



REPUBLIC OF NAURU

SHIPPING REGISTRATION (AMENDMENT) BILL 2017

No. of 2017

A Bill for an Act to amend the *Shipping Registration Act 1968*, to make provision for the registration of foreign vessels and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Shipping Registration (Amendment) Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Shipping Registration Act 1968

The Shipping Registration Act 1968 is amended by the provisions of this Act.

4 Amendment of section 2

Section 2 is amended by:

(a) omitting **‘ship’** and substituting with:

‘vessel’ means any vessel, ship or other water-going craft, carrier or transport vessel, except for a small boat; and

(b) inserting the following in alphabetical order:

‘bareboat charter’ means the contract for the lease or sub lease of a vessel for a stipulated period of time by virtue of which the charterer acquires full control and complete possession of the vessel, including the right to appoint the master and crew for the duration of the charter, but excluding the right to sell or mortgage the vessel;

‘foreign vessel’ means a vessel that is owned by a person who:

- (a) if the person is an individual, is not a citizen of Nauru; or
- (b) if the person is a body corporate, is not established, registered or incorporated under the laws of Nauru;

‘Harbour Master’ as defined in section 16 of the Port Authority Act 2015;

‘Register’ means:

- (a) the Register of Vessels kept by the Registrar under section 5;
or
- (b) the Register of Foreign Vessels kept by the Registrar of Foreign Vessels under section 5;

'Registrar of Foreign Vessels' means the Registrar of Foreign Vessels appointed under section 4A;

5 General amendment to references in the Act

The Act is amended by omitting the word '*ship*' wherever it appears and substituting with the word '*vessel*'.

6 Insert new subsection 2A

2A Application of the Act to Foreign Vessels

- (1) Subject to subsection (2):
 - (a) this Act applies to foreign vessels; and
 - (b) unless the context otherwise requires, a reference in this Act to a vessel, includes a reference to a foreign vessel.
- (2) This Act applies to foreign vessels with the following modifications:
 - (a) the powers and functions of the Registrar of Nauruan Vessels shall be exercised and performed in relation to foreign vessels by the Registrar of Foreign Vessels;
 - (b) particulars of all foreign vessels registered under this Act, and such other entries as may be required under this Act, shall be entered in the Register of Foreign Vessels, to be kept by the Registrar of Foreign Vessels;
 - (c) the functions of a surveyor under section 61 shall be performed in relation to a foreign vessel by a surveyor;
 - (d) for the avoidance of doubt, the powers and functions to be exercised or performed by the Registrar of Foreign Vessels under this Act, shall be exercised and performed exclusively by the Registrar of Foreign Vessels, as the case may be; and
 - (e) while the Registrar of Nauruan Vessels and the Registrar of Foreign Vessels exercise and perform similar functions and powers under the Act, each are considered as separate office holders.

7 Insert new section 4A

4A Registrar of Foreign Vessels