

ACT NO. 15 OF 2014

I assent.

E. NAILATIKAU
President

[15 December 2014]

AN ACT**TO AMEND THE SHIP REGISTRATION DECREE 2013**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Ship Registration (Amendment) Act 2014 and shall come into force on 1st January, 2015.

(2) The Ship Registration Decree 2013 shall be referred to as the “Decree”.

Section 2 amended

2. Section 2 of the Decree is amended by inserting the following definition—

““Fiji-based operator” means—

- (a) a Fiji national who is ordinarily resident or carries on business in Fiji; or
- (b) a Fiji national who is in a position to control the exercise of the rights and powers of the charterers under the charter agreement;”

*Section 4 amended***3.** Section 4 of the Decree is amended—

(a) in subsection (2) by—

- (i) deleting “A” and substituting “Subject to subsection (4), a”; and
- (ii) deleting “any other” and substituting “foreign” in paragraph (b);

(b) by deleting subsection (3) and substituting the following—

“(3) Notwithstanding subsection (2), a ship that is not a Fiji-owned ship, may be registered if that ship—

- (a) is a pleasure craft;
- (b) calls at ports or places in Fiji; or
- (c) is normally engaged on a qualifying route and the operations of which are managed by the appointed ship’s agent on behalf of its owners, from a place of business in Fiji; and

(c) by inserting the following new subsection after subsection (3)—

“(4) Any second-hand ship which—

- (a) has been imported for a purpose deemed by the Authority as a commercial purpose; and
- (b) is 20 years old or more,

shall not be registered.”

*Section 5 amended***4.** Section 5 of the Decree is amended by inserting the following new subsection after subsection (2)—

“(2A) Subsection (2)(c) and (e) are not applicable for the registration of pleasure crafts.”

*Section 17 amended***5.** Section 17 of the Decree is amended by deleting “registration number” and substituting “official number” wherever it appears.*Section 19 amended***6.** Section 19 of the Decree is amended in subsection (1)(f) by deleting sub-paragraph (ii) and substituting the following—

“(ii) the Fiji Navy or an arm or part of the Republic of Fiji Military Forces;”

Section 22 amended

7. Section 22 of the Decree is amended in—

- (a) subsection (1) by deleting “High Court” and substituting “Maritime Appeal Tribunal”; and
- (b) subsection (2) by deleting “court” and substituting “Maritime Appeal Tribunal”.

Amendment to references in the Decree

8. The Decree is amended in sections 2, 3 and 65 and the Schedule by deleting “Republic of Fiji Military Forces” and substituting “Fiji Navy” wherever it appears.

Passed by the Parliament of the Republic of Fiji this 11th day of December 2014.