

REPRINT

SHIPPING ACT (CAP. 163)

As in force at: 1 October 2009

STATUS: REPEALED

This version is that in force at the date stated above.

For list of amendments see Endnotes

Repealed by the Solomon Islands Maritime Authority Act 2018 (No. 9 of 2018) in part from 7 September 2018 and remainder from 1 January 2021

AN ACT TO PROVIDE FOR THE CONTROL AND SAFETY OF SHIPPING

SHIPPING ACT (CAP. 163)

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SHIPPING ACT (Cap. 163)

As in force at: 1 October 2009

1 Short title

This Act may be cited as the *Shipping Act*.

2 Interpretation

In this Act unless the context otherwise requires:

“bosun” means a person in charge of a vessel other than a master;

“coastal vessel” means a vessel going between places in Solomon Islands which does not proceed more than five miles from land at any point;

“dangerous goods” means any goods or substances of a dangerous nature and shall include any goods or substances defined as dangerous goods in any regulations made under this Act;

“engaged in trade” includes the doing of any act with a view to or for the purposes of gain or profit;

“foreign going vessel” means any vessel going between any place in Solomon Islands and any other place beyond the limits of Solomon Islands not being in the Island of Bougainville;

“inner islands” means islands in Solomon Islands other than the outer islands, and for all the purposes of this Act shall include the Island of Bougainville;

“inner island vessel” means a vessel, other than a coastal vessel, going between places in Solomon Islands none of which is in the outer islands;

“inspector” means an inspector appointed pursuant to section 4;

“licensing officer” means the Principal Licensing Officer and any licensing officer appointed pursuant to section 3;

“outer islands” means Rennell, Bellona, Ontong Java, Stewart Islands, Duff Islands, Reef Islands, Santa Cruz Group, Utupua, Vanikoro, Tikopia and Anuta;

“outer island vessel” means a vessel, other than a coastal vessel going between any place in the outer islands and any place in the inner islands, or between places in the outer islands;

“passenger” means any person carried in a vessel except:

- (a) a person employed or engaged in any capacity on board the vessel on the business of the vessel;
- (b) a person on board the vessel either in pursuance of any obligation laid upon the master to carry shipwrecked or distressed or other person or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; and
- (c) a child under one year of age;

“safety certificate” means a safety certificate issued under section 13;

“vessel” means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever, but excludes:

- (a) canoes not propelled by an engine; and
- (b) canoes propelled by an outboard engine of ten or less brake horsepower,

except in sections 19, 24 and 28 and in any other provision of this Act or any regulation made under it which is expressly applied to such canoes by any regulation made under section 28.

3 Appointment of Principal Licensing Officer and other licensing officers

- (1) There may be appointed a Principal Licensing Officer, and such number of licensing officers as may be necessary to give effect to this Act, and where a person so appointed is to be a public officer,

the appointment shall be made pursuant to the *Constitution*, but otherwise may be made by the Minister.

- (2) Subject to the provisions of this Act, licensing officers shall exercise their powers and discharge their duties subject to any general directions which the Principal Licensing Officer may see fit to issue.

4 Appointment of inspectors

- (1) Persons may be appointed to act as inspectors to report upon the condition of vessels brought to them for inspection and to examine candidates applying for certificates of competency under the provisions of this Act.
- (2) Where a person so appointed is to be a public officer the appointment shall be made pursuant to the *Constitution*, but otherwise may be made by the Principal Licensing Officer.

5 Powers of inspectors and offences connected therewith

- (1) Every inspector shall have power at all reasonable hours to go on board any vessel for the purpose of examining the hull, machinery, boats, wireless apparatus, equipment or any materials belonging to or on board such vessel in order to ascertain whether the provisions of this Act or any regulations made thereunder have been complied with. He may require the attendance of all such persons as he may consider necessary to call before him for a like purpose and may require answers to any questions he may think necessary to put and may require the production of any books, papers, log or other document relating to the grant of a safety certificate.
- (2) If any person without reasonable excuse (proof whereof shall lie on him) does any of the following things, namely:
 - (a) fails to attend before an inspector or to make any answer or to produce any document or to make or sign any declaration or refuses to allow any copies to be taken of any documents; or
 - (b) prevents or impedes any inspector in the execution of his duty on board ship or elsewhere or knowingly misleads or deceives any inspector,

he shall be guilty of an offence against this Act.

- (3) Notwithstanding anything contained herein a licensing officer shall have and may exercise all the powers of an inspector under this section, which shall be read and construed as if the expression “inspector” included the expression “licensing officer”.

6 Examinations for certificate of competency

- (1) Examinations shall be instituted for persons who wish to obtain certificates of competency according to grades prescribed under this Act.
- (2) All applicants for examination for certificates of competency shall pay the appropriate fee prescribed under this Act.

7 Certificates of competency to be granted to those who pass

A licensing officer shall deliver to any applicant who has passed the prescribed examination satisfactorily and has given satisfactory evidence of his sobriety, ability and general good conduct, a certificate of competency in the prescribed form to the effect that he is competent to act in the capacity therein described and shall keep a copy of all certificates issued.

8 Examination of candidates for certificates

All applicants for certificates of competency as master, mate or bosun under this Act shall also pass an examination for sight and colour.

9 Vessels to be provided with certificated officers

- (1) Every vessel, whatever its means of propulsion, engaged in trade or passenger traffic navigating from any port or place in Solomon Islands shall be provided with deck officers holding valid certificates of competency under this Act or holding similar or equivalent unexpired certificates from the Ministry of Transport in the United Kingdom or other competent authority according to the scale required by the laws of the country in which she is registered when proceeding from a port in that country or else according to a scale to be prescribed under this Act.

- (2) Every certificate of competency for employment in a foreign going vessel shall be deemed to be of a higher grade than the corresponding certificate for employment in an outer island vessel, and every certificate of competency for employment in an outer island vessel shall be deemed to be of a higher grade than the corresponding certificate of competency for employment in an inner island vessel, and every certificate of competency for employment in an inner island vessel shall be deemed to be of a higher grade than the corresponding certificate of competency for employment in a coastal vessel.
- (3) The lawful holder of any higher grade certificate shall be entitled to go to sea in a capacity requiring a lower grade certificate.

10 Mechanically propelled vessels to be provided with a certificated engineer

Every vessel, whose primary means of propulsion is mechanical, engaged in trade or passenger traffic, navigating from any port or place in Solomon Islands shall be provided with at least one mechanic or engineer duly certificated for the type of voyage on which the vessel is engaged, according to the appropriate scale of certificated officers which shall be prescribed.

11 Penalty for engagement to service without proper certificate

Any person who having been engaged to serve in any capacity for which a certificate is required under this Act goes to sea or serves in any vessel without being at the time the holder of such a certificate, being a valid certificate, and every person who employs any person in any such capacity in such a vessel who at the time is not the holder of such a certificate, and any person who navigates or causes to be navigated any such vessel without the proper complement of deck officers or mechanics or engineers required by sections 9 and 10 shall be guilty of an offence and shall be liable to a fine of 3,000 penalty units or in default of payment to imprisonment for three months.

12 Cancellation and suspension of certificates

- (1) It shall be lawful for a licensing officer if, after due enquiry, he is satisfied that the holder of any certificate issued under section 7 is

unfit to discharge his duties, to cancel, suspend or lower the grade of such certificate, as he may think fit.

- (2) Any licensing officer exercising these powers shall report the result of his decisions to the Minister, and no new certificates of any grade shall be granted or certificate restored without the approval of the Minister.

13 Issue of safety certificates

A licensing officer may grant to vessels engaged in trade or passenger traffic a safety certificate in the form prescribed or as near thereto as circumstances permit, and shall retain a duplicate thereof, and such certificate shall be liable to be revoked or suspended at any time by a licensing officer in such manner and for such cause as may be prescribed. Such certificate shall state whether the vessel to which any certificate is given may be employed on foreign going, outer island, inner island, or coastal purposes, the name of the owner, the number and qualifications of officers and crew to be carried, the maximum number of persons (including the crew) which may be carried, and the minimum freeboard permitted and the date on which the certificate will expire, if not earlier revoked or suspended.

14 Duration of same

A safety certificate shall, unless revoked or suspended remain in force for not more than twelve months from the date thereof:

Provided always that if any vessel is absent from Solomon Islands on the date of expiration of the safety certificate last granted in respect of such vessel, such safety certificate, if not revoked or suspended, shall continue in force until the return of such vessel to Solomon Islands.

15 Fees for safety certificates

The owner of any vessel requiring a safety certificate under this Act shall pay at the time of application therefor such fee as may be prescribed.

16 Survey to be made if vessel believed to be unseaworthy

- (1) When an inspector has received a complaint, or has reason to believe that any vessel is, by reason of the defective condition of the hull, equipment or machinery or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he shall undertake a survey of the vessel, and if he is satisfied that the vessel cannot proceed to sea without danger to human life, may make such order as he thinks proper as to the detention of the vessel or as to her release either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo as he may impose. The inspector may also from time to time vary or add to such orders and a copy of every such order and alteration thereof shall be served as soon as possible on the owner, master or bosun of the vessel. The inspector shall notify the licensing officer without delay of any decision made or action taken by him under this section.
- (2) Notwithstanding anything to the contrary contained in this section, a licensing officer shall have and may exercise all the powers of an inspector under this section, which shall be read and construed as if the expression “inspector” included the expression “licensing officer”.

17 Master or owner to report loss or damage of vessel

Whenever any vessel has been lost or sustained damage so as to impair her seaworthiness either in her hull or any part of her machinery, the owner, master or bosun of such vessel shall, at the earliest opportunity, make to the licensing officer, who gave the vessel her current safety certificate, a report of such accident or damage stating the name of such vessel, the port to which she belongs, and the place where she is, and if such owner, master or bosun neglects to do so he shall be guilty of an offence and shall be liable to a fine of 2,000 penalty units or in default of payment to imprisonment for two months.

18 Penalty on vessel proceeding to sea without certificate

- (1) If any vessel engaged in trade or passenger traffic, whatever its means of propulsion, proceeds upon any voyage or excursion, unless there is subsisting a valid and unexpired safety certificate authorising that class of voyage or excursion and issued in respect

of that vessel under section 13, the master, bosun and owner of such vessel shall be guilty of an offence and shall be liable to a fine of two hundred penalty units or in default of payment to imprisonment for six months:

Provided that in the event of the owner of such vessel being a limited company or other corporation, such limited company or other corporation shall for any such offence as above mentioned be liable to a fine of 5,000 penalty units recoverable by distress.

- (2) If upon demand therefor by any licensing officer or inspector, the master, bosun or owner of any vessel engaged in trade or passenger traffic fails without reasonable cause or excuse to produce to such officer or inspector the safety certificate of such vessel and the certificates of competency of the officers, mechanics and engineers of the vessel, he shall be guilty of an offence and shall be liable to a fine of 3,000 penalty units or in default of payment to imprisonment for three months.

19 Unseaworthy vessels

- (1) Any person who sends or attempts to send, or is party to sending or attempting to send, a vessel to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of an offence and shall be liable to imprisonment for a term for two years or to a fine of 20,000 penalty units or to both such fine and such imprisonment, unless he proves either that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable.
- (2) If the master or boson of any vessel knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered he shall be guilty of an offence and shall be liable to imprisonment for two years or to a fine of 20,000 penalty units or to both such imprisonment and such fine, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable.
- (3) A prosecution under this section shall not be instituted otherwise than by or with the consent of the Director of Public Prosecutions.

20 Penalty for misdescription of dangerous goods

Any person who knowingly sends or attempts to send by, or carries or attempts to carry in any vessel any dangerous goods under a false description, or who falsely describes the sender or carrier thereof, shall be guilty of an offence and shall be liable to a fine of 20,000 penalty units or in default of payment to imprisonment for two years.

21 Power to deal with goods suspected of being dangerous

- (1) The master, bosun or owner of any vessel may refuse to take on board any package or parcel which he suspects contains any dangerous goods, and may require it to be opened to ascertain the fact.
- (2) Where any dangerous goods, or any goods, which, in the judgment of the master, bosun or owner of the vessel are dangerous goods, have been sent or brought aboard the vessel without being marked in such manner, or without such notice having been given, as may be prescribed, the master, bosun or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master, bosun nor owner of the vessel shall be subject to any liability, civil or criminal in any court, for so throwing the goods overboard.

22 Limit of persons to be carried

Any master or bosun of any vessel who carries a greater number of persons than is specified in such vessel's safety certificate shall be guilty of an offence and shall be liable to a fine of 3,000 penalty units per day for each excess person so carried, or, in default of payment, to imprisonment for three months.

23 Offences in connection with vessels

- (1) Any person who:
 - (a) being drunk or under the influence of drugs or being disorderly has been on that account refused admission to a vessel by the owner or any person in his employment, nevertheless persists in attempting to board the vessel;

- (b) being drunk or under the influence of drugs or being disorderly on board a vessel is requested by the owner or any person in his employ to leave the vessel at any place in Solomon Islands, at which he can conveniently do so, does not comply with the request;
- (c) on board a vessel, after warning by the master or other officer thereof, molests or continues to molest any passenger;
- (d) after having been refused admission to a vessel by the owner or any person in his employ on account of the vessel being full nevertheless persists in attempting to enter the vessel;
- (e) having gone on board a vessel at any place, and being requested, on account of the vessel being full, by the owner or any person in his employ to leave the vessel, before it has quitted that place does not comply with that request;
- (f) travels or attempts to travel in a vessel without first paying his fare, and with intent to avoid payment thereof;
- (g) having paid his fare for a certain distance, knowingly and wilfully proceeds in a vessel beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof;
- (h) on arriving in a vessel at a point to which he has paid his fare, knowingly and wilfully refuses or neglects to quit the vessel; or
- (i) on board a vessel fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the vessel,

shall be guilty of an offence and shall be liable to a fine of 1,000 penalty units or to imprisonment for one month, or to both such fine and such imprisonment, but such liability shall not prejudice the recovery of any fare payable by him.

- (2) Any person on board any vessel who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of

the machinery or tackle of the vessel, or to obstruct, impede, or molest the crew, or any of them in the navigation or management of the vessel, or otherwise in the execution of their duty on or about the vessel, shall be guilty of an offence and shall be liable to a fine of 3,000 penalty units or in default of payment to imprisonment for two months.

- (3) The master or other officer of any vessel and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and convey the offender with all convenient despatch before a Magistrate to be dealt with according to law.

24 Misconduct endangering life or ship

If a master or bosun of, or any person employed in any capacity as a member of the crew of any vessel, by wilful breach of duty or by neglect of duty or by reason of being under the influence of drugs, or by reason of drunkenness:

- (a) does any act tending to the immediate loss, destruction or serious damage of the vessel, or tending immediately to endanger the life or limb of a person belonging to or on board the vessel; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the vessel from immediate danger to life or limb,

he shall be guilty of an offence and shall be liable to a fine of 5,000 penalty units or in default of payment to imprisonment for six months.

25 Shipping Advisory Committee

- (1) There shall be a committee to be known as the Shipping Advisory Committee consisting of the Chief Marine Officer, who shall be the Chairman, and such other members resident in Solomon Islands whether officials or non-officials, as may be appointed by the Minister.

- (2) Members of the Committee shall hold office for two years or such lesser period as may be specified in their instruments of appointment, and shall be eligible for re-appointment:

Provided that the Minister may in his discretion terminate the appointment of any member at any time without giving any reason therefor:

Provided further that any member may by writing under his hand resign his appointment at any time.

- (3) The functions of the Committee shall be:
- (a) to make recommendations to the Minister on shipping matters in Solomon Islands; and
 - (b) to advise the Minister on shipping matters referred to it.
- (4) The Committee shall meet as and when required by the Chairman:
- Provided that the Chairman shall call a meeting of the Committee upon the request of the majority, for the time being, of the members of the Committee.
- (5) The Chairman shall preside at meetings of the Committee, but in case of his absence from any meeting the members present shall elect one of their number to be a temporary Chairman for that meeting.
- (6) The Chairman may co-opt temporary members, not exceeding two in number, to attend any particular meeting of the Committee.
- (7) Subject to the provisions of this section, the Committee may make rules for its own procedure and for the better carrying out of its functions.

26 Power to fix fees

The Minister of Finance may in his discretion direct either generally or in any particular case what fees, if any, shall be paid to an inspector or licensing officer.

27 Appeals

- (1) Any person dissatisfied with any decision of a licensing officer or an inspector under this Act or under any regulations made thereunder may, within twenty-one days after being notified thereof, appeal to the Chief Marine Officer by sending notice in writing of the grounds of his dissatisfaction, and the Chief Marine Officer shall decide the appeal as to him shall seem just and shall notify the appellant and the licensing officer or inspector forthwith.
- (2) Any person dissatisfied with any decision of the Chief Marine Officer may, within twenty-one days after being notified thereof, appeal to the High Court by sending notice in writing of the grounds of his dissatisfaction to the Registrar of the High Court.
- (3) Any appeal under the last foregoing subsection may, in the discretion of any judge of the High Court, be heard in chambers and may be determined summarily, and shall in any event be subject to such terms as to costs or otherwise as the Court may direct.
- (4) The decision of the Court shall be communicated to the appellant and to the licensing officer or inspector concerned as soon as possible and such decision shall be final and conclusive and shall not be questioned in any other court or proceedings what-soever.

28 Regulations

- (1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing power, such regulations may provide for:
 - (a) such matters as under this Act may be prescribed;
 - (b) the qualifications of applicants for certificates of competency;
 - (c) the standards for safety, seaworthiness, accommodation, sanitation, equipment and machinery of all vessels engaged in trade or passenger traffic;
 - (d) the requirements as regards safety at sea equipment;
 - (e) the lights to be shown, signals to be used, and the sailing rules

to be observed;

- (f) the marking, naming or numbering of vessels;
 - (g) the grant of exemption to classes of vessels or persons or to particular vessels or persons from the requirements of this Act and any regulations made under it;
 - (h) the discipline of masters, officers and seamen engaged to serve on board vessels;
 - (i) applying any provision of this Act or any regulation made under it to any canoe excluded from the definition of “**vessel**” in section 2 or any class or description thereof.
- (2) There may be annexed to the breach of any regulation made under this section a penalty not exceeding a fine of 5,000 penalty units or imprisonment for a term not exceeding six months.

29 General penalty

Any person committing any offence against any of the provisions of this Act, or against any of the regulations made under this Act, for which no specific penalty is provided shall be liable to a fine of 3,000 penalty units, or in default of payment to imprisonment for three months.

30 Application to the Crown

This Act shall apply to vessels and persons in the public service of the Crown in a civil capacity in respect of the Government of Solomon Islands.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 163 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

2

LIST OF LEGISLATION

Shipping Act (Cap. 163)

Constituent legislation:	16 of 1966 (Commenced 1 July 1967)
	4 of 1967
	6 of 1967
	4 of 1968
	12 of 1969
	11 of 1970
	LN 46 of 1974
	LN 46A of 1978
	LN 88 of 1978
	7 of 1980

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

Repealed by Solomon Islands Maritime Authority Act 2018 (No. 9 of 2018)

Assent date	7 September 2018
Gazetted	7 September 2018
Commenced	7 September 2018 (Parts 1, 2, 7 & 8); Rem on 1 January 2021

3

LIST OF AMENDMENTS

s 11	amd by Act No. 14 of 2009
s 17	amd by Act No. 14 of 2009
s 18	amd by Act No. 14 of 2009
s 19	amd by Act No. 14 of 2009
s 20	amd by Act No. 14 of 2009
s 22	amd by Act No. 14 of 2009
s 23	amd by Act No. 14 of 2009
s 24	amd by Act No. 14 of 2009
s 28	amd by Act No. 14 of 2009
s 29	amd by Act No. 14 of 2009