage of the pleasure craft throughout the voyage;
- (c) all known navigational hazards;
- (d) adverse weather conditions;
- (e) marine environmental protection requirements that apply, and must avoid, as far as possible, actions and activities which may cause damage to the marine environment;
- (f) sufficient food and water provisions for the voyage for all persons on board the pleasure craft; and
- (g) sufficient fuel for the voyage.

(3) Any owner or operator of a pleasure craft who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Misuse of distress signals

17.—(1) The owner or operator of a pleasure craft shall ensure that a distress signal is used only for the purpose of indicating that a person or persons are in distress at sea.

(2) Any owner or operator who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Incident and accident reporting

18.—(1) The owner or operator of a pleasure craft shall report any incident, accident or mishap at sea to the Authority within 48 hours of its occurrence.

(2) The Chief Executive Officer shall ensure that an investigation is carried out on the incident, accident or mishap by an authorised officer to ensure that all possible steps are taken to prevent similar incidents, accidents or mishaps.

(3) Any owner or operator who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$300.

Record book

19.—(1) The owner or operator of a pleasure craft shall be required to carry a record book on board a pleasure craft so as to log all navigational activities which shall include but not be limited to the following—

- (a) time and date leaving a place;
- (b) number of persons onboard the craft, including names and ages;
- (c) weather condition;
- (d) sea condition;
- (e) boat condition and engine condition; and
- (f) time arriving at the other place.

(2) Any owner or operator who contravenes sub-regulation (1) commits an infringement offence and shall be liable to a fine not exceeding \$500.

Made this 14th day of December 2014.

P. TIKODUADUA
Minister for Infrastructure and Transport

SCHEDULE

REGISTRATION AND SURVEY FEES FOR PLEASURE CRAFT

Survey fees	Rates \$ (VAT inclusive)
Application for survey	\$ 5.00
Initial	
= or < 15 m pleasure craft	\$10.00/metre
> 15 m pleasure craft	\$15.00/metre
Overseas initial surveys or inspections	
= or < 15 m Pleasure craft	\$40.00/metre
> 15 m Pleasure craft	\$70.00/metre
Periodicals Surveys	
= or < 15 m pleasure craft (3 yearly survey)	\$ 7.00/metre
> 15 m pleasure craft urban (3 yearly survey)	\$10.00/metre