

ARRANGEMENT OF SECTIONS

Sections

**PART I
PRELIMINARY**

1. Short title
2. Interpretation
3. Declaration of ports

**PART II
ESTABLISHMENT AND MEMBERSHIP OF THE AUTHORITY**

4. Establishment of the Authority
5. Vesting of assets and liabilities

**PART III
FUNCTIONS AND POWERS OF AUTHORITY**

6. Policy directions by Minister
7. Functions of Authority
8. Powers of Authority
9. Compulsory acquisition of land

**PART IV
FINANCES OF THE AUTHORITY**

10. Funds of the Authority
11. Borrowing powers
12. Application of revenue
13. Powers of investment
14. Estimates
15. Accounts and audit
16. Statement of accounts and annual report

**PART V
DUES AND RATES**

17. Dockage dues
18. Port dues
19. Wharfage dues
20. Rates
21. Power of entry onto vessels
22. Receipts
23. Lien on goods
24. Powers to sell or dispose of goods

- 25. Shipping clearance to be withheld etc
- 26. Exemption, reduction, etc., of dues, rates, etc
- 27. Evasion

**PART VI
PORTS MASTER AND DANGEROUS GOODS**

- 28. Ports Master and Deputy Ports Master
- 29. Power of Ports Master in relation to vessels
- 30. Fire on board vessel
- 31. Power to board vessel
- 32. Non-liability
- 33. Dangerous goods

**PART VII
LIABILITY OF THE AUTHORITY**

- 34. Loss or damage to goods
- 35. Trans-shipment and declared goods
- 36. Limitation of liability
- 37. Cargo subject to general or particular average
- 38. Authority not liable for acts of employee
- 39. Non-application of this Part

**PART VIII
MISCELLANEOUS OFFENCES**

- 40. False returns
- 41. False information as to draught etc.
- 42. Wilful damage to port works and property
- 43. Obstructing Authority in performance of duty
- 44. Offences in connection with safety of vessels etc.

**PART IX
MISCELLANEOUS PROVISIONS**

- 45. Master, owner etc. answerable for damage
- 46. Bonded warehouses
- 47. Powers of arrest
- 48. Power to compromise
- 49. Evidence of identity
- 50. Authorised employee of Authority may prosecute
- 51. Apparatus, etc. not subject to distress etc.
- 52. Regulations

Schedules

3
THE REPUBLIC OF KIRIBATI
(No. of 1990)

I assent

Beretitenti
1990

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A KIRIBATI PORTS AUTHORITY
AND FOR CONNECTED PURPOSES**

Commencement:
1990

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Kiribati Ports Authority Act 1990.

Interpretation

2. In this Act unless the context otherwise requires -

"approaches to a port" means any area or navigable channel adjacent to a port so declared under section 3;

"Authority" means the Kiribati Ports Authority established by or under section 4;

"Chairman" means the Chairman of the Authority appointed under section 4;

"Corporation" means the Kiribati Shipping Corporation established by or under the Shipping Corporation Ordinance, Cap. 94A;

"dock" includes a drydock and the entrance thereto, graving dock, gridiron, ship, keelblock, inclined plane, and all machinery, works, fixtures and things whatsoever attached per pertaining thereto;

"dues" means dockage dues, port dues or wharfage dues levied under sections 17, 18 and 19;

"financial year" means the period between the 1st January and 31st December in any year;

"goods" includes animals, carcasses, baggage and other movable or personal property of any kind whatsoever;

"member" means a member of the Authority appointed under section

"owner", when used in relation to goods, includes any person being or holding himself out to be the owner, importer, exporter, consignor, consignee, shipper, agent or person possessed of or beneficially or potentially interested in, or having any control of or power of disposition over, the goods; and, when used in relation to a vessel, includes every person acting as agent of the owner thereof, or such agent to receive freight or other charges payable in respect of the vessel and any part-owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of any such person;

"port" means a port, harbour, haven, roadstead, or channel where a vessel can ship or unship passengers and goods;

"port craft" means a vessel plying solely within port limits;

"Port Master" means the Port Master appointed under section 28 and includes any Deputy Port Master appointed under that section;

"rates" means any rates levied by the Authority under section 20;

"vessel" means a ship, boat or other description of vessel used for any purpose on the sea or in navigation and includes a floating rig or platform used in any form of operations at sea;

"warehouse" includes any warehouse or other building belonging to or under the control of the Authority in which goods may be lawfully placed;

"wharf" includes a quay, pier, jetty, landing place or other similar place in or on or from which passengers or goods may be taken on board of or landed from a vessel.

Declaration of ports

3.(1) The Minister may, after consultation with the Authority, by notice declare -

- (a) any place in Kiribati or any place and any navigable channel leading into such place in Kiribati to be a port; or
- (b) any waters in or of Kiribati and any land contiguous to such waters to be a port for the purposes of this Act.

(2) A notice under subsection (1) shall define the limits of the port both by sea and by land.

5
PART II

ESTABLISHMENT AND MEMBERSHIP OF THE AUTHORITY

4.(1) There is hereby established a Kiribati Ports Authority.

(2) The Authority -

(a) is a corporation;

(b) has perpetual succession;

(c) shall have a seal;

(d) may acquire, hold and dispose of property; and

(e) is capable of suing and being sued in its corporate name.

(3) The provisions of Schedule 1 shall have effect as to the composition of the Authority and otherwise in relation thereto.

(4) The provisions of Schedule 2 shall have effect as to the officers and employees of the Authority and otherwise in relation thereto.

(5) The Beretitenti, acting in accordance with the advice of the Cabinet, may by order amend any or all of the provisions of Schedule 1 or Schedule 2.

Vesting of assets and liabilities

5.(1) Upon the date of coming into operation of this Act, all lands, buildings, equipment and all other forms of property, whether real or personal, and all interests therein, of whatever nature, belonging to or vested in the Corporation and used by the Corporation exclusively for the purposes of providing port services and other services related to or incidental to port services, shall be deemed to have been transferred to, and become vested in, the Authority.

(2) Notwithstanding any of the provisions of this Act, except with the prior written permission of the Minister, the Authority shall not dispose of by way of sale, lease, sub-lease, mortgage, easement or otherwise, any land or interest in any land vested in the Authority.

(3) The benefits and burdens of any contract for or in connection with the provision of port services or anything incidental thereto or connected therewith to which the Corporation was a party (including the rights to recover and receive all moneys due and payable to the Corporation in respect of such port services) and which subsist on the date of coming into operation of this Act shall, on that date, be deemed to have been transferred from the Corporation to the Authority.

(4) With effect from the date this Act comes into operation every agreement with respect to or related to or connected in any way whatsoever with any port services other than a contract referred to

in subsection (3) whether that agreement is in writing or not, and every deed, bond or other instrument with respect to any port services or related to or connected with any port services to which agreement, deed, bond or other instrument the Corporation is a party or which affected the Corporation, and whether or not of such a nature that the rights, liabilities and obligations thereunder can be assigned, shall be deemed to have effect as if the Authority were a party thereto or affected thereby instead of the Corporation and as if for every reference (however worded and whether express or implied) therein to the Corporation there were substituted in respect of anything to be done on or after such date a reference to the Authority.

PART III

FUNCTIONS AND POWERS OF AUTHORITY

Policy directions by Minister

6.(1) The Authority shall give effect to any direction given to it by the Minister on any matter of policy relating to the exercise or performance of its functions, duties or powers.

(2) Where the Authority certifies that it is of the opinion that it will not be possible to recover from consumers or customers concerned the costs incurred by the Authority to give effect to a direction given by the Minister under subsection (1) or that to give effect to such a direction will be impractical, uneconomic or otherwise result in financial loss to the Authority, the Authority shall not give effect to such direction until the Authority is satisfied that provision has been made for the loss up to the maximum estimated by the Authority to be borne by the Republic.

(3) The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property or activities of the Authority and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Functions of Authority

7. The functions of the Authority are as follows:-

- (a) to provide and maintain adequate and efficient port services and facilities in ports or the approaches to ports;
- (b) to regulate and control navigation within ports and the approaches to ports;
- (c) to promote the use, improvement and development of ports;
- (d) to co-ordinate all activities of, or within, ports;
- (e) to acquire such land and execute such works or do such acts and things as may be necessary in respect of the

functions of the Authority under the provisions of this Act or of any other written law;

- (f) subject to the provisions of this Act, to do all things necessary or convenient to be done in connection with or incidental to the performance of its functions under this Act or any other written law.

Powers of Authority

8.(1) Subject to the provisions of this Act, and in addition to any other powers conferred upon it by this Act or by any other written law, the Authority shall have the power -

- (a) to appoint and employ such persons as it may consider necessary for the efficient performance of its functions;
- (b) to enter into any contract, covenant, bond or agreement of any kind whatsoever for the purposes of this Act;
- (c) to authorise any person to carry out any work or perform any act in furtherance of its functions and powers;
- (d) to carry on the business of carriers of passengers or goods by land or sea, stevedores, wharfingers, warehousemen, lightermen, dealers in oil or other kinds of fuel, dealers in stores connected with or required in any of the above-mentioned businesses whether carried on by the Authority or not, and to carry on any other business or activity whatsoever which appears to the Authority to be necessary or advantageous for the discharge of its functions;
- (e) to acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything whatsoever required by the Authority for the purposes of this Act;
- (f) to provide services within a port or the approaches to a port -
 - (i) in berthing, towing, mooring, moving slipping or docking any vessel;
 - (ii) in loading or discharging goods or embarking or disembarking passengers in or from any vessel, including the provision of landing-places;
 - (iii) in providing stevedores and other labour and equipment at wharves and anchorages;
 - (iv) in sorting, weighing, measuring, storing, warehousing or otherwise handling any goods;
 - (v) in providing lighterage;
 - (vi) in piloting any vessel;

- (vii) in supplying fuel, water or telephone services to vessels; or
- (viii) for rendering assistance to any vessel or recovering property lost, sunk or stranded;
- (g) to appoint, license and regulate weighers and measurers of goods within a port;
- (h) to acquire any undertaking affording or intending to afford facilities for the loading and discharging or warehousing of goods in a port or for the bunkering of vessels;
- (i) to provide such fire and security services, both within a port and elsewhere, as may be deemed necessary by the Authority for the purpose of extinguishing fires and of preserving life and property;
- (j) to control the erection and use of wharves, docks and any other works, whether above or below the high water mark, within a port or the approaches to a port;
- (k) to reclaim, excavate, enclose or raise any part of any land vested in the Authority;
- (l) to do anything for the purposes of -
 - (i) improving the skill of the employees of the Authority; or
 - (ii) improving the efficiency of the equipment of the Authority and the manner in which such equipment is operated;
- (m) to provide accommodation and recreational facilities for employees of the Authority and generally to promote their welfare;
- (n) to make to or guarantee loans for employees of the Authority for such purposes as the Authority may approve;
- (2) The powers conferred by subsection (1) shall be in addition to and not in derogation from any other powers conferred upon the Authority by this Act or any other written law.

Compulsory acquisition of land

9.(1) Where the Authority is unable to acquire any land by agreement for any purpose for which it is authorised by this Act or by any other written law to acquire land, the Minister may acquire such land for the Authority under the State Acquisition of Lands Ordinance (Cap. 95B).

(2) Any land acquired in accordance with subsection (1) shall be deemed to be land acquired for a public purpose for the purposes of the State Acquisition of Lands Ordinance (Cap. 95B).

PART IV

FINANCES OF THE AUTHORITY

Funds of the Authority

10.(1) The funds of the Authority shall consist of such sums as may from time to time be appropriated to it from the Consolidated Fund by way of loan, grant or subsidy and such other moneys as may lawfully be paid to or raised or borrowed by the Authority.

(2) It shall be the duty of the Authority so to exercise its powers and perform its functions under this Act as to secure that at the earliest possible date its total revenues are sufficient, taking one year with another to meet its total outgoings properly chargeable to revenue account including depreciation and interest on capital.

Borrowing powers

11.(1) The Authority may, with the consent of the Minister given after consultation with the Minister responsible for Finance and Economic Planning and upon such terms and conditions as the Minister may approve, raise loans, either by charge or mortgage or by the creation and issue of debentures, debenture stock, bonds or otherwise, for the purpose of carrying out its functions under the provisions of this Act or of any other written law or provide necessary working capital.

(2) The repayment of moneys borrowed or loans raised under the provisions of this section and the payment of interest thereon may be guaranteed by the Government.

Application of revenue

12.(1) The revenue of the Authority for any financial year shall be applied in defraying the following charges -

- (a) the allowances of the members of the Authority;
- (b) the salaries, fees and remuneration of the officers, agents and employees, and technical and other advisers of the Authority;
- (c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any debenture or debenture stock or other

security issued, or on any loan raised by the Board;

- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Authority; or
- (g) any other expenditures authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to be utilised as the Authority may determine subject to the approval of the Minister.

Powers of investment

13. The Authority may invest any of its moneys not immediately required to be expended in meeting its obligations or discharging its functions in any security authorised by any written law for the time being in force for the investment of trust funds.

Estimates

14.(1) The Authority shall in every year cause to be prepared and shall adopt annual estimates of its income and expenditure for the ensuing year.

(2) Supplementary estimates may be adopted by the Authority at any time.

(3) The Authority shall transmit to the Minister for approval a copy of all annual and supplementary estimates upon their adoption by the Authority. Any variation of such estimates shall be transmitted to the Minister for approval.

Accounts and audit

15.(1) The Authority shall keep proper accounts and other records in respect of its operations and shall, not later than the 31st day of March in each year, cause a statement of accounts to be prepared in respect of the preceding financial year.

(2) The annual statement of accounts of the Authority shall present a true and fair view of the financial position of the Authority and of the results of the operations of the Authority for the year to which it relates.

(3) The accounts of the Authority shall be audited annually by the Director of Audit.

Statement of accounts and annual report

16.(1) As soon as practicable after the end of each financial year, but not later than the 31st May or such later date as the Minister may approve, the Authority shall transmit to the Minister -

- (a) a copy of the statement of accounts;
- (b) a copy of the report made thereon or on the accounts of the Authority by the Director of Audit;
- (c) a report containing details of the activities of the Authority during that year.

(2) The Minister shall cause copies of the accounts and reports to be printed and laid before the Maneaba ni Maungatabu as soon as practicable thereafter.

PART V

DUES AND RATES

Dockage dues

17.(1) Dues known as dockage dues shall be levied by and paid to the Authority on every vessel berthed at a wharf.

(2) Dockage dues shall be prescribed by the Authority by notice subject to the approval of the Minister.

(3) The Authority may detain any vessel in a port until any dockage dues have been paid or have been secured to its satisfaction.

Port dues

18.(1) Dues known as port dues shall be levied by and paid to the Authority on every vessel in a port, whether plying for hire or otherwise.

(2) Port dues shall be prescribed by the Authority by notice subject to the approval of the Minister.

Wharfage dues

19.(1) Dues known as wharfage dues shall be levied by and paid to the Authority in respect of goods landed or discharged within a port (including a wharf not belonging to the Authority or under its control) or the approaches to a port.

(2) Wharfage dues shall be prescribed by the Authority by notice subject to the approval of the Minister.

Rates

20. Subject to the provisions of this Act, the Authority may levy such rates as it shall, with the approval of the Minister and by notice prescribe for the use of any land, works or appliances belonging to it and for services, goods or facilities provided by it in pursuance of its powers under this Act or under any other written law, and, without prejudice to the generality of the foregoing, for any of the following matters:-

- (a) the landing, shipping, wharfage, crantage, storage or carriage of goods and the deposit with it or the placing of goods in its custody or control;
- (b) the provision of pilotage services to any vessel within the territorial waters of Kiribati;
- (c) the use by any vessel, vehicle or person of any land, works or appliances, wharf or dock under its control;

- (d) the use of any gear, tackle, instruments, tools, utensils, staging or materials supplied by it for the purpose of any vessel using or any person working any land, works or appliances under its control;
- (e) the use of any vessel or engine belonging to or maintained by the Authority for the extinction of fire;
- (f) the towing of, and rendering assistance to, any vessel;
- (g) the supply by the Authority of water, telephone services, fuel, electricity and other forms of energy;
- (h) the laying of moorings, cables or pipes;
- (i) the laying, lifting and servicing of buoys not owned by the Authority; or
- (j) the provision of priority berthing arrangements.

Power of entry onto vessels

21. Any duly authorised employee of the Authority may enter onto and inspect any vessel within a port or the approaches to a port in order to ascertain the amount of the dues or rates payable in respect thereof.

Receipts

22. Receipts for dues and rates shall be given to the person paying them, and any vessel in respect of which such receipt is not produced, when demanded by a duly authorised employee of the Authority, may be detained until such receipt is produced or other satisfactory proof of payment has been given.

Lien on goods

23. For the amount of all dues and rates levied under the provisions of this Act in respect of any goods, the Authority shall have a lien on the goods and shall be entitled to seize and detain them until the rates are fully paid or secured to its satisfaction and such lien shall have priority over all other liens and claims except those of the Government.

Powers to sell or dispose of goods

24.(1) Subject to the provisions of this section, if any goods which have been placed in or on premises of the Authority are not removed therefrom within a period of twenty-one days from the time when they were so placed, the Authority may, at the expiration of that period, sell by public auction or dispose of all or any of such goods as it may think fit:

Provided that -

- (a) in the case of goods for which a through bill of lading has been produced there shall be substituted a period of forty-two days for the period of twenty-one days referred to in this subsection;
- (b) if the goods are of a perishable nature the Authority may direct their removal within such shorter period, not being less than twenty-one hours after the discharge thereof, as it may think fit, and if not so removed, the Authority may sell all or any of such goods by public auction or dispose of them as it may think fit.

(2) For the purposes of subsection (1), a sale shall not be rendered invalid by reason only that it takes place in a place or in an area to which the public is not admitted as of right.

(3) Before effecting a sale under this section, the Authority shall give at least three days' notice thereof by advertisement at public places or on the radio, unless the goods are of so perishable a nature as in the opinion of the Authority renders their immediate sale necessary or advisable, in which event the Authority shall give such notice (if any) in whatever manner it considers the urgency of the case requires.

(4) The proceeds of any sale under this section shall be applied by the Authority in the following order:-

- (a) first, in payment of any duty owing to the Government;
- (b) secondly, in payment of the expenses of the sale;
- (c) thirdly, in payment of all charges and expenses due to the Authority under the provisions of this Act in respect of the goods; and
- (d) fourthly, in payment of freight or other claims or liens of which notice has been given under the provisions of any written law.

(5) The surplus of the proceeds of sale, if any, after making the payments specified in subsection (4), shall be paid to the person entitled thereto on demand, and, in case such demand is not made within one year from the date of the sale of the goods, shall be paid to the account of the Authority whereupon all rights to the same by such person shall be extinguished.

Shipping clearance to be withheld etc.

25. Notwithstanding the provisions of any other written law, if the Authority gives to any public officer whose duty it is to grant clearance of any vessel a written notice stating that an amount therein specified is due in respect of dues or rates levied under this Act in respect of that vessel, he shall, not grant such clearance until the amount due has been paid or has been secured to the satisfaction of the Authority.

Exemption, reduction, etc., of dues, rates, etc.

26.(1) The Authority may -

- (a) exempt any vessel or goods or classes of vessels or goods from the payment of any dues;
- (b) reduce, refund or waive, in whole or in part, any dues, or the rates referred to in sections 17 to 20.

Evasion

27.(1) Any master or owner of any vessel or any owner, consignee or consignor of any goods who, by any means whatsoever, evades or attempts to evade any of the dues or rates leviable under this Act commits an offence and shall be liable on conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding twelve months, and shall in addition be liable to pay to the Authority as penalty double the amount of the dues or rates he evaded or attempted to evade.

(2) The tender to, or acceptance by, the Authority or any of its employees of any dues or rates the payment of which has been previously evaded or left unpaid, shall not release or discharge any person from his liability under the provisions of subsection (1).

PART VI**PORTS MASTER AND DANGEROUS GOODS****Ports Master and Deputy Ports Master**

28. The Authority shall appoint a Ports Master for the purposes of this Act, and may also appoint such number of Deputy Ports Masters as it may consider necessary for all or any of the purposes of this Act.

Power of Ports Master in relation to vessels

29.(1) Notwithstanding anything contained in this Act, the Ports Master may within a port or the approaches to a port -

- (a) direct where any vessel shall be berthed, moored or anchored and the method of anchoring;

(b) direct the removal of any vessel from any berth, station or anchorage to another berth, station or anchorage and the time within which such removal is to be effected; or

(c) regulate the movement of vessels generally.

(2) Any person who, without lawful excuse, refuses or neglects to obey or comply with any direction given under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding \$2000 or to imprisonment for a term not exceeding six months.

(3) In case of any offence committed under the provisions of subsection (2), the Authority may, whether or not any proceedings have been instituted against any person for such offence, do or cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such compliance and may hire and employ such persons as it considers necessary for such purpose and all expenses incurred in doing such acts shall be paid and borne by and recoverable from that person.

Fire on board vessel

30.(1) In the event of fire breaking out on board a vessel in a port or the approaches to a port, the Ports Master may proceed on board the vessel with such assistance and persons as he considers necessary, and may give such orders as he considers necessary for scuttling the vessel, or for removing it or any other vessel to such place as he considers proper to prevent in either case danger to other vessels and for the taking of any other measures that he considers expedient for the protection of life or property.

(2) If such orders are not forthwith carried out by the master of such vessel, the Ports Master may himself proceed to carry them into effect.

(3) All expenses incurred in the exercise of the powers of the Ports Master under this section shall be recoverable from the master or owner of the vessel concerned.

Power to board vessel

31.(1) The Ports Master may go on board any vessel within a port or the approaches to a port whenever he suspects that any offence against this Part has been or is about to be committed in any vessel, or whenever he considers it is necessary for him so to do in the discharge of any duty imposed upon him by or under this Act.

(2) Any master of a vessel who, without lawful excuse, refuses to allow the Ports Master to enter that vessel pursuant to his powers under subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding \$1000.

Non-liability

32. The Authority shall not be liable for any official act, omission or default of the Ports Master done, caused or suffered in good faith.

Dangerous goods

33.(1) The Authority shall, with the approval of the Minister, make regulations for the conveyance, loading, discharging and storage of dangerous goods within a port or the approaches to a port and in particular but without prejudice to the generality of the foregoing, for all or any of the following matters:-

- (a) declaring any goods as dangerous goods;
- (b) regulating the navigation and place of berthing of vessels carrying dangerous goods;
- (c) regulating the mode of stowing and keeping dangerous goods on board vessels;
- (d) regulating and controlling the lighterage, landing, loading and discharging, conveying and storage of dangerous goods;
- (e) prohibiting or subjecting to conditions and restrictions the conveyance of any kind of dangerous goods with any other goods;
- (f) regulating the times at which lights or fires are to be allowed on board vessels carrying dangerous goods; and
- (g) generally, whether by means similar to those above-mentioned or not, for protecting persons and property from danger.

(2) For the purpose of subsection (1), the expression "dangerous goods" includes aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitroglycerine, petroleum, any explosives within the meaning of the Explosives Ordinance (Cap. 32) and any other goods which the Authority may declare to be dangerous goods for the purposes of that subsection.

PART VII

LIABILITY OF THE AUTHORITY

Loss or damage to goods

34. The Authority shall not be liable for any loss caused to any person as a result of the short delivery of, or damage to, any goods in its custody or under its control, other than goods the nature and value of which have been declared in accordance with the provisions of subsection (1) of section 35, and transshipment goods as defined in subsection (3), of section 35.

Trans-shipment and declared goods

35.(1) The Authority shall only be liable for the loss of, or damage to, any transshipment or other goods if the nature and value of such goods were declared in writing to the Authority before they came into its custody or under its control, in which case the liability of the Authority shall, subject to the provisions of subsection (2), be limited to the sum of \$2000 and shall, in the case of transshipment goods, cease when the goods have been delivered alongside the on-carrying vessel for loading.

(2) The Authority shall not be liable for the loss of, or damage to, any goods to which this section applies arising from -

- (a) fire or flood, unless caused by the negligence of the Authority;
- (b) an act of God;
- (c) an act of war;
- (d) seizure of the goods under any legal process;
- (e) quarantine restrictions;
- (f) any negligence of the owner or carrier of the goods;
- (g) strikes, lockouts or stoppages of labour, from whatever cause whether partial or general;
- (h) riot or civil commotion;
- (i) the saving or the attempt to save life or property;
- (j) insufficient or improper packing of the goods, defective or insufficient marks thereon or leakage from drums, containers or packages containing the same;
- (k) any inherent liability of the goods to wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (l) any deficiency in the contents of unbroken packages of the goods; or
- (m) the dangerous nature of the goods.

(3) For the purposes of this section "trans-shipment goods" means goods landed from a vessel and placed in the custody of the Authority for the purposes of shipment on another vessel on a through bill of lading dated at the port of loading of such goods and showing that the destination is via Kiribati, with the ultimate port of destination marked on each package or unit containing such goods and declared on a transshipment manifest lodged with the Authority prior to, or at the time such goods are placed in its custody.

Limitation of liability

36.(1) Subject to the provisions of this Act, the liability of the Authority for damages, where any loss or damage is caused to any vessel or to any goods thereon, shall not exceed an aggregate amount of \$50,000.

(2) The limitation of liability under this section shall relate to the aggregate of any losses and damages sustained upon any one distinct occasion, even though such losses or damages are sustained by more than one person, and shall apply whether the liability arises at common law or under the provisions of any written law and notwithstanding anything contained in such written law.

Cargo subject to general or particular average

37.(1) The owner or master of any vessel discharging or intending to discharge in a port or in the approaches to a port any cargo which is the subject or likely to be the subject of a declaration of general or particular average shall inform the Authority prior to the commencement of such discharge of the existence or likelihood of such a declaration and of the particulars of the cargo affected or likely to be affected thereby.

(2) The Authority shall not be liable in respect of any loss, damage or destruction during the discharge, reception, storage or removal of any cargo referred to in subsection (1).

Authority not liable for acts of employee

38.(1) Subject to the provisions of this Part, any person employed or engaged by the Authority shall, whilst performing work in or on any vessel, be deemed to be the servant of the owner or master of that vessel and the Authority shall not be liable for any loss or damage, howsoever caused, caused by his act, omission or default to or on that vessel or any other vessel or to any other person or thing whatsoever.

(2) Nothing in subsection (1) shall affect any liability that the Authority may have under any written law relating to workmen's compensation.

Non-application of this Part

39. Nothing in this Part shall apply to any goods accepted by the Authority for storage in a warehouse under its powers contained in paragraph (d) or in sub-paragraph (iv) of paragraph (f) of subsection (1) of section 8 or to any liability of the Authority in respect of any loss of the same or damage thereto.

PART VIII

MISCELLANEOUS OFFENCES

False returns

40. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is required or authorised to be made by or under the provisions of this Act commits an offence and shall be liable upon conviction to a fine of \$1000.

False information as to draught etc.

41. Any master, owner or agent of a vessel entering or leaving or intending to enter or leave a port or come alongside or depart from a wharf in a port, who gives false information of the draught, length or beam of such vessel to any employee of the Authority authorised to ascertain the same commits an offence and shall be liable upon conviction to a fine not exceeding \$1000.

Wilful damage to port works and property

42.(1) Any person who wilfully removes, breaks, destroys or in any other way damages or injures any port works or any property belonging to the Authority or who hinders or wilfully prevents such port works or property from being used or operated in the manner in which it is intended to be used or operated commits an offence and shall be liable upon conviction to a fine not exceeding \$2000 or to imprisonment for a term not exceeding 5 years, and in addition shall pay by way of compensation to the Authority, such sum as the court may determine.

(2) For the purposes of subsection (1), "port works" includes generally any works constructed or in course of construction by or under the authority of the Government or of the Authority for the improvement, protection, management or utilization of a port, and in particular without limiting the general import of the term, every basin, graving dock, wharf, light, light-ship, bridge, viaduct, breakwater, embankment, dam, building, or a reclamation of land from the sea or from any navigable river, and any excavation, deepening, dredging or widening of any channel, basin or other part of a port whether, complete or incomplete, in the sea or any bay or arm thereof, and all buildings thereon and machinery used in connection with such port works or any part thereof.

Obstructing Authority in performance of duty

43. Any person who at any time hinders, obstructs, intimidates or molests the Authority or any of its employees, agents or contractors in the performance and execution of its or his duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, commits an offence under this Act and shall be liable upon conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 6 months.

Offences in connection with safety of vessels etc.

44. Any person who in any port or the approaches to a port -

- (a) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings in or alongside any anchorage, wharf or dock, any vessel without leave or authority from the master or owner of such vessel or person in charge of such anchorage, wharf or dock;
- (b) without the permission of the Port Master or without any lawful excuse discharges any firearm except for the purpose of making a signal of distress or for other purpose as may be allowed under any written law;
- (c) moves, damages or otherwise interferes with any navigation mark;
- (d) graves, breams, smokes any vessel or boils or heats any pitch, tar, resin, turpentine, oil or other such combustible matter on board any vessel at any time or within any limits at or within which such act is prohibited, or contrary to the orders and directions of the Port Master or the master of such vessel; or
- (e) uses a naked light when drawing off spirits, turpentine oil or other inflammable oils or liquids of any kind on board any vessel,

commits an offence and shall be liable upon conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 6 months.

PART IX

MISCELLANEOUS PROVISIONS

Master, owner etc. answerable for damage

45.(1) In every case in which any damage is done to any property of the Authority by any vessel or by any person employed thereon, the cost of making good the damage may be recovered by the Authority from the master, owner or person in charge of the vessel.

(2) The Authority may detain any such vessel until the cost of making good the damage has been paid, or security therefor has been given, to the Authority.

Bonded warehouses

46. The provisions of the Customs Ordinance (Cap. 22) or any other legislation relating to customs shall apply to any warehouse of the Authority licensed as a bonded warehouse under the provisions of that Ordinance or other legislation.

Powers of arrest

47.(1) Any employee of the Authority authorised in writing by the Chairman, either generally or in any particular case, may arrest without warrant any person found committing or whom he has reason to believe has committed an offence under this Act.

(2) A person arrested under this section shall forthwith be reported to the police.

Power to compromise

48. The Authority may compound or compromise, for or in respect of any claim or demand made against it, for such sum of money or other compensation as it deems sufficient.

Evidence of identity

49. Any employee of the Authority who reasonably believes that any person has committed an offence against the provisions of this Act may require him to furnish evidence of his identity. Any such person who refuses to furnish such evidence or who wilfully mis-states such information commits an offence and shall be liable upon conviction to a fine not exceeding \$100.

Authorised employee of Authority may prosecute

50. Any authorised employee of the Authority may conduct a prosecution under this Act on behalf of the Authority.

Apparatus, etc. not subject to distress etc.

51. In the event that any apparatus or equipment belonging to the Authority is placed in or upon any place which is not in the possession of the Authority such apparatus or equipment shall not be subject to distress nor be taken in execution under process of any court or in any proceedings in bankruptcy.

Regulations

52.(1) The Minister, acting in accordance with the advice of the Cabinet, may make regulations for the maintenance, control and

management of, any port and the approaches thereto and generally for giving effect to and carrying out the purposes of this Act and in particular, and without prejudice to the generality of the foregoing, may make regulations in respect of the following matters:-

- (a) regulating traffic and preventing and providing for the removal of obstructions or impediments to navigation;
- (b) regulating, declaring and defining the wharves and docks on and from which goods shall be discharged from or loaded on or into vessels and the manner in which and the conditions under which such discharging and loading shall be carried out, and for varying the position of vessels discharging or loading;
- (c) regulating the erection or construction of wharves in a port or encroaching in any way on the waters thereof;
- (d) regulating the cleaning and repair of private wharves and keeping the same in a fit state for the convenience and safety of persons walking upon or landing on or embarking from the same;
- (e) keeping free passages of such width as it considers necessary within a port and along or near to the wharves, docks, moorings and other similar works in or adjoining the same and for marking out the spaces so to be kept free;
- (f) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels and the use of warps, mooring buoys, chain and other moorings and the granting of permission, on such conditions as the Authority may think fit for the keeping or placing of anchors or private moorings or buoys;
- (g) regulating the use of anchorages, wharves and docks and the movement of vessels, persons and vehicles and preventing obstruction at anchorages and on wharves and docks and ensuring the safety of the same and any cargo thereon;
- (h) regulating the use by vessels of whistles, sirens and other like instruments and the signals to be used and measures to be taken in case of fire in a port;
- (i) enforcing and regulating the use of navigation lights, signals and signal lights by vessels and the steps to be taken by vessels navigating in the waters of a port for the avoidance of collisions;
- (j) defining any area as a prohibited anchorage, and setting apart any area where any class or classes of vessels only may anchor and restricting the navigation of such area to such vessels, and times it may consider necessary;
- (k) the information to be supplied by the masters, owners and other persons in respect of vessels arriving and departing,

and of goods loaded or discharged in a port, and the time and manner in which such information shall be supplied;

- (l) supervising, regulating and controlling all activities carried on within a port and if it thinks fit, providing for the licensing thereof;
- (m) regulating the provision and maintenance of adequate and efficient mooring buoys, landing-places, mooring and berthing facilities;
- (n) regulating the reception, storage and removal of goods within and from the premises of the Authority, and for declaring the procedure to be followed for taking charge of goods which have been damaged before landing or are alleged to have been so damaged;
- (o) regulating the keeping clean of basins and other works of the Authority and the waters of any port and the approaches to any port and preventing oil, rubbish or other things being discharged or thrown or entering therein or thereon;
- (p) regulating the towage of or other assistance to vessels and the terms and conditions of such towage or assistance;
- (q) prescribing the terms and conditions for the sale and supply of water by the Authority;
- (r) regulating the safe and convenient use of the wharves, docks, landing-places and buildings maintained by the Authority;
- (s) settling the mode of payment of dues or rates leviable under this Act, facilitating their collection and preventing their evasion;
- (t) providing, regulating and controlling the operation of pilotage services;
- (u) regulating the removal of any stone, shingle, earth or other material from the bed of any area declared to be a port or the approaches to a port;
- (v) prohibiting any operation which in the opinion of the Authority is undesirable;
- (w) excluding or limiting the liability of the Authority in respect of anything done pursuant to any regulations made under this Act.

(2) The Minister, acting in accordance with the advice of the Cabinet, may exempt any vessel or any class or description of vessel from all or any of the provisions of any regulations made under subsection 1.

25
SCHEDULE 1
(Section 4(3))

Appointment of members

1.(1) The Authority shall consist of not more than 5 nor less than 3 members appointed by notice by the Minister.

(2) Not more than 3 and not less than 1 of the members shall be at the time of their appointment employed as public officers.

Chairman

2.(1) The Minister shall appoint 1 of the members to be the Chairman of the Authority for such period as he may specify.

(2) The Chairman shall keep the Minister fully informed concerning the activities and operations of the Authority and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the activities or operations of the Authority.

(3) The Authority may by instrument in writing direct that, subject to such conditions as may be specified in the instrument, such of the functions of the Authority as may be so specified shall (without prejudice to the performance of those functions by the Authority) be performed by the Chairman.

(4) The Minister shall appoint 1 of the members to be the Deputy Chairman of the Authority for such period as he may specify.

(5) In the absence or inability to act of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(6) In the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint 1 of the remaining members to perform the functions of the Chairman.

(7) In the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members shall elect 1 of their number to act as Chairman at that meeting.

Tenure of office

3.(1) A member shall, subject to the provisions of this Schedule, hold office for such period being not less than 2 nor more than 4 years as may be specified in the notice appointing him, but shall be eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do, and if the appointment of the Chairman or the Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.

Resignation

4.(1) Any member, other than the Chairman and a member who is a public officer, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Authority.

(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister, and such resignation shall take effect as from the date of the receipt of such notice by the Minister.

Authentication of seal and documents

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman or any member authorised to act in that behalf.

Procedure and meetings

6.(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority shall determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him by any 2 members.

(3) The quorum of the Authority shall be 3, including the Chairman or the Deputy Chairman or the member elected to act as the Chairman as aforesaid.

(4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(5) The Authority may co-opt any 1 or more persons to attend any particular meeting of the Authority for the purposes of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(6) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

Allowances to members of Authority

7. Members of the Authority may be paid, out of the funds of the Authority, such travelling and other expenses as may be incurred by them in respect of their duties as members of the Authority, and, excepting those members who are public officers, an attendance

allowance at such rate as may be determined from time to time by the Minister.

Protection of members of Authority

8.(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

Declaration of interest of member

9. If a member of the Authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest, and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

SCHEDULE 2 (Section 4(4))

Appointment of staff of Authority

1.(1) The Authority shall, after consultation with the Public Service Commission, appoint a Ports Master.

(2) The Ports Master shall be the Chief Executive of the Authority, and shall direct the entire staff and all other administrative and operational functions of the Authority.

(3) The Authority shall from time to time establish such other posts (including that of Ports Master) as it considers necessary and proper for the due and efficient administration, management and performance by the Authority of its duties under this Act and shall, acting on the recommendation of the Public Service Commission, appoint staff to fill those posts.

(4) The termination of appointment, dismissal and disciplinary control of the staff of the Authority shall be vested in the Authority, acting on the recommendation of the Public Service Commission.

(5) The Public Service Commission may second to any office in the service of the Authority a public officer and the Public Service

Commission may approve the transfer of an officer from the service of the Authority to the public service or from the public service to the service of the Authority.

Responsibility of certain officers

2. All officers charged with the receipt, accounting for, or disbursements of moneys or with the custody or delivery of stores or other property, belonging to the Authority shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the December 1990, and is found by me to be a true and correctly printed copy of the said Bill.

Clerk to the Maneaba ni
Maungatabu

I certify that the above Act, was on the December, 1990, passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

Speaker

Published by exhibition -

(a) at the Public Office of the Beretitenti this day
of December 1990.

Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu this day of
December 1990.

Clerk to the Maneaba ni
Maungatabu

KIRIBATI PORTS AUTHORITY ACT 1990

EXPLANATORY MEMORANDUM

The main purpose of this Act is to establish a new corporate body to be known as the "Kiribati Ports Authority" which will, among other things, take over, as a going concern, the business of providing port services currently being carried on by the Kiribati Shipping Corporation. It will thus exercise functions in relation to any port to be declared as such by the Minister.

Part I of the Act (covering sections 1 to 3) deals with preliminary matters such as interpretation of words and terms used in the Act. It also, under section 3, empowers the Minister, after consultation with the Kiribati Ports Authority, to declare any place or waters in Kiribati to be a port for the purposes of the Act.

Part II (incorporating sections 4 and 5 of the Act as well as the Schedules to the Act) provides for the establishment and membership of the Authority. Section 5 in particular seeks to vest the assets and liabilities of the Kiribati Shipping Corporation relating to port services in the proposed Kiribati Ports Authority.

Part III (incorporating sections 6 to 9 of the Act) outline the functions and powers of the Authority. Section 9 in particular empowers the Minister under certain circumstances to acquire for the Authority land required by the Authority for a purpose authorised by this Act.

Part IV (incorporating sections 10 to 16 of the Act) provides for the sources of the Authority's funds, its borrowing powers, application of its revenues, powers of investment, etc.

Part V (incorporating sections 17 to 27) outlines, among other things, various dues and rates which the Authority is authorised to levy as consideration for utilisation of the Authority's facilities and the services it will provide.

Part VI (incorporating sections 28 to 33) provides for, among other things, the appointment of a Port Master and his powers, duties/functions in relation to vessels which will enter a port.

Part VII (incorporating sections 34 to 39), among other things, spells out the circumstances under which, and the extent to which, the Authority will be liable to third parties that utilise the Authority's facilities and/or services.

Parts VIII and IX (covering sections 40 to 51), among other things, create various offences against delinquencies such as the making of false returns to the Authority, wilful damage to the Authority's property and/or facilities; obstructing the Authority or its servants or agents in the performance of their functions, etc. Section 51, on the other hand, empowers the Minister, acting in accordance with the advice of the Cabinet, to make Regulations generally for giving effect to, and carrying out the purposes of, the Act and for its due administration. Regulations may also be made in respect of certain matters which have been particularised in the said section 51.

Michael N. Takabwebe
Attorney General
1 November 1990

LEGAL REPORT

I hereby certify that in my opinion none of the above provisions of the Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebe
Attorney General

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 40

HARBOURS

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

HARBOURS

3. Minister may declare harbours
4. Minister to define limits of harbours

PART III

HARBOUR MASTERS AND PORT OFFICERS

5. Minister to appoint harbour masters and port officers
6. Minister may also appoint harbour master for particular occasions
7. Harbour master to fly flag when on duty
8. Powers of harbour master
9. Masters to comply with harbour master's directions. Penalty for non-compliance
10. Powers of harbour master to move vessels
11. Penalty for hindering harbour master
12. Harbour master may order masts to be struck

PART IV

PILOTS

13. Signals as prescribed to be made for pilot
14. Harbour master or pilot not to be taken to sea except under unavoidable necessity

Section

15. Licensing of pilots
16. Employment of pilots not compulsory
17. Fee for licence
18. No civil action to lie against pilot, harbour master or Government
19. Power to cancel pilot's licence
20. Pilotage how recoverable
21. Pilot shall not demand or accept either more or less than authorised

PART V

EXPLOSIVES

22. As to vessels carrying explosives or other dangerous materials
23. Use of explosives and firearms prohibited

PART VI

WRECKS, OBSTRUCTIONS, MOORINGS

24. Obstructions to be removed
25. No person other than owner may destroy wreck without permission
26. Harbour master's permission required to lay down buoy or mooring
27. Removal of ballast forbidden without permission

PART VII

ERECTION OF WHARVES, SLIPS, ETC.

28. Minister may license occupation of foreshore for certain purposes. Fees which may be charged by licensee
29. Licensed part of foreshore to be lighted

PART VIII

ANCHORAGES

30. Prohibited anchorage
31. Minister may set apart portion of harbour for particular purposes

PART IX

HARBOUR MASTER'S POWERS OF ENTRY

32. Powers of entry of harbour master in connection with lights

Section

PART X

LIGHTS AND LIGHT DUES

33. Screening of lights
34. Light dues

PART XI

GOVERNMENT WHARVES AND WHARFAGE DUES

35. Government wharves and purlieus
36. Vessels to obtain permission to berth at Government wharf
37. Wharfage dues to be prescribed on vessels
38. Vessel may be detained for dues
39. Wharfage-dues on goods to be prescribed
40. Exemption by Minister

PART XII

HARBOUR DUES AND PORT CHARGES

41. Harbour dues may be prescribed
42. Port charges may be prescribed
43. Goods may be sold if dues unpaid

PART XIII

OFFENCES

44. Offences relating to harbours
45. Wilfully destroying moorings
46. Injury or destruction of lights, etc., outside harbours
47. Wilful damage to harbour works
48. Discharging sewage without permission an offence
49. Offering bribes to officers
50. Licence to erect wharf required
51. Penalty where none specially provided

PART XIV

MISCELLANEOUS

52. Civil procedure
 53. Regulations
-

5 of 1957
8 of 1968
8 of 1971
3 of 1972
(Cap. 88 of
1973)
14 of 1974

An Ordinance relating to pilots, harbours and shipping therein

Commencement: 5th June 1957

PART I

PRELIMINARY

- Short title 1. This Ordinance may be cited as the Harbours Ordinance.
- Interpretation 2. In this Ordinance, unless the context otherwise requires—
- “ballast” includes any material or thing used for the ballasting of ships;
- “boat” means every description of vessel propelled by oars only;
- “buoys” and “beacons” include all marks and signs in aid of navigation;
- “goods” means all kinds of movable personal property including animals;
- “harbour dues” and “dues” means any due, rate, fee, toll, tax, pilotage rate, light due, port charge, or payment in the nature thereof payable or leviable under this Ordinance;
- “harbour works” include generally any works for the improvement, protection, management or utilization of a harbour, and in particular without limiting the general import of the term every basin, graving dock, slip, dock, pier, quay, wharf, jetty, bridge, viaduct, breakwater, embankment or dam, or a reclamation of land from the sea or from any navigable river, and any excavation, deepening, dredging or widening of any channel, basin or other part of a harbour whether complete or incomplete, in the sea or any bay or arm thereof or of any navigable river flowing thereinto, and all buildings thereon and machinery used in connection with such harbour works;
- “master” means the person in command or charge of any vessel not being a pilot;
- “owner” when used in relation to goods includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person possessed of or beneficially interested in or having any control of or power of disposition over the goods;
- “owner” in respect of a ship includes every person acting as agent for the owner, or authorised to receive freights or other charges payable in respect of the ship;

- “pilot” means any person not belonging to a ship who has the conduct thereof;
- “ship” includes every description of vessel whether used in navigation or in any way kept or used as a hulk or store-ship or for any other purpose and not propelled exclusively by oars;
- “tidal lands” or “foreshore” means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;
- “tidal water” means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides;
- “vessel” means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever;
- “warehouse” includes all warehouses, buildings or premises in which goods landed from or to be carried in vessels may be lawfully placed;
- “wharves” includes all wharves, quays, piers, jetties and premises in or on or from which passengers or goods may be taken on board of or landed from vessels.

PART II

HARBOURS

3. The Minister may by notice declare any such place as may be expedient to be a harbour for the purposes of this Ordinance, and may by notice revoke any such declaration.

Minister may declare harbours

4. The Minister shall by notice define, and may by notice vary, the limits of any harbour.

Minister to define limits of harbours

PART III

HARBOUR MASTERS AND PORT OFFICERS

5. The Minister may from time to time appoint a fit and proper person to be the harbour master of any port and such other officers as he may deem necessary, and may remove such harbour master or other officers, and such harbour master shall be the port officer of the port of which he is harbour master.

Minister to appoint harbour masters and port officers

Minister
may also
appoint har-
bour master
for particular
occasions

6. The Minister may appoint any person temporarily to act with a harbour master or in the place of a harbour master either generally or for some occasion only, and such person shall for the purposes of this Ordinance have the same powers as a harbour master duly appointed under authority of the preceding section.

Harbour
master to fly
flag when on
duty

7. (1) The harbour master when on duty in any boat or vessel as harbour master shall fly on such boat or vessel such flag as may be prescribed.

(2) If any person not being a harbour master uses a flag of the prescribed description he shall be guilty of an offence against this Ordinance.

Powers of
harbour mas-
ter

8. Any harbour master or other officer appointed under this Ordinance shall be entitled at any time while in the execution of his duty to enter and remain on any ship; and the harbour master may give directions regulating the time and the manner in which any vessel shall enter into, go out of or lie in the port, and the position, mooring, unmooring, placing or removing of any vessel within the same:

Provided that no harbour master shall direct that any vessel shall lie or be within any part of the port where any law directs that no vessel shall lie or be or moor, or remove from any part of the port duly appointed as a boarding, landing or quarantine station any vessel moored or placed there under the authority of any other law for the time being in force, or to moor or place any vessel alongside any wharf, quay, custom-house, station or other place appropriated to the service of the Customs.

Masters to
comply with
harbour mas-
ter's direc-
tions

Penalty for
non-
compliance

9. The master of every vessel within the port shall regulate such vessel according to the direction of the harbour master made in conformity with this Ordinance, and any master of any vessel who does not forthwith regulate such vessel according to such directions shall be liable to a fine of \$10 and in default of payment thereof to imprisonment for 1 month.

Powers of
harbour mas-
ter to move
vessels

10. If the master of any vessel within the port does not moor, unmoor, place or remove such vessel according to the directions of the harbour master, it shall be lawful for the harbour master to cause such vessel to be moored, unmoored, placed or removed according to the directions aforesaid, and to employ a sufficient number of persons and appliances for that purpose, and the expenses attending such mooring, unmooring, placing or removing shall be paid by the master or owner of the vessel and the vessel shall not be cleared at the Customs until such expenses have been paid.

11. If any person hinders or causes to be hindered the harbour master or any person employed by him in mooring or unmooring, placing or removing such vessel in the manner aforesaid, such person shall for every such offence be liable to a fine of \$40 and in default of payment thereof to imprisonment for 3 months.

Penalty for hindering harbour master

12. (1) The harbour master may issue such orders as to the striking of masts, yards and booms, veering and shortening of cable and other things which in his discretion he may deem fit for the security of any vessel or vessels in the harbour, and may cause to be received on board a vessel and made fast or cast off any line, warp, chain or hawser from any other vessel entering, leaving or shifting position in the harbour; and when any such line, warp, chain or hawser is received and made fast on any vessel as hereinbefore provided, no person shall let go, cut or unfasten the same unless authorised to do so by the harbour master.

Harbour master may order masts to be struck

(2) Any person who is guilty of a breach of this section shall be liable to a fine of \$40 and in default of payment thereof to imprisonment for 3 months.

PART IV

PILOTS

13. The master of any vessel approaching any harbour and requiring the services of a pilot shall make such signals as are prescribed by regulations.

Signals as prescribed to be made for pilot

14. The master of any vessel shall not, except under circumstances of unavoidable necessity, without the consent of the harbour master or pilot take such harbour master or pilot to sea or beyond the limits of the Gilbert Islands, and if the harbour master or pilot is so taken the master shall be liable to a fine of \$200 and the owner shall be liable to the payment of salary, subsistence and passage money of such harbour master or pilot until his return to the port.

Harbour master or pilot not to be taken to sea except under unavoidable necessity

15. The Marine Superintendent may grant certificates of competency to persons duly qualified and license pilots for the purpose of taking ships within such of the waters of the Gilbert Islands as may be specified in the licence:

Licensing of pilots

Provided that no person shall be granted a certificate of competency or be licensed as a pilot unless he has satisfied the Marine Superintendent that he is capable of performing such duties.

- Employment of pilots not compulsory** **16.** Nothing in this Ordinance will be held to make the employment of pilots by masters and owners of ships compulsory.
- Fee for licence** **17.** The Minister may by regulation prescribe rates of fees to be paid by pilots for licenses under this Ordinance.
- No civil action to lie against pilot, harbour master or Government** **18.** Notwithstanding anything contained in this Ordinance no civil action for damages or otherwise shall lie against any harbour master or licensed pilot in respect of any damage occasioned by negligence or want of skill in the performance of his duties and no civil action for damages or otherwise shall lie against the Government or against any member thereof in respect of any such damage as aforesaid.
- Power to cancel pilot's licence** **19.** Whenever the Marine Superintendent is satisfied that any licensed pilot is unfit to be licensed as such on the grounds of advanced age, physical disability, want of skill or neglect of duty, he may forthwith cancel the licence of such licensed pilot.
- Pilotage how recoverable** **20.** Such sums as may be prescribed by regulations may be demanded by licensed pilots and shall be recoverable by proceedings against the master for the service of which the dues became payable, and on adjudication the sum declared to be due shall be leviable by distraint on the ship, her tackle and furniture.
- Pilot shall not demand or accept either more or less than authorised** **21.** A licensed pilot shall not demand or receive and a master of a ship shall not offer or pay to any pilot any other rate in respect of pilotage services, whether greater or less, than the rate which is authorised by or under this Ordinance, and if a pilot or a master acts in contravention of this enactment he shall for each offence be liable to a fine of \$20 and the Marine Superintendent may, if he shall deem fit, cancel or suspend the licence of the pilot.

PART V

EXPLOSIVES

- As to vessels carrying explosives or other dangerous materials** **22.** Any vessel arriving in any harbour having on board gunpowder or any other explosive material or any cargo or material of a dangerous or inflammable nature shall not berth at any wharf without the permission of the harbour master and, if so required, shall remain moored at a place apart from the main harbour traffic until such gunpowder or other explosive material or inflammable material has been removed from such vessel or, in

the opinion of the harbour master, shall have ceased to be dangerous, and from time of entering the harbour until such goods have been unloaded shall fly during the day time a red flag of not less than 6 feet by 4 feet from the mainmast head and during the night shall show a red light to be visible all round the horizon for a distance of at least 2 miles.

23. Any person using any explosive or discharging any firearm within the limits of a harbour without the permission of the harbour master shall be guilty of an offence against this Ordinance.

Use of explosives and firearms prohibited

PART VI

WRECKS, OBSTRUCTIONS, MOORINGS

24. Should any vessel or part thereof, raft, timber or other thing be sunk or stranded in any harbour, the master or owner thereof shall upon the receipt of an order to that effect from the harbour master, and within such time fixed in such order, clear the harbour of such vessel, raft, timber or other thing, and all parts of the same, and of the cargo or ballast of such vessel, and should the master or owner aforesaid fail to comply with such order the harbour master may direct the removal of such vessel or part of the same and cargo or ballast thereof or raft, timber or other thing at the expense of the owner thereof.

Obstructions to be removed

25. No person other than the owner shall destroy or demolish or interfere with any wrecked or stranded vessel or any part thereof within the limits of a harbour without the permission of the owner thereof or of the harbour master.

No person other than owner may destroy wreck without permission

26. No person shall lay down in the harbour any private buoy, mooring or anchor without the permission of the harbour master and under such conditions as may be prescribed; and any such permission may be at any time withdrawn whereupon any such buoy, mooring or anchor shall immediately be removed by the owner thereof and, failing such removal by such owner, it may be effected at the expense of the owner aforesaid.

Harbour master's permission required to lay down buoy or mooring

27. No person shall remove any stone, shingle or earth or other material from within the limits of any harbour without the authority given in writing of the harbour master.

Removal of ballast forbidden without permission

PART VII

ERECTION OF WHARVES, SLIPS, ETC.

Minister may
license occupa-
tion of
foreshore for
certain pur-
poses

28. (1) The Minister may, subject to such conditions as he may deem fit and on payment of such fee or annual fee as may be prescribed, license and permit any part of the tidal lands and waters of a harbour to be used or occupied for all or any of the following purposes—

- (i) the building or repairing of ships or vessels of any kind;
- (ii) the erection of and use of any boat-shed, landing-place or wharf;
- (iii) the erection of baths and bath houses and any enclosure or fence necessary for the protection or privacy of the same;
- (iv) any other purpose relating to the convenience of shipping or of the public as he may approve:

Provided that no such licence shall be granted for any period exceeding 21 years, and every such licence shall be subject to the condition that the Minister may at any time revoke such licence without payment of compensation or liability to any action or claim for damage in respect of such revocation except in the case where a licence has been granted for the purpose of constructing a dock or slip.

(2) The revocation of any such licence shall not take effect until the expiration of 6 months after service on the licensee of a written notice of the revocation of the licence.

(3) No such licence or permit shall be granted which will interfere with the free navigation of the harbour.

Fees which
may be
charged by
licensee

(4) The Minister may authorise the licensee to make such charges to the public for the use of a wharf as may be prescribed by the Minister; and such charges when incurred may be recovered as a simple contract debt.

Licensed part
of foreshore
to be lighted

29. There shall be exhibited such lights as may be required by the Marine Superintendent upon any such part of the tidal lands and tidal waters licensed as above provided for.

PART VIII

ANCHORAGES

Prohibited
anchorage

30. The Minister may by notice define any area within the Gilbert Islands as a prohibited anchorage, and the master of a

vessel, except under circumstances of unavoidable necessity, shall not anchor a vessel within the limits of such area.

31. The Minister may by notice set apart any area within the Gilbert Islands where any class or classes of vessels only may anchor, and may restrict the navigation of such area to such vessels and times as he may deem fit.

Minister may set apart portion of harbour for particular purposes

PART IX

HARBOUR MASTER'S POWERS OF ENTRY

32. The harbour master or any person acting under authority of the Marine Superintendent may at any time pass and repass without hindrance over any land in the Gilbert Islands where-soever situated in the execution of his duty in relation to lights, lighthouses, buoys and beacons, and may enter into and upon any lands and remove and take away any earth, clay, stones, sand or other material required in the building or repair of any lighthouse, beacons or other work in connection with the navigation of the waters of the Islands on payment of reasonable compensation, and may deposit sand, earth, stones and other material or thing thereon, and carry on any work required in this connection on any of the lands as entered into and upon.

Powers of entry of harbour master in connection with lights

PART X

LIGHTS AND LIGHT DUES

33. When in the opinion of the Marine Superintendent any light exhibited or shown from any building or other place on shore is such as may be mistaken for or taken to be a harbour or navigation light, the Marine Superintendent may order the discontinuance of such light or the effective screening of the same.

Screening of lights

34. There shall be levied and paid on vessels such rates of light dues as may be prescribed:

Light dues

Provided that the Minister may exempt any vessel from the payment of these dues generally or in respect of any particular harbour.

PART XI

GOVERNMENT WHARVES AND WHARFAGE DUES

Government wharves and purlieus

35. The Minister may by notice declare any wharf to be a Government wharf and may define an area surrounding a Government wharf as being the purlieus of such wharf, and any vessel anchored or moored within such area shall be deemed for all purposes of this Ordinance to be berthed at such wharf.

Vessels to obtain permission to berth at Government wharf

36. No vessel shall berth at a Government wharf or lie within the purlieus thereof except with the permission of the harbour master or other person authorised by him to give such permission.

Wharfage dues to be prescribed on vessels

37. There shall be levied or paid on vessels berthed at a Government wharf wharfage dues according to a scale prescribed by regulations.

Vessel may be detained for dues

38. A harbour master may detain any vessel berthed at a wharf until the dues have been paid or secured to his satisfaction.

Wharfage dues on goods to be prescribed

39. There shall be levied and paid in respect of all goods loaded or discharged at a Government wharf wharfage dues according to the scale prescribed.

Exemption by Minister

40. The Minister may exempt any vessels or goods from the payment of wharfage dues either in respect of any particular wharf or generally.

PART XII

HARBOUR DUES AND PORT CHARGES

Harbour dues may be prescribed

41. There shall be levied and paid in respect of any vessel and of all goods loaded or discharged in a harbour dues as may be prescribed by regulations.

Port charges may be prescribed

42. There shall be levied and paid on all vessels being in a harbour, whether plying for hire or otherwise, such port charges as may be prescribed by regulations.

Goods may be sold if dues unpaid

43. Any goods in respect of which there shall be any neglect or refusal to pay the dues or charges appointed to be paid by this Ordinance may be seized and detained at the expense and risk of the owner, consignee or exporter, as the case may be, and after the expiration of 14 days from the date of seizure may be sold by

public auction, and there shall be paid out of the proceeds of sale all customs and wharfage dues and all storage and other expenses incurred in respect of such goods.

PART XIII

OFFENCES

44. Every person commits an offence who does or causes or permits to be done any of the following things, that is to say—

Offences
relating to
harbours

- (i) casts or suffers to fall either from on board any vessel or from land any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, sawdust, mill-refuse, dead animal or other substance or thing into the harbour:

Provided that the harbour master may permit the master of a vessel to discharge ballast or ashes and ships' refuse at such places and in such manner as he may direct;

- (ii) casts or suffers to fall any such substance or thing on land in a position where the same is liable to fall or descend or be carried or washed down by ordinary or high tides or by any stream or flow of water or by any storm or flood or otherwise into any harbour;
- (iii) casts or places or leaves any vessel laid by or neglected as unfit for sea service or any floating or other timber or any other thing in any harbour;
- (iv) erects any beacon in a harbour without the authority of the harbour master;
- (v) injures any harbour light or light-ship or lights exhibited therein or any buoy or beacon;
- (vi) removes, alters or destroys any harbour light, light-ship, buoy or beacon;
- (vii) rides by, makes fast to or runs foul of any harbour light, light-ship, buoy or beacon or harbour works;
- (viii) removes, alters, injures or destroys any signal or signal-staff used for purposes in aid of vessels navigating the harbour;
- (ix) removes, destroys, injures or interferes with any life-buoy or life-saving appliance,

and for each offence the offender shall, in addition to the expenses of removal, replacing or of making good any damage occasioned, be liable to a fine of \$100 or in default of payment thereof to imprisonment for 6 months.

Wilfully destroying moorings

45. Every person excepting the harbour master or person acting under his authority who wilfully cuts, breaks or destroys the mooring or fastening of any vessel or buoy shall be liable to a fine of \$200 or in default thereof to imprisonment for 12 months.

Injury or destruction of lights, etc., outside harbours

46. Every person commits an offence who does or causes to be done any of the following things anywhere within the Gilbert Islands—

injures, removes, alters or destroys any lighthouse, lightship, beacon, buoy, or any light exhibited therein or thereon, or rides by, makes fast to, or runs foul of, any of the same, and for each such offence the offender shall, in addition to the expenses of removal, replacing or of making good any damage occasioned, be liable to a fine of \$100 or in default of payment thereof to imprisonment for 6 months.

Wilful damage to harbour works

47. Every person commits an offence punishable by imprisonment for 5 years who wilfully breaks, throws down, destroys or in anywise damages or injures any wharf, harbour, light, lighthouse, shed, building or any harbour work whatsoever or any part thereof constructed or in course of construction by or under the authority of Her Majesty or of the Government.

Discharging sewage without permission an offence

48. Every person commits an offence who permits any privy to discharge into the waters of a harbour or casts or discharges or suffers to be cast or discharged any night soil, sewage or other filth into a harbour except at such times and places as may be permitted by the harbour master.

Offering bribes to officers

49. Every person commits an offence who gives or offers any money or thing by way of reward or bribe to any harbour master, pilot or other officer employed about a harbour for the purpose of gaining an undue preference in the execution of his office or for the purpose of inducing him to do or omit to do anything relating to his office.

Licence to erect wharf required

50. Every person commits an offence who erects or constructs any wharf in any harbour or in any other place in the Gilbert Islands or encroaches in any way on the waters of any harbour without having first obtained a licence and a permit to do so from the Minister.

Penalty where none specially provided

51. Every person is liable, where no other penalty is in that behalf specially provided, to a fine of \$40 or in default of payment thereof to imprisonment for 3 months who fails, refuses or neglects to do, or in any manner obstructs, impedes or interferes with

the doing of, anything enjoined or authorised to be done, or does anything prohibited by this Ordinance or molests or makes use of any threatening language to a harbour master, pilot or other officer or person whilst in the execution of his duty under this Ordinance or in any other respect offends against any of the provisions of this Ordinance.

PART XIV

MISCELLANEOUS

52. When any dues leviable or charges or other expenses incurred under this Ordinance have not been paid, they may be recovered at the suit of the harbour master in any court of competent jurisdiction. Civil procedure

53. The Minister may make regulations and prescribe penalties for the breach thereof in regard to— Regulations

- (i) regulating the use of wharves, docks, quays, boat harbours, landing-stages and other landing-places, and the traffic thereon;
- (ii) prescribing the scale of dues for the storage of goods and charges to be paid for the taking and delivering the same from warehouses or buildings belonging to or in occupation of the Crown;
- (iii) regulating the conduct of all persons employed on any wharf or in any warehouse;
- (iv) regulating the control and management of steam or other mechanically propelled ferry boats plying for hire at wharves or other public thoroughfares;
- (v) regulating the conduct of licensed porters, boatmen, and watermen practising their calling;
- (vi) regulating the cleaning and repair of private wharves, and keeping the same in a fit state for the convenience and safety of persons walking upon or landing on or embarking from the same;
- (vii) regulating the time, place, order and mode of the shipping, landing, warehousing, stowing and separating of goods, and of the landing and embarking of passengers;
- (viii) regulating the order of priority of vessels using Government wharves and removing vessels therefrom to permit of the use of the wharves by vessels having the privilege of priority of use thereof;

- (ix) providing for the safe navigation of any harbour and regulating all matters relating to the protection of life and property in or on vessels using any such harbour;
- (x) regulating or prohibiting the towage within a harbour of vessels;
- (xi) providing for the effective lighting of ships and wharves at all times while passengers or goods are being loaded, unloaded or transported at any time between sunset and sunrise;
- (xii) providing that vessels shall not be brought to any wharf or moored to or unmoored from or removed from any wharf unless such vessels are in charge of the master of the vessel or of some other competent person;
- (xiii) regulating the laying up of any vessel within the harbour and fixing charges for such laying up;
- (xiv) regulating for the use of efficient mufflers, silencers or below-water exhausts by motor vessels navigating or lying in a harbour;
- (xv) regulating the use of searchlights in a harbour;
- (xvi) regulating the use of whistles, horns, sirens or similar contrivances in a harbour;
- (xvii) all other matters for which by this Ordinance regulations are required or permitted to be made or with respect to which regulations are necessary or convenient for giving effect to the provisions of this Ordinance.

[Subsidiary]

SUBSIDIARY LEGISLATION

Places declared to be harbours under section 4

L.N. 40/63

1. TARAWA, being all that area within the following limits, that is to say, bounded by a line commencing at the South West extremity of Betio Islet as shown on Admiralty Chart No. 3269 (Edition of the 5th January 1962) being 1 degree 21 minutes 02 seconds latitude North and 172 degrees 55 minutes 12 seconds longitude East (which extremity is hereinafter referred to as "the point of commencement"); and thence in a straight line on a true bearing of 000 degrees to a point 3.75 nautical miles distant from the point of commencement; and thence in a straight line to a point on a true bearing of 064 degrees, and a distance of 4.8 nautical miles, from the point of commencement; and thence in a straight line to a point on a true bearing of 091 degrees, and a distance of 5.05 nautical miles, from the point of commencement; and thence in a straight line to a point on a true bearing of 103 degrees, and a distance of 5.42 nautical miles, from the point of commencement; and thence in a straight line to a point on a true bearing of 111 degrees, and a distance of 3.6 nautical miles, from the point of commencement; and thence in a straight line from the last mentioned point to the point of commencement.

[Subsidiary]

2. OCEAN ISLAND, being all that area enclosed within a circle having a radius of 1 nautical mile and centred on Lilian Point on Ocean Island which point is shown more particularly on the Large Correction of the 6th May 1955, to Admiralty Chart No. 979. L.N. 40/63

Wharves declared to be Government wharves and surrounding areas defined as purlieus thereof under section 35

1. Government Wharf at Betio Islet, being the wharf forming the Southern boundary of the boat harbour on the Northern side of Betio Islet, which boat harbour is shown on Admiralty Chart No. 3269 (Edition of 5th January 1962, corrected to include small correction no. 2040 of 1962) and the area surrounding such wharf, being the purlieu thereof, is all that area bounded by a line commencing at point being the site of the beacon in a position approximately 1 degree 21 minutes 42 seconds latitude North and 172 degrees 56 minutes 02 seconds longitude East and shown on the said Admiralty Chart No. 3269 (which point is hereinafter referred to as "the point of commencement") and thence in a straight line on a true bearing of 218 degrees for approximately 737 feet to a point situated on the High Water mark on the North-western side of the Western mole of the said boat harbour; and thence generally in a Southerly direction along the High Water mark on the Western side of the said Western mole for approximately 1700 feet to a point situated on a line produced parallel to and 60 feet inshore from the face of the said wharf; and thence in a generally Easterly direction along such straight line parallel to and 60 feet inshore from the face of the said wharf for approximately 500 feet to a point situated on a straight line produced parallel to and 40 feet Eastwards from the upper coping of the revetment of the Western side of the Eastern mole of the said boat harbour; and thence in a straight line on a true bearing of 015 degrees approximately for 630 feet to a point situated on the High Water mark on the Eastern side of the said Eastern mole; and thence generally in a Northerly direction along the High Water mark on the Eastern side of the said Eastern mole for approximately 1475 feet to a point on the North-eastern side of the Eastern mole; and thence on a true bearing of 295 degrees for approximately 212 feet to the point of commencement, the said area being more particularly delineated and outlined in green on the plan deposited in the Public Office of the Governor at Tarawa as Registered Plan No. 3. L.N. 41/63

2. Government Wharf at Bairiki Islet, being the wharf consisting of a timber jetty on the Western side of the boat harbour on the Northern side of Bairiki Islet, which boat harbour is shown on Admiralty Chart No. 3269 (Edition of 5th January 1962, corrected to include small correction no. 2040 of 1962) and the area surrounding such wharf, being the purlieu thereof, is all that area contained within the minor sector of a circle having a radius of 920 feet with its centre on the beacon in the position approximately 1 degree 19 minutes 52 seconds latitude North and 172 degrees 58 minutes 35 seconds longitude East and shown on the said Admiralty Chart No. 3269 between a true direction of 165 degrees from the said beacon, the said area being more particularly delineated and outlined in green on the plan deposited in the Public Office of the Governor at Tarawa as Registered Plan No. 4. L.N. 41/63

Regulations under section 53

HARBOURS REGULATIONS

G.N. 137/58
L.N. 37/69
8 of 1971
3 of 1972
L.N. 37/72
Citation

1. These Regulations may be cited as the Harbours Regulations.

[Subsidiary]Harbour
master's flag

2. The harbour master's flag, required to be flown in accordance with the provisions of section 7 shall be composed of two horizontal bands of equal size; the upper band shall be white with the letters "H.M." conspicuous thereon, and the lower band shall be red.

Signals to be
made by ves-
sel requiring
pilot

3. The signals required to be made by a master of a vessel requiring the services of a pilot, in accordance with the provisions of section 13, shall be as follows—

(a) By day—

- (i) the international code signal "G"; or
- (ii) the international code signal "PT"; or
- (iii) the Pilot Jack hoisted at the foremast.

(b) By night—

- (i) a blue pyrotechnic light every 15 minutes; or
- (ii) the international code signal "PT" by flashing.

Licensing of
pilots
Schedule 1

4. (1) Licences for pilots granted under the provisions of section 15 shall be in Form 1 set out in Schedule 1 and each licence shall specify the area or port for which it is granted.

(2) Before any such licence may be granted the applicant therefor shall be required to satisfy the Marine Superintendent that he has entered the area or port concerned on at least 3 occasions in command of a vessel, that he has the necessary knowledge of that port or area and that he has acquired an adequate knowledge of the handling of ships.

(3) The fee payable by the applicant for the grant of a licence shall be \$2.

Pilotage fees

5. (1) For every vessel employing a licensed pilot there shall be payable whenever the vessel enters port, leaves port or shifts within the port a pilotage fee calculated at the rate of 20 cents per foot of the vessel's greatest registered length from stem to stern:

Provided that in no case shall the pilotage fee be less than \$50 or more than \$100.

(2) When the pilotage fee is paid by the master the pilot shall issue a receipt in Form 2 set out in Schedule 1, but when the pilotage fee is for account of the agents the master shall issue to the pilot a certificate in Form 3 set out in that Schedule.

Wharves to
be main-
tained in safe
condition

6. Every landing place or wharf to which members of the public have access shall be maintained by the owner or occupier in a fit state of repair and cleanliness to the satisfaction of the harbour master, who may order the owner or occupier to take such steps as may be necessary to exclude the public from any landing place or wharf which in the opinion of the harbour master is unsafe.

Wharves to
be illumi-
nated

7. Every landing place or wharf to which members of the public have access shall be illuminated to the satisfaction of the harbour master at all times between sunset and sunrise when passengers or goods are being embarked, disembarked, loaded, unloaded or transported.

Use of search-
light

8. No person shall use a searchlight in a harbour in such manner as to obscure or impair the vision of any person navigating a vessel in or approaching that harbour.

Discharge of
oil

9. The master or owner of any vessel or shore installation from which oil is discharged, or allowed to escape, into any harbour shall be guilty of an offence and shall be liable to a fine of \$100 or in default of payment thereof to imprisonment for 6 months.

[Subsidiary]

10. (1) Every vessel which enters the harbour of Tarawa, other than a vessel of a category specified in Schedule 2, shall be liable to pay light dues calculated in accordance with the following scale—

- (a) 2 cents per registered ton on every occasion of entering the harbour; or
- (b) 40 cents per registered ton per calendar year payable in advance.

(2) In the case of dues calculated in accordance with paragraph (1) (a) vessels shall be liable to pay in addition thereto 2 cents per ton of any space referred to in section 85 of the Merchant Shipping Act 1894.

11. Every vessel which enters Betio Boat Harbour or Bairiki Boat Harbour, other than a vessel of a category specified in Schedule 2, shall be liable to pay wharfage dues calculated in accordance with the following scale—

- (a) per day of 24 hours or part thereof—
 - (i) if alongside a Government wharf, 15 cents per registered ton;
 - (ii) if moored within the purlieus of a Government wharf, 10 cents per registered ton; or
- (b) per calendar year, \$6 per registered ton, payable in advance.

12. Notwithstanding the exemptions, conferred by regulation 11 upon vessels in the categories specified in Schedule 2, from payment of wharfage dues upon entering Betio Boat Harbour or Bairiki Boat Harbour, there shall be levied on any cargo loaded or discharged by such vessels at a Government wharf in those harbours cargo wharfage dues, to be paid by the owner, calculated at the rate of 15 cents per ton:

Provided that no cargo wharfage dues shall be payable upon the personal baggage of the crew of any such vessel or upon any goods specifically exempted from such payment by the Minister.

13. In respect of any vessel which is exempted from the payment of wharfage dues under the provisions of regulation 11, other than a vessel in a category specified in paragraphs (ii), (iii), (iv), (v) and (vii) of Schedule 2, and which enters Betio Boat Harbour or Bairiki Boat Harbour, port charges shall be payable calculated as follows—

- (a) for vessels of less than 5 tons—
 - (i) for every day or part thereof within the Boat Harbour, 20 cents; or
 - (ii) for 1 calendar year, \$4 payable in advance.
- (b) for vessels of 5 tons or upwards—
 - (i) for every day or part thereof within the Boat Harbour, \$1; or
 - (ii) for 1 calendar year, \$20 payable in advance.

SCHEDULE 1

(Regulations 4 and 5)

FORM 1

Prescribed licence issued to a pilot in pursuance of regulation 4 of the Harbours Regulations.

This is to certify that

is a licensed pilot for

Date

.....
Marine Superintendent

[Subsidiary]

FORM 2

Prescribed receipt for Pilotage Fee under regulation 5 of the Harbours Regulations.

Received from _____ in respect of pilotage of the vessel
 _____ into/out of/within the port of
 _____ as follows
 the sum of _____
 Maximum registered length _____ at 20c per foot (subject to a
 _____ minimum of \$50 and a maximum
 _____ of \$100) = \$ _____
 Master _____ Pilot
 Date _____

FORM 3

Prescribed certificate required by regulation 5 of the Harbours Regulations.

This is to certify that _____ has this day piloted the vessel
 _____ into/out of/within the port of
 in respect of which pilotage the vessel is liable for payment of the following fee
 Maximum registered length _____ at 20c per foot (subject to a
 _____ minimum of \$50 and a maximum
 _____ of \$100) = \$ _____
 Date _____ Master

SCHEDULE 2

(Regulations 10 and 11)

Schedule of vessels exempted from payment of light dues and wharfage dues under regulations 10 and 11.

- (i) any vessel of less than 5 tons;
- (ii) any vessel belong to or in the naval service of Her Majesty or of any foreign state;
- (iii) any vessel in the service of the Government of any British possession other than a vessel engaged in trade;
- (iv) a vessel chartered by or on behalf of Her Majesty or a British possession for naval purposes when the dues would otherwise be payable by Her Majesty or by the Government of such possession;
- (v) the lifeboats, rafts, work boats or launches which form part of the equipment of a larger vessel and are being used as such;
- (vi) punts, barges or other work boats whose sole means of propulsion is by manpower or by towing;
- (vii) sailing or paddling canoes of native design.

Goods exempted from cargo wharfage dues under the proviso to regulation 12.

L.N. 58/67

Any cargo loaded or discharged at a Government Wharf in Betio Boat Harbour or Bairiki Boat Harbour.

Port Tariff, Shipping Corporation of Kiribati (1)

Stevedoring, Wharfage, Lighterage, Delivery and Loading
at the Port of Betio dated 1 August, 1990

1. Charge against Master and Owners

Rate Effective from 24/7/90

(a) Stevedoring ships hold or Shifting Cargo	
aboard ship - Local ship	\$ 8.50 per m ³ /ton
Overseas ship	10.00 per m ³ /ton
Handling containers ship/shore/ship	135.50 per Container
Shifting of containers aboard ship	68.00 per "
Cleaning inside ships hold	3.00 per hour per person
(b) Charge against Consignee/Consignor	
Wharfage to or from wharf to wharf sheds/area on imports and exports ex/to overseas	15.00 per m ³ /ton
Lighterage if ship at anchorage on imports and exports ex/to overseas	5.00 per m ³ /ton
Wharfage to or from wharf to wharf sheds/area on imports and exports ex/to outer islands	5.00 per m ³ /ton
Lighterage if ship at anchorage on imports and exports ex/to outer islands	1.00 per m ³ /ton
Loading and unloading of goods from/to consignee/consignor vehicle.	2.00 per m ³ /ton
Delivery charge if taken to/from wharf sheds/area to consignee warehouse on Betio.	8.50 per m ³ /ton
Minimum charge is half m ³ /ton basis.	

Rate Effective from 25/1/91

Storage charge on cargo in FCL and LCL containers are to be charged with storage 10 working days prior to the arrival of the Carrier's vessel on which same containers were received	2.00 per m ³ /ton
Special cargo such as Videos, Musical Instruments, etc, etc.	2.50 per m ³ /ton
Storage charge on reefer and cooler cargo from date cargo is stored in cold storage till date collection is taken	2.50 per m ³ /ton
Storage charge on transpment cargo is FREE, however normal Inward and Outward Lighterage and Wharfage charges are chargeable.	

2.	<u>Bulk Fuel</u>	<u>Rate Effective from 24/7/90</u>
	Charge against Master & Owners	
	refueling ships by 500 gallon tank	\$ 12.50 per gallons
3.	<u>water</u>	<u>Rate Effective from 24/7/90</u>
	Stevedoring to ships -well water	4.50 per 200 gals
	-rain water	4.50 per 200 gals
	Minimum charge	
4.	<u>Vehicles</u>	
	(a) <u>Charge against Consignee/Consignor</u>	
	Lighterage if ship at anchor - cars/ utilities/boats (less than 20') s	7.50 per each
	Trucks/Tractors/Rollers	14.00 "
	Bulldozers/Graders/buses	18.00 "
	Plus wharfage cars/utilities/boats (less than 20')	34.00 per each
	Trucks/Tractors/Rollers	76.50 "
	Bulldozers/Graders/buses	103.50 "
	(b) <u>Charge against Consignee/Consignor</u>	
	Lagoon freight from Betio wharf to Bairiki wharf cars/utilities/boats (less than 20')	16.00 per each
	Trucks/Tractors/Rollers	30.00 "
	Bulldozers/Graders/buses	71.50 "
	Lagoon freight from Betio wharf to any other wharf in South Tarawa (South of Bonriki) Cars/Utilities/Boats (less than 20')	24.00 "
	Trucks/Tractors/Rollers	72.50 "
	Bulldozers/Graders/buses	108.50 "
5.	<u>Agency Fee</u>	
	Overseas ships - Commission on:	
	(a) Total Inward cargo freight	2.5%
	(b) Total Outward cargo freight	5%
	(c) Total Outward copra freight	2%
	Overseas ship carrying no freight	345.00 per call

6. Hire Charge

Tug Teraoi	(minimum charge one hour)	27.50 per hour
Tugs	" " "	17.50 "
Tug with Barge	" " "	60.50 "
Barge	" " "	4.50 "
Water Pump	" " "	2.50 "
Mobil Crane	" " "	38.50 "
Trucks	" " "	18.50 "
Tractors	" " "	9.00 "
Tractors with Trailers	" " "	10.00 "
Forklift	" " "	11.00
Tarpaulin	" " "	23.00 per night
Slings - Wire	" " "	1.50 per hour
- Rope	" " "	0.50 "
Pallets	" " "	2.00 "
Four Hooks/Drum Hooks	" " "	1.50 "
Cars Nets	" " "	3.00 "
Car Spreaders	" " "	2.50 "
Shackle up to 2 1/2 tons SWL	" " "	1.50
Shackle 2 1/2 tons SWL and above	" " "	2.00 "
Fixed crane	" " "	150.00 "

Port Tariff, Shipping Corporation of Kiribati (2)

Wharfage, Lighterage, Delivery, Storage, Lagoon Freight and Hire Rates at the Port of Betio Tarawa, dated 1st April, 1991.

Rate Effective from 24/7/90

1.(a) Charge against Master and Owners

International - Wharfage to and from wharf to wharf sheds/area on imports and exports ex/to overseas destinations.

\$ 15.00 per m³/ton

Rate covers following operations:-

- | | | |
|--|---------|---------------------------|
| (a) Wharfage | \$ 8.00 | per ton or m ³ |
| (b) Handling/Loading and unloading consignees vehicles | 8.00 | " " |
| (c) Stuffing | 2.50 | " " |
| (d) Unstuffing | 2.50 | " " |

Lighterage if ship at anchorage on imports and exports ex/to overseas destinations

5.00 per m³/ton

Domestic - Wharfage to and from wharf to wharf sheds/area on imports and exports ex/to outer islands.

5.00 per m³/ton

Rate covers following operations:-

- | | | |
|--|---------|---------------------------|
| (a) Wharfage | \$ 3.00 | per ton or m ³ |
| (b) Handling/Loading and unloading consignees vehicles | 2.00 | " " |

Domestic - Wharfage charge on imported cargo intended for transshipment to outer island is exempted.

Lighterage if ship at anchorage on imports and exports ex/to outer islands.

1.00 per m³/ton

Delivery and Collection charge on cargo taken to/from wharf sheds/area to and from consignee warehouses and port workers are provided to do the stacking and unstacking

8.50 per m³/ton

Where Delivery and Collection is done by our equipment and no port workers are provided, consignees are to be charged with hire of equipments and drivers overtime if any. Rates as in No.4 page 3 of the Port Tariff.

Minimum charge is half m³/ton basis.

Cargo in FCL and LCL containers are to be charged with storage 10 working days prior to the arrival of the Carrier's vessel on which same containers were received.

2.00 per m³ per ton/ day

Storage

Special cargo such as Videos, Musical Instruments etc., etc.

2.50 per package/ day

Storage charge on cargo for export to overseas ports assembled in port area prior to 10 working days of Carrier's arrival

2.00 per m³ ton/ day

Storage charge on transshipment cargo on through Bill of Lading is FREE, however normal Inward and Outward Lighterage charges are chargeable as in Port Tariff.

2. Charge against Master and Owners

Bulkfuel - Refueling ships by 500 gals tank

12.50 per 500 gals

Water - Stevedoring to ships - well/rain water

4.50 per 200 gals

Minimum charge

2.00

3. Vehicles

(a) Charge against Consignee/Consignor

Lighterage if ship at anchor - cars/ utilities/boats (less than 20') s

7.50 per each

Trucks/Tractors/Rollers

14.00 "

Bulldozers/Graders/buses

18.00 "

Plus wharfage cars/utilities/boats (less than 20')

34.00 per each

Trucks/Tractors/Rollers

76.50 "

Bulldozers/Graders/buses

103.50 "

4. Hire Charge

	(minimum charge one hour)	
Tug Teraoi		27.50 per hour
Tugs	" " "	17.50 "
Tug with Barge	" " "	60.50 "
Barge	" " "	4.50 "
Water Pump	" " "	2.50 "
Mobil Crane	" " "	38.50 "
Trucks	" " "	18.50 "
Tractors	" " "	9.00 "
Tractors with Trailers	" " "	10.00 "
Forklift	" " "	11.00
Tarpaulin	" " "	23.00 per night
Slings - Wire	" " "	1.50 per hour
- Rope	" " "	0.50 "
Pallets	" " "	2.00 "
Four Hooks/Drum Hooks	" " "	1.50 "
Cars Nets	" " "	3.00 "
Car Spreaders	" " "	2.50 "
Shackle up to 2 1/2 tons SWL	" " "	1.50
Shackle 2 1/2 tons SWL and above	" " "	2.00 "
Trailer	" " "	4.00 "

Study Team and Study Schedule

1. Study Team

Title	Name	Responsibilities
Team Leader	Mr. Hisanori Kato	Overall Management/Cargo Forecast/Port Planning
Design Engineer	Mr. Masafumi ITO	Facilities Design/Corrosion Survey
Littoral Drift	Dr. Norio TANAKA	Littoral Drift Analysis/Maintenance Dredging Plan
Cost Estimator	Mr. Kiyotaka SASAO	Construction Plan/Cost Estimate
Operation/ Institutional Expert	Mr. WEE, Keng Chi	Management/Operation
Economic/Financial Expert	Mr. Noboru TANIGAWA	Economic/Financial Analysis
Environmental Expert	Dr. Kazuo SANO	Environmental Impact Assessment
Natural Condition Surveyor	Mr. Shinji OKADA	Natural Conditions Survey

2. Study Schedule

Study in Kiribati was conducted as follows:

	Period	Activities
First Site Survey	1994 Mar 21 - May 19	Submission of Inception Report Data Collection, Natural Condition Survey
Second Site Survey	1994 Sept 8 - Oct 6	Submission of Interim Report Supplementary Survey
Third Site Survey	1995 Jan 5 - Jan 19	Submission of Draft Final Report

JICA