

REPUBLIC OF KIRIBATI
(No. 5 of 2009)

I assent,

Beretitenti
Assented: 7th December 2009

AN ACT TO AMEND THE MERCHANT SHIPPING ACT 1983

Commencement:
2009

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short title

This Act may be cited as the *Merchant Shipping (Amendment) Act 2009*.

2. Replacement of the Second Schedule to the Merchant Shipping Act 1983

The Second Schedule to the *Merchant Shipping Act 1983* (as amended by the *Merchant Shipping (Amendment) Act 2006*) is repealed and the following schedule substituted—

“SECOND SCHEDULE

(Sections 60 and 61(2))

INTERNATIONAL CONVENTIONS

The *International Convention on Load Lines* done at London on 5 April 1966, as modified by the 1988 Protocol relating thereto;

The *International Convention on Tonnage Measurement of Ships* done at London on 23 June 1969;

The *International Convention on Civil Liability for Oil Pollution Damage* done at London on 29 November 1969, as modified by the 1992 Protocol relating thereto;

The *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage* done at London on 18 December 1971, as modified by the 1992 Protocol relating thereto;

The *Convention on the international Regulations for Preventing Collisions at Sea* done at London on 20 October 1972, together with the *International Regulations for Preventing Collisions at Sea, 1972*, constituted by the rules

and other annexes attached to that Convention, as corrected by Process - Verbal of Rectification dated 1 December 1973;

The *International Convention for Safe Containers* done at Geneva on 2 December 1972;

The *International Convention for the Prevention of Pollution from Ships* done at London on 2 November 1973, as modified by the 1978 and 1997 Protocols relating thereto;

The *International Convention for the Safety of Life at Sea* done at London on 1 November 1974, as modified by the 1978 and 1988 Protocols relating thereto;

The *Convention on Limitation of Liability for Maritime Claims* done at London on 19 November 1976;

The *International Convention for the Safety of Fishing Vessels* done at Torremolinos on 2 April 1977, as modified by the 1993 Protocol relating thereto;

The *International Convention on Maritime Search and Rescue* done at Hamburg on 27 April 1979;

The *International Convention on Salvage* done at London on 28 April 1989;

The *International Convention on Maritime Liens and Mortgages* done at Geneva on 6 May 1993;

The *International Convention on Civil Liability for Bunker Oil Pollution Damage* done at London on 23 March 2001;

The *International Convention on the Control of Harmful Anti-fouling Systems on Ships* done at London on 18 October 2001; and

The *International Convention For the Control and Management of Ships' Ballast Water and Sediments* done at London on 13 February 2004.”.

MERCHANT SHIPPING (AMENDMENT) ACT 2009

EXPLANATORY MEMORANDUM

This Act replaces the Second Schedule to the Merchant Shipping Act 1983, to include in the list a number of maritime conventions and protocols to which Kiribati has recently become a party. The additions are as follows:

- the 1988 Protocol to the *International Convention on Load Lines*;
- the *International Convention on Civil Liability for Oil Pollution Damage* and the 1992 Protocol thereto;
- the *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage* and the 1992 Protocol thereto;
- the 1997 *Protocol to the International Convention for the Prevention of Pollution from Ships*;
- the 1978 and 1988 Protocols to the *International Convention for the Safety of Life at Sea*;
- the *International Convention for the Safety of Fishing Vessels* and the 1993 Protocol thereto; and
- the *International Convention on Civil Liability for Bunker Oil Pollution Damage*.

Inclusion of a Convention in the Second Schedule enables regulations to be made under section 61(2) of the Act to implement our legislative obligations as a Party. In addition, under section 60, the Registrar may suspend the certificate of registry of any Kiribati—flagged vessel found to have contravened the provisions of any of the scheduled Conventions.

Titabu Tabane
Attorney General
July 2009