

No. 23 of 2013.

*Harbours (Amendment) Act 2013.*

Certified on : 17/02/14



No. . . of 2013.

***Harbours (Amendment) Act 2013.***

**ARRANGEMENT OF SECTION.**

Regulations (Amendment of Section 51).



No. of 2013.

AN ACT

entitled

***Harbours (Amendment) Act 2013,***

Being an Act to amend the *Harbours Act* (Chapter 240) to provide additional powers to the Head of State to make regulations and for related purposes,

MADE by the National Parliament and deemed to have come into operation on 1 July 2010.

**REGULATIONS (AMENDMENT OF SECTION 51).**

Section 51 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the amounts of “K10,000.00” and “K250.00” and replacing them with “K100,000.00” and “K2,500.00” respectively; and
- (b) in Subsection (2), by inserting, after Paragraph (g), the following new paragraphs:

- “(r) the Departmental Head appointing Port Managers for Declared Ports, Non Declared Ports and Port Facilities within such Ports; and
- (s) a Port Facility Operator requiring prior written approval by the Port Manager before any construction, extension, alteration or excavation (proposed or otherwise) is made to a Declared Port, Non Declared Port or Port Facility; and
- (t) the power for a Port Manager to issue and require compliance with Environmental Directions concerning a Declared Port, Non Declared Port or Port Facility; and
- (u) the power for a Port Manager to establish and issue standards and specifications, and require compliance with such standards and specifications, concerning the construction, maintenance and operation of a Declared Port, Non Declared Port and Port Facility, and for a Port Manager to require an economic impact statement concerning any proposed or other construction, extension, alteration or excavation within a Declared Port, Non Declared Port or Port Facility; and
- (v) the National Maritime Safety Authority establishing and issuing standards and specifications, and requiring compliance with such standards and specifications, concerning the construction, operation, maintenance, inspection and testing of a pipeline within or connected to a Declared Port, Non Declared Port or Port Facility; and
- (w) a Port Manager preparing, issuing and requiring compliance with Port Management and Operations Directions concerning -
  - (i) navigation, vessel movements and vessel safety; and
  - (ii) passenger services, handling and safety; and
  - (iii) cargo services, handling, storage and safety; and

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- (iv) dangerous goods handling, storage and safety; and
- (v) port facilities management, operations and safety, including but not limited to the making of enforceable Port Facility Operator Rules, Practices and Guidelines; and
- (vi) port safety; and
- (vii) port security; and
- (viii) equipment and machinery management and operations; and
- (ix) traffic and other movement management and operations; and
- (x) aquatic sports; and
- (xi) such other matters concerning the operation and control of the Port as the Port Manager reasonably deems necessary; and
- (xii) provisions concerning the powers and duties of Port Facility Operators to make enforceable operational Rules, Practices and Guidelines within their areas of operation and responsibility, not inconsistent with Port Management and Operations Directions; and
- (x) the licencing, appointment, control and management by a Port Manager of Port Facility Operators for Declared Ports, Non Declared Ports and Port Facilities, and requirements for compliance by all persons with such licencing, appointment, control and management Regulations; and
- (y) the licencing, appointment, control and management of Stevedoring and Stevedores by a Port Manager, and requirements for compliance with such licencing, appointment, control and management Regulations; and
- (z) the National Maritime Safety Authority preparing, issuing and requiring compliance with Port Safety Directions concerning -
  - (i) safe navigation and vessel movement within Declared Ports, Non Declared Ports and Port Facilities; and
  - (ii) safe passenger handling and movement within Declared Ports, Non Declared Ports and Port Facilities; and
  - (iii) safe cargo handling, storage and movement within Declared Ports, Non Declared Ports and Port Facilities; and
  - (iv) safe dangerous goods handling and movement within a Declared Port, Non Declared Port and Port Facility; and
  - (v) safe maritime traffic and other movements and operations within a Declared Port, Non Declared Port and Port Facility; and
- (aa) the entry to and departure from a Declared Port and Non Declared Port of a vessel and the requirements and duties of the owner, master and agent of such vessel while the vessel is entering, departing or within such Port; and
- (bb) the opening and closing of a Declared Port, Non Declared Port and Port Facility, including the power of a Port Manager to control the opening and closing of such Port and Port Facility; and
- (cc) the loading to, unloading from, control, handling and storage of passengers, goods, cargo and dangerous goods from and to a vessel in a Declared Port or Non Declared Port; and

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- (dd) the control, management, operation and safety of a Declared Port, Non Declared Port and Port Facility; and
- (ee) the control, management and operation of entry to and departure from a Declared Port, Non Declared Port and Port Facility by any person, vehicle or vessel, and the conduct of any person, vehicle or vessel while within such Port and Port Facility; and
- (ff) Port Traffic Management and the power of a Port Manager to establish and require compliance with Port Traffic Management provisions; and
- (gg) a Port Manager appointing Authorised Officers to enforce a regulation and the powers and duties of such Authorised Officers; and
- (hh) the National Maritime Safety Authority appointing Inspectors to enforce a Regulation and the powers and duties of such Inspectors; and
- (ii) a Port Manager and the National Maritime Safety Authority setting fees and charges for any matter under or concerning a Regulation and for the collection of such fees and charges; and
- (jj) the power to prosecute offenders by the Port Manager.”; and

(c) by inserting the following subsection after Subsection (5):

- “(6) For the purpose of removal of doubt -
- (a) the ***Ports (Management and Safety) Regulation 2010***, and each of the regulations made under the ***Ports (Management and Safety) Regulation 2010***, are declared for all purposes to be lawful, and in full force and effect and made under and in accordance with this Act; and
  - (b) this Act provides the power to make each of the regulations made under the ***Ports (Management and Safety) Regulation 2010***.”.

I hereby certify that the above is a fair print of the ***Harbours (Amendment) Act 2013***, which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the ***Harbours (Amendment) Act 2013***, was made by the National Parliament on 20 November, 2013.

Speaker of the National Parliament.