



MERCHANT SHIPPING (AMENDMENT) ACT, 2019

(Act 3 of 2020)



I assent

A handwritten signature in blue ink, appearing to read "Danny Faure".

Danny Faure
President

7th February, 2020

ANACT to amend the Merchant Shipping Act (Cap 282).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Merchant Shipping (Amendment) Act, 2019. Short title

Amendment
of Cap 282

2. The Merchant Shipping Act is amended as follows —

(a) in section 3 —

- (i) by repealing the definition of “Administration” and substituting therefor the following definitions —

““Appeal” means an appeal filed before the Appeals Board;

“Appeals Board” means the Appeals Board established under section 11 of the Seychelles Maritime Safety Authority Act, 2019;”;

- (ii) by repealing the definition of “authorised officer” and substituting therefor the following definitions —

““Authority” means the Authority established under the Seychelles Maritime Safety Authority Act, 2019;

“bareboat charter” means a Seychelles ship leased for a period of time without Master and crew;

““BLU Code” means the Code of Practice for the Safe Loading and Unloading of Bulk Carriers adopted by the IMO on 27 November, 1997 by resolution A. 862(20) as amended from time to time;”;

- (iii) by inserting after the definition of “cargo ship” the following definition —

““Casualty Investigation Code” means the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident adopted on 16 May 2008 by IMO Resolution MSC. 255(84);”;

- (iv) by repealing the definition of “Director General”;

- (v) by repealing the definition of “Collisions Convention” and substituting therefor the following definitions —

““Chief Executive Officer” means the Chief Executive Officer as defined in the Seychelles Maritime Safety Authority Act, 2019;

“COLREG” means the Convention on the International Regulations for Preventing Collisions at Sea 1972, as affected by any amendment, other than an amendment objected to, or not accepted, by the Republic;”;

- (vi) by inserting after the definition of “equipment” the following definition —

““Examiner” means an Examiner appointed under section 10 of the Seychelles Maritime Safety Authority Act, 2019;”;

- (vii) by inserting after the definition of “existing ship” the following definition —

““FAL Convention” means the Convention on International Facilitation of Maritime Traffic, 1965 as amended from time to time;”;

(viii) by repealing the definition of “Harbour Master” and substituting therefor the following definitions —

““IMDG” means the International Maritime Dangerous Goods Code adopted by the IMO on 6 November 1991 by resolution 716 (17), as amended from time to time;

“IMO” means the International Maritime Organisation;”;

(ix) by repealing the definition of “inspector” and substituting therefor the following definitions —

““Inspector” means the Inspector appointed under section 10 of the Seychelles Maritime Safety Authority Act, 2019;

“International Convention on Load Lines” means the International Convention on Load Lines 1966 and its Protocol of 1988, as affected by any amendment thereto, other than an amendment objected to or not accepted by the Republic;

“International Load Line Convention ship” means a ship that is —

(a) of a kind to which the International Load Line Convention applies; and

(b) registered in a country the government of which has accepted or acceded to the International Load Line Convention and has not denounced that Convention;”;

(x) by repealing the definition of “Licensing Authority” and substituting therefor the following definitions —

““ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the IMO on 4 November 1993 by resolution A. 741 (18), as amended from time to time;

“ISM Company” means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the ship owner and who, on assuming such responsibility, has agreed to take over all duties and responsibility imposed by the ISM Code;

“ISPS Code” means the International Ship and Port Facility Code adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, as amended from time to time;”;

- (xi) by repealing the definition of “Load Line Convention”;
- (xii) by repealing the definition of “Load Line Convention Ship”;
- (xiii) by inserting after the definition of Marine Accident Investigation Board” the following definition —

““MARPOL” 73/78 means the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 and protocol of 1997, as amended from time to time;”;

(xiv) by inserting after the definition of “Minister” the following definition —

““MLC 2006” means the Marine Labour Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation;”;

(xv) by inserting after the definition of “Official Log Book” the following definition —

““OPRC” means the International Convention on Pollution Preparedness, Response and Cooperation 1990;”;

(xvi) by repealing the definition of “Receiver of Wrecks”;

(xvii) by repealing the definition of “Registrar” and substituting therefor the following definitions —

““Registrar” means the Registrar of Ships appointed under section 10 of the Seychelles Maritime Safety Authority Act, 2019;

“Registrar of Seafarers” means the Registrar of Seafarers appointed under section 10 of the Seychelles Maritime Safety Authority Act, 2019, but in relation to any Registrar of Seafarer for the purpose of section 134 means the Registrar of Seafarers appointed —

(a) for the port at which the seafarer entered into, or is believed to have entered into a crew agreement; or

(b) where the seafarer did not enter into a crew agreement in Seychelles, for the port to which

the seafarer has returned, or is expected to return, on the completion of his or her latest voyage;”;

(xviii) by repealing the definitions of “Safety Convention” and “Safety Convention ship”;

(xix) by repealing the definition of “Seychelles ship” and substituting therefor the following definitions —

““Ship” includes every description of vessel or artificial craft used or capable of being used as a means of transportation on or in water, whether or not it is actually afloat, and whether or not it has any means of propulsion but does not include a seaplane;

“Seychelles ship” means a ship registered under this Act;”;

(xx) by inserting after the definition of “ship registered under this Act” the following definitions —

““SOLAS” means the International Convention for the Safety of Life at Sea 1974, its Protocols of 1978 and 1988 and all amendments thereto, other than an amendment objected to or not accepted by the Republic as affected by any amendment other than an amendment objected to or not accepted by the Republic;

“SOLAS Convention ship” means —

(a) a ship of a kind to which the SOLAS applies; and

(b) registered in a country, the government of which has accepted or acceded to SOLAS and has not denounced the Convention;”;

(xxi) by repealing the definitions of “S.T.C.W Convention” and “surveyor” and substituting therefor the following definitions —

““STCW Convention” means the International Convention on Standards of Training Certification and Watch keeping for Seafarers, 1978 as amended;

“STCW Code” means the Seafarers' Training, Certification and Watch keeping Code adopted by the 2010 Manila Conference of Parties to the STCW Convention;

“Surveyor” means a Surveyor appointed under section 10 of the Seychelles Maritime Safety Authority Act, 2019;”;

(xxii) by inserting after the definition of “tanker” the following definition —

““Tonnage Convention” means the International Convention on Tonnage Measurement of ships, 1969, including any amendments thereof;”;

(xxiii) by repealing the definition of “vessel” and substituting therefor the following definition —

““UNCLOS” means the United Nations Convention on the Law of the Seas;”;

(b) by repealing the words “seaman” and “seamen” wherever they occur throughout the Act and substituting therefor the words “Seafarer” and “Seafarers” respectively;

(c) by repealing section 5 and the marginal note thereof and substituting therefor the following section and marginal note —

“5. The Authority shall administer this Act.”;

- (d) by repealing section 6;
- (e) by repealing section 7 and the marginal note thereof and substituting therefor the following section and marginal note —

Powers and
duties of
Surveyors
and
Inspectors

“7.(1) Surveyors and Inspectors shall have the powers and perform such duties as provided in the Act.

(2) Surveyors and Inspectors shall be under the administrative control of the Chief Executive Officer in the performance of their functions.”;

- (f) by repealing section 8, 9, 10 and 11, 11A, 11B and 11C;
- (g) in section 16 —
- (i) by repealing the words “exempt ship” wherever they occur and substituting therefor the words “identified ship”;
- (ii) by repealing subsection (2);
- (iii) by repealing subsection (3) and substituting therefor the following subsection —

“(3) In this subsection, a reference to an “identified ship” refers to a ship —

- (a) that is less than 10 metres in length;
- (b) that is prescribed, or belongs to a class or description of ships that is prescribed;

- (c) that is engaged in specified limit of navigation or trading, or used for any purpose as may be prescribed; or
 - (d) that is identified by a series of letters and numbers assigned by the Registrar of Ships.”;
- (h) in section 17 —
 - (i) by repealing the word “Minister” wherever it occurs and substituting therefor the word “Authority”;
 - (ii) by inserting after subsection (2), the following subsection —

“(2A) Where a ship belongs to an existing ISM company, it shall provide the legal documents for its ownership and the Company IMO number.”;
- (i) by repealing in subsection (2) of section 19 the word “Minister” at both the places it occurs and substituting therefor the word “Authority”;
- (j) by repealing in section 20 the word “Minister” and substituting therefor the word “Authority”;
- (k) by repealing in subsection (5) of section 22 the word “Minister” and substituting therefor the word “Authority”;
- (l) by inserting in subsection (2) of section 26 after the words “not register” the words “or identify” and by repealing the word “Minister” and substituting therefor the word “Authority”;

- (m) by repealing in subparagraph (ii) of paragraph (b) of subsection (4) of section 27 the words “an authorised officer” and substituting therefor the words “an officer of the Authority”;
- (n) by repealing in subsection (4) of section 29 the word “Minister” and substituting therefor the word “Authority”;
- (o) by repealing in paragraph (c) of subsection (1) of section 32 the word “Minister” and substituting therefor the word “Authority”;
- (p) by inserting after subsection (2) of section 50 the following subsection —

“(3) The Authority shall keep a register of each ISM Company as per the ISM Code.”;

- (q) by repealing paragraph (c) of subsection (4) of section 52;
- (r) by repealing sections 53 and 54 and the marginal notes thereof and substituting therefor the following section and the marginal note —

Licensing
of ships

“53.(1) Notwithstanding anything contrary contained in the Licences Act (Cap 113) every Seychelles ship required to be licenced under the provisions of this Act shall obtain a licence from the Authority.

(2) The following type of vessels shall not operate without a licence issued by the Authority —

- (a) Hire craft;
- (b) Trade vessel;

- (c) Ferry vessel;
- (d) Passenger vessel; and
- (e) Garbage disposal barge.

(3) For the purpose of this section —

- (a) “Hire craft” means a hire craft as defined in the Control of Hire Craft Act (Cap 46);
- (b) “Trade vessel” and “Ferry vessel” means a vessel engaged in trade carrying passengers and cargo for a fee or consideration;
- (c) “Passenger vessel” means a vessel carrying 12 passengers or more on international voyages; and
- (d) “Garbage disposal barge” means a vessel engaged in the disposal of garbage for a fees or consideration.

(4) An application for licence under subsection (1) shall be made to the Authority in such form as may be prescribed by the Authority.

(5) The applicant shall pay the fees prescribed by the Authority and submit all the documents required to be submitted along with the application as specified in the application form.

(6) The Authority shall, after evaluating the application and documents submitted along with application, either grant the licence or refuse to grant the licence.

(7) Where the Authority refuses a licence under subsection (6), it shall inform the applicant the reasons therefor.

(8) The Authority may, while granting a licence specify any conditions as the Authority considers necessary.

(9) The licence granted under subsection (6) shall be valid for a period of one year from the date of issue, unless revoked earlier.

(10) The licensee shall declare before the Registrar any change of ownership of a vessel within 24 hours of such change.

(11) The licensee shall ensure that the vessel shall carry and be under the charge of a certified coxswain and where the vessel is a power driven, it shall carry a certified mechanic.

(12) The licensee shall insure the vessel and take third party insurance to the satisfaction of the Authority covering liability for personal injury to the passengers and crew of the vessel including property belonging to them.

(13) The licensee shall comply with—

- (a) any direction given by the Authority;

- (b) any instructions duly given by a police officer, customs officer or an officer from the Seychelles Port Authority regulating and controlling the movement of trade vessel alongside ships in harbour, quays, jetties and landing places;
 - (c) any instructions of an officer of a ship in harbour who is authorised to regulate and control the movement of trade vessel alongside the ship;
 - (d) any passenger accommodation requirements provided in a written law;
 - (e) the requirements of the notification of departure and report on return in accordance with any written law.”;
- (s) in section 55 —
 - (i) by repealing paragraph (c) of subsection (2) and substituting therefor the following paragraph —
 - “(c) for the issue of documents by the Authority certifying the gross and net tonnage of any ship or the tonnage that is to be taken for any purpose specified as the tonnage of a ship not registered under this Act.”;
 - (ii) by repealing subsection (3) and substituting therefor the following subsection —

“(3) In making regulations, the Minister shall have due regard to the Tonnage Convention.”;

- (t) by repealing in section 57 the word “Minister” wherever it occurs and substituting therefor the word “Authority”;
- (u) in section 60 —
 - (i) by repealing in subsection (1) the word “Minister” and substituting therefor the word “Authority”;
 - (ii) by repealing subsection (2) and substituting therefor the following subsection

“(2) The Minister may, in consultation with the Authority, by Regulations appoint any organisation forming part of the International Association of Classification Societies (IACS) for the purposes of this Act and any classification society so appointed may appoint any person to survey and measure ships under and for the purposes of this Act.”;
- (v) by repealing subsection (2) of section 62;
- (w) by repealing in subsection (1) of section 80 the word “Minister” and substituting therefor the word “Authority”;
- (x) in section 81 —
 - (i) by adding in subparagraph (i) of paragraph (a) of subsection (1) after the words “safety certificate” the words “safe manning certificate or radio certificate”;
 - (ii) by repealing in subsection (2) the words “Harbour Master” at both the places they occur and

- substituting therefor the words “Chief Executive Officer”;
- (iii) by adding in paragraph (a) of subsection (2) after the words “safety certificate” the words “safe manning certificate or radio certificate;”;
- (y) by repealing paragraph (a) of subsection (2) of section 82 and substituting therefor the following paragraph —
- “(a) the local safety certificate, local load line certificate, safe manning certificate, radio certificate or appropriate exemption certificate required by the Regulations; or”
- (z) in section 83 —
- (i) by repealing in subsection (1) the words “The Minister may, by order published in the *Gazette*, issue directions” and substituting therefor the words “The Authority may issue merchant shipping notices”;
- (ii) by repealing in subsection (3) the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
- (iii) by repealing in subsection (4) the words “appeal to the Minister” and substituting therefor the words “appeal to the Authority”;
- (aa) in section 84 —
- (i) by adding in subsection(1) after paragraph (b) the following paragraph —
- “(ba) the manner of calculating the passenger carrying capacity;”;

- (ii) by repealing in subsection (2) the words “shall not apply in relation to” and substituting therefor the words “shall also apply to”;
- (bb) by repealing subsection (1) of section 85 and substituting therefor the following subsection —

“(1) Subject to this Act and to any other written law, COLREG, the International Load Line Convention the Tonnage Convention, OPRC, SOLAS, STCW Convention and MLC 2006 shall have the force of law in Seychelles”;
- (cc) by repealing in section 86 the words “Safety Convention”, “a Load Line Convention” and “Collision Convention” wherever they occur and substituting therefor the words “SOLAS”, “an International Load Line Convention” and “COLERG’ respectively;
- (dd) in section 87 —
 - (i) by inserting in paragraph (a) of subsection (1) after the words “local safety” the words “certificates, safe manning certificates, radio certificates”;
 - (ii) by repealing in subparagraph (ii) of paragraph (a) of subsection (1) the words “Safety Convention” and substituting therefor the words “SOLAS Convention”;
- (ee) in section 88 —
 - (i) by repealing the words “Load Line Convention” and “Safety Convention” wherever they occur and substituting therefor the words “International Load Line Convention” and “SOLAS Convention” respectively;

- (ii) by repealing in subsection (3) the words “Harbour Master” at both the places they occur and substituting therefor the words “Chief Executive Officer”;
 - (iii) by repealing in subsection (6) the words “(1986)”;
- (ff) in section 89 —
 - (i) by repealing in subsection (2) the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
 - (ii) in subsection (3) —
 - “(A) by inserting after paragraph (a) the following paragraphs —
 - “(ab) the safety equipment not being in order or the radio being not in operational condition;
 - (ac) excess passengers;”;
 - (B) by repealing paragraph (d) and substituting therefor the following paragraph —
 - “(d) any other matter which the Surveyor or Inspector considers that;”;
 - (iii) by repealing paragraphs (a) to (d) of subsection (4) and substituting therefor the following paragraphs —
 - “(a) to the International Load Line Convention;

- (b) to SOLAS;
 - (c) to STCW;
 - (d) to MLC 2006;
 - (e) to MARPOL 73/78; or
 - (f) to the Regulations,”;
- (gg) by repealing in section 90 the words “Harbour Master” at both the places they occur and substituting therefor the words “Chief Executive Officer”;
- (hh) by repealing in section 92, in subparagraph (i) of paragraph (c) of subsection (2), items (A) to (D) and substituting therefor the following items —
- “(A) COLREG;
 - (B) the International Load Line Convention;
 - (C) MARPOL 73/78;
 - (D) MLC 2006;
 - (E) SOLAS;
 - (F) the Regulations,”;
- (ii) by repealing in section 93(3) the word “Minister” and substituting therefor the word “Authority”;
- (jj) by repealing in section 94(2) the word “Minister” and substituting therefor the word “Authority”;
- (kk) by repealing in section 95 the words “Collisions Convention” and substituting therefor the word “COLREG”;

- (ll) by repealing in section 98 the words “Safety Convention” and substituting therefor the words “SOLAS Convention”;
- (mm) by repealing in section 99 paragraph (a) and substituting therefor the following paragraph —
 - “(a) the International Load Line Convention; or”;
- (nn) by repealing in paragraphs (a) and (b) of subsection (1) of section 101, the words “a Load Line Convention” and substituting therefor the words “an International Load Line Convention”;
- (oo) in section 102 —
 - (i) by repealing in paragraph (a) the words “Code of Safety Practice for Bulk Cargoes issued by the International Maritime Organisation and amendments thereto or replacements thereof” and substituting therefor the words “BLU Code”;
 - (ii) by repealing paragraph (b) the words “International Convention for the Safety of Life at Sea, 1974” and substituting therefor the word “SOLAS”;
- (pp) by repealing in subsection (2) of section 103 the words “Any person authorised by the Director General” and substituting therefor the words “The Surveyor,” and by repealing the words “a Surveyor of Ships under this Act” and substituting therefor the words “the Chief Executive Officer”;
- (qq) by repealing in section 105 the words “International Maritime Dangerous Goods Code (IMDGC) published by the International Maritime Organisation, London 1977” and substituting therefor the words “IMDG and any amendments thereto”;

- (rr) by repealing in section 109 paragraph (c) the words “Harbour Master or an authorised officer” and the words “Safety Convention” and substituting therefor the words “Chief Executive Officer” and the words “SOLAS Convention” respectively;
- (ss) in section 110 —
- (i) by repealing in subsection (2) the words “Harbour Master or an authorised officer” at both the places they occur and substituting therefor the words “Chief Executive Officer”;
- (ii) by repealing in subsection (3) the words “Harbour Master or, as the case may be, the authorised officer” and substituting therefor the words “Chief Executive Officer”;
- (tt) in section 116 —
- (i) by repealing in subsections (1) and (2) the words “Harbour Master or a surveyor” and substituting therefor the words “Chief Executive Officer”;
- (ii) by repealing in subsection (3) the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
- (uu) in section 117 —
- (i) by repealing the words “Harbour Master” wherever they occur and substituting therefor the words “Chief Executive Officer”;
- (ii) by repealing in paragraph (e) of subsection (2) the word “Director” and substituting therefor the word “Authority”;

- (iii) by repealing in subsection (4) the word “Minister” and substituting therefor the words “Appeals Board”;
- (vv) in section 119 —
 - (i) by repealing in subsection (1) the words “Every marine officer and surveyor shall have the same power as the Harbour Master” and substituting therefor the words “A Surveyor shall have the same power as the Chief Executive officer”;
 - (ii) by repealing in subsection(2) the words “Any officer” and substituting therefor the words “A Surveyor” and by repealing the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
- (ww) in section 120 —
 - (i) by repealing the word “Government” wherever it occurs and substituting therefor the word “Authority”;
 - (ii) by repealing in subsection(4) the word “Minister” and substituting therefor the word “Authority”;
 - (iii) by repealing subsection (5);
- (xx) in section 121 —
 - (i) by repealing the words “Harbour Master, a marine officer or a surveyor,” wherever they occur and substituting therefor the words “Chief Executive Officer”;
 - (ii) by repealing in paragraph (b) of subsection (2) the words “as the case may be”;

- (iii) by repealing in subsection (3) the word “Government” wherever it occurs and substituting therefor the word “Authority”;
- (yy) in section 124 —
 - (i) by repealing in subsection (1) the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
 - (ii) by repealing in subsections (2) and (3) the word “Government” and substituting therefor the word “Authority”;
- (zz) in section 125, in subsection (1)—
 - (i) by repealing the word “and” appearing at the end of paragraph (a);
 - (ii) by repealing the fullstop at the end of paragraph (b) and substituting therefor the words “; and”;
 - (iii) by inserting after paragraph (b) the following paragraph —
 - “(c) MLC 2006”;
 - (iv) by repealing in subsection (2) the word “Minister” and substituting therefor the word “Authority”;
- (aaa) by repealing in subsections (1) and (4) of section 126 the word “Minister” and substituting therefor the word “Authority”;
- (bbb) in repealing in section 129 the word “Minister” at both the places it occurs and substituting therefor the word “Authority” and by repealing the words “this Division” and substituting therefor the words “in pursuance of regulations made under section 130”;

- (ccc) by repealing in section 130 paragraph (d);
- (ddd) in section 131 —
 - (i) by repealing in subsections (2) and (3) the words “Director General” and substituting therefor the word “Authority”;
 - (ii) by repealing in subsection (4) the words “Seychelles Maritime Safety Administration” the word “Authority”;
- (eee) in section 134 —
 - (i) by repealing in paragraphs (c) and (h) the words “Director General” and substituting therefor the words “Registrar of Seafarers”;
 - (ii) by repealing paragraphs (e) and (f);
- (fff) by repealing in section 143 the words “Director General” wherever they occur and substituting therefor the words “Chief Executive Officer”;
- (ggg) by repealing in subsection (2) of section 146 the words “Director General” and substituting therefor the words “Chief Executive Officer”;
- (hhh) by repealing in section 150 the words “Director General” wherever they occur and substituting therefor the word “Authority”;
- (iii) by repealing in paragraph (g) of section 151 the words “Director General” and substituting therefor the word “Authority”;
- (jjj) by repealing in subsections (1) and (2) of section 157 the words “Director General” and substituting therefor the word “Authority”;

- (kkk) in section 158 —
- (i) by repealing in paragraph (a) of subsection (1) the words “Director General” and substituting therefor the word “Authority”;
 - (ii) by repealing in the long line of subsection (1) the words “Supreme Court” and substituting therefor the words “Appeals Board”;
 - (iii) by repealing subsections (2) and (3);
- (lll) in section 159 —
- (i) by repealing in subsections (1) and (2) the words “Director General” and substituting therefor the words “Registrar of Seafarers”;
 - (ii) by repealing in subparagraphs (i) and (ii) of paragraph (b) of subsection (2) the word “court” and substituting therefor the words “Appeals Board”;
- (mmm) by repealing in subparagraph (ii) of paragraph (e) of section 160 the words “Director General” and substituting therefor the words “Registrar of Seafarers”;
- (nnn) by repealing in the chapeau of section 162 the words “the holder of an office referred to in section 5 or an authorised officer,” and substituting therefor the words “an officer of the Authority, a police officer or a customs officer” and by repealing in paragraph (b) the words “the Harbour Master, Director General, police officer, a customs officer or a trade tax officer”;
- (ooo) by repealing in sections 164, 165, 166, 167 and 170 the words “Director General” wherever they occur and substituting therefor the word “Authority”;

- (ppp) by repealing in the long line of subsection (2) of section 170 the word “Minister” and substituting therefor the word “Authority”;
- (qqq) by repealing in section 171 the word “Minister” wherever it occurs and substituting therefor the word “Authority”;
- (rrr) in subsection (3) of section 172 —
 - (i) by repealing in paragraph (a) the words “R1,000” and substituting therefor the words “R 2,000”;
 - (ii) by repealing in paragraph (b) the words “R10,000” and substituting therefor the words “R20,000”;
- (sss) by repealing in section 174 the words “Harbour Master” wherever they occur and substituting therefor the words “Chief Executive Officer”;
- (ttt) in section 175 —
 - (i) by repealing in paragraph (a) the words “Director General” and substituting therefor the word “Authority”;
 - (ii) by repealing in paragraph (b) the words “Harbour Master” and substituting therefor the word “Authority”;
- (uuu) by repealing section 177;
- (vvv) by repealing in the long line of section 178 the words “in respect of any area”;
- (www) by repealing in section 179 the word “Minister” wherever it occurs and substituting therefor the words “Chief Executive Officer”;

- (xxx) by repealing in subsections (1) and (3) of section 180 the word “Minister” and substituting therefor the words “Chief Executive Officer”;
- (yyy) by repealing in subsections (1) and (2) of section 187 the words “Collector of Customs” and substituting therefor the words “Commissioner of Customs”;
- (zzz) by repealing in section 192 the word “Minister” and substituting therefor the word “Receiver of Wrecks”;
- (aaaa) by repealing in the long line of subsection (3) section 193 the word “Minister” and substituting therefor the words “Chief Executive Officer”;
- (bbbb) by repealing in subsection (3) of section 202 the words “by the Minister, whose decision shall be final” and substituting therefor the words “by the Authority.”;
- (cccc) in section 204 —
- (i) in subsection (1), in paragraph (c) —
- (a) by repealing in subparagraph (i) the words “Harbour Master, provide to him or to such other person as he may” and substituting therefor the words “Authority and provide to the Authority or to such other person as the Authority may”;
- (b) by repealing subparagraph (ii) and substituting therefor the following subparagraph —
- “(ii) the Authority may cause an inquiry into the casualty by the Marine Accident Investigation Board”;
- (ii) by repealing in subsection (3) the words “Harbour

Master” and substituting therefor the words “Chief Executive Officer”;

(dddd) in section 205 —

(i) by repealing in the chapeau, the words “Where the Minister causes a preliminary investigation to be carried out under section 204” and substituting therefor the words “Where an inquiry to be carried out under subsection (1) of section 204 by the Marine Accident Investigation Board or the investigation by the Chief Executive Officer under subsection (3) thereof”;

(ii) by repealing in paragraph(b) the words “shall upon conclusion of the investigation send to the Minister” and substituting therefor the words “shall upon conclusion of the inquiry send to the Authority”;

(eeee) by repealing section 206;

(ffff) in section 207 —

(i) by repealing in the chapeau of subsection (1) the words “person conducting the inquiry” and substituting therefor the words “Marine Accident Investigation Board”;

(ii) by repealing in the long line the words “that person may” and substituting therefor the words “Marine Accident Investigation Board may”;

(gggg) by repealing in section 210 the word “Minister” wherever it occurs and substituting therefor the word “Authority”;

(hhhh) in section 211 —

(i) by repealing in the long line of subsection (1) the words “Supreme Court and the Court may make

such order as the justice of the case requires” and substituting therefor the words “Appeals Board”;

- (ii) by repealing subsection (2) and substituting therefor the following subsection —

“(2) Any person aggrieved by a decision of the Authority under section 210 may appeal to the Appeals Board.”;

- (iii) by repealing in section 227 subsection (1A) and substituting therefor the following subsection —

“(1A) The Marine Accident Investigation Board shall—

- (a) examine and investigate all types of marine casualties, accidents, incidents on board Seychelles flag ships worldwide, and to foreign flagged ships in Seychelles waters;
- (b) to examine and investigate all types of marine casualties, accidents or incidents on board a ship in which Seychelles has a substantial interest and the Minister can order an investigation on the basis of a bilateral agreement or understanding;
- (c) not be required, in the course of its investigation, to determine civil and criminal liabilities or, except so far as is necessary to achieve its objective, to apportion blame;
- (d) submit report of its investigation to the Minister;

- (e) make safety recommendations aimed at the prevention of future marine incidents and accidents; and
 - (f) perform any other functions provided in the Act as the Minister may by order in writing.”;
- (jjjj) by repealing in subsection (1) of section 234 the word “Minister” and substituting therefor the word “Authority”;
- (kkkk) in section 236 —
 - (i) by repealing in subsections (1) and (2) the words “Harbour Master or an authorised officer” and Officer”;
 - (ii) by repealing in subsections (3) and (4) the words “Harbour Master” and substituting therefor the words “Chief Executive Officer”;
- (llll) by repealing sections 237, 238 and 239;
- (mmmm) in section 242 —
 - (i) by inserting in subsection (1) after paragraph (a) the following paragraph—
 - “(aa) the manner in which ships are to be managed in reference to the ISM Code, ISPS Code, STCW Code, and any applicable Code promulgated by the IMO, as amended and as required by the Authority”;
 - (ii) by repealing in subsection (1) paragraph (e) the words “R10,000” and “12 months” and

- substituting therefor the words “R30,000” and “2 years” respectively;
- (iii) by inserting after subsection (2) the following subsection —
- “(3) While making Regulations under subsection (1) due regard shall be given to the applicable IMO instruments”;
- (nnnn) in section 245 —
- (i) by repealing in subsection (2) the words “the Minister responsible for environment” and substituting therefor the words “ the Authority and in accordance with any IMO instruments”;
- (ii) by repealing in paragraph (a) of subsection (3) the words “R200,000” and substituting therefor the words “R 300,000”;
- (iii) by repealing in subsection (4) the words “Harbour Master” and “vessel” and substituting therefor the words “Chief Executive Officer” and “ship” respectively;
- (oooo) by repealing the SECOND SCHEDULE and substituting therefor the following SCHEDULE —

“SECOND SCHEDULE

(Section 221)

PENALTIES

Section	Imprisonment or fine or both
22(3)	R1,000 fine
22(4)	R200 fine
27(3)	R10,000 fine together with 6 months imprisonment

27(4)	R2,000
29(5)	R2,000 fine
32(9)	R800 fine together with 3 months imprisonment
33(2)	R400 fine
42(1)	R20,000 fine together with 12 months imprisonment
45(2)	R2,000 fine
45(3)	R2,000 fine
46(2)	R2,000 fine
51(1)	R20,000 fine together with 12 months imprisonment
81(3)	R1000 fine
82(2)	R20,000 fine together with 12 months imprisonment
83(2)	R1,000 fine
86(1)	R2,000 fine
86(2)	R200 fine
86(3)	R2,000 fine
88(4)	R2,000 fine
91(2)	R20,000 fine together with 12 months imprisonment
92(2)	R20,000 fine together with 12 months imprisonment
93(2)	R16,000 fine together with 10 months imprisonment
101(3)	R40,000 fine
101(4)	R40,000 fine together with 12 months imprisonment
110(4)	R30,000 fine
114(1)	R40,000 fine together with 24 months imprisonment

114(2)	R40,000 fine together with 24 months imprisonment
132	R10,000 fine together with 6 months imprisonment
133	R20,000 fine together with 12 months imprisonment
136	3 years imprisonment
138	R10,000 fine
141(4)	R2,000 fine
143(6)	R2,000 fine
145	R10,000 fine
146(3)	R2,000 fine
147(3)	R10,000 fine
150(1)	R6,000 fine
152 (2)	R100,000 fine together with 9 years imprisonment
153	R52,000 fine
154	R2,000 fine
161	R2,000 fine
162	R4,000 fine
164	R20,000 fine
165(2)	R20,000 fine
166(2)	R1,000 fine
168(2)	R20,000 fine
168 (3)	R30,000 fine together with 12 months imprisonment
170 (1)	R40,000 fine
180 (3)	R10,000 fine together with 6 months imprisonment
181 (4)	R20,000 fine together with 12 months imprisonment

183 (1)	R20,000 fine together with 12 months imprisonment
184	R40,000 fine together with 24 months imprisonment
185 (2)	R40,000 fine together with 24 months imprisonment
186 (2)	R20,000 fine together with 12 months imprisonment
192	R40,000 fine together with 24 months imprisonment
204(2)	R10,000 fine together with 6 months imprisonment
209	R10,000 fine
231 (1)	R40,000 fine together with 36 months imprisonment
236 (6)	R10,000 fine together with 6 months imprisonment”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 17th December, 2019.



Mrs. Tania Isaac
Deputy Clerk to the National Assembly