

PORTS (OPERATIONS IN PORT OF PORT VILA) REGULATIONS

Joint Rules 6 of 1965
Joint Rules 3 of 1973

ARRANGEMENT OF REGULATIONS

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To regulate operations in the port of Port Vila.

1. Interpretation

In these Regulations the following expressions shall have the meanings respectively assigned to them:

“international regulations” means the international collision regulations subscribed to by Vanuatu;

“the port” means the port of Port Vila;

“ship includes any description of vessel used in navigation not propelled by oars.

2. Declaration of a port

The port of Port Vila is hereby declared a port for the purposes of the Ports Act, Cap. 26 as amended and its limits are hereby established as that area of the harbour of Port Vila which lies within a line commencing at the high tide line on the south-east coast of the Bay of Mele by 168° 17' 00" longitude east, from there along the meridian in a northerly direction to intersect the parallel 17° 44' 24" latitude south, from there along this latitudinal parallel in an easterly direction to intersect the high tide line at Malapoa Point and from there along the high tide line in a generally easterly direction to join with the initial point 168° 17' 00" longitude East.

3. Licensed wharves

(1) Wharves in the port which are not owned by the Government shall only be operated for the loading and unloading of cargo if licensed by the Minister.

(2) Notwithstanding any condition which may be imposed by the licences, owners of licensed wharves shall comply with the following conditions –

(a) to maintain their wharves and the installations thereon to the satisfaction of the Minister;

(b) to refrain from carrying out any extension, reclamation, or construction thereon without the written permission of the Minister.

4. Laying of moorings

No person shall, without the consent of the harbourmaster, lay any mooring (whether permanent or temporary) within the port.

5. Advance information of arrival

Not later than 24 hours before his expected time of arrival, the master of a ship coming from a port outside Vanuatu shall send a radio message to the harbourmaster indicating –

- (a) the ship's name and nationality;
- (b) the expected time of arrival;
- (c) the maximum draught of the ship;
- (d) the tonnage and nature of the cargo to be unloaded;
- (e) whether there are explosives on board;
- (f) the state of health of the ship:

Provided that where the owner of the said ship has his place of business or an agent in Port Vila all or part of the information required under the provisions of this regulation may be furnished directly by the said owner or his agent.

6. Documents

The master of a ship coming from a port outside Vanuatu which anchors within the port or berths alongside shall have available for inspection the following documents –

- (a) the certificate of registry of the ship and its official log;
- (b) 3 copies of the manifest of the cargo to be unloaded;
- (c) 1 copy of the manifest of the cargo to be unloaded at Luganville;
- (d) 3 copies of a list of the crew;
- (e) 3 copies of the passenger list;
- (f) a list of the ship's stores;
- (g) a list of the ship's crew's effects;
- (h) 2 copies of the declaration of arrival;
- (i) a customs clearance from the last port of call;
- (j) a bill of health;
- (k) a statement of the mail destined for Port Vila.

7. National colours

- (1) Every ship entering the port shall fly its national flag.
- (2) Ships other than Vanuatu registered ships shall fly the Vanuatu flag from the foremast.

8. Port navigation

Every ship shall navigate within the port in accordance with international regulations.

9. Coming alongside

- (1) No ship shall berth alongside any wharf owned by the Government without the consent of the harbourmaster and shall leave when ordered by him to do so.
- (2) No ship may berth alongside any licensed wharf without the consent of the owner and shall leave when ordered by him to do so:

Provided that the harbourmaster may in his own discretion order the ship to leave a private wharf under the provisions of regulation 30 if the ship is a hindrance to the passage of other ships or is a danger thereto.

- (3) No ship shall berth alongside another ship without the consent of the master of that other ship.

10. Areas where no ships may anchor

- (1) No ship shall heave to or anchor within the zones hereinafter defined –

- (a) on the south by a line running from the Iririki Island Resort wharf on Iririki to the southernmost point of the Ballande Vanuatu wharf;
on the north by a line running from the northernmost point of Burns Philp and Co. Ltd.'s wharf to the northernmost point of Iririki;
- (b) in the Iririki channel within a radius of 80 metres of the black buoy;

- (c) in the channels giving access from open water to the Ballande Vanuatu wharf and from open water to the "Mombah";
 - (d) in the Anabrou cove less than 50 metres on either side of the submarine cable supplying electricity to Malapoa.
- (2) The areas referred to in paragraphs (a) and (d) of this regulation in which no ship may anchor shall each be indicated by 4 yellow and black markers, of which 2 shall be on the east shore and 2 on the west shore, as indicated on the map deposited with the Public Works Department.
- (3) No ship shall heave to or anchor so as to impede access to wharves or in the access channels to or from the inner harbour between Iririki and the mainland.

11. Restrictions on the passage of ships

No ship whose maximum height unloaded exceeds the limits hereinafter provided shall pass under the electric cable running between Iririki Island and the mainland –

To the west of the black buoy: 18 metres.

To the east of the black buoy: 21 metres.

12. Speed in the port

- (1) No ship within the port shall move at a speed exceeding 6 knots without the permission of the harbourmaster.
- (2) Small boats, launches and lighters used within the port shall give way to sea going ships.
- (3) Pleasure launches shall only operate within the port at times and places laid down by the harbourmaster, who shall have discretion to vary these as port operations and ship movements require.

13. Ships to carry lights at night

- (1) Every ship navigating in the port between sunset and sunrise shall carry the navigation lights as prescribed for a ship of its length and tonnage by international regulations.
- (2) Every ship at anchor or moored in the port which has not been hauled up on the beach shall between sunset and sunrise exhibit the anchor lights as prescribed for a ship of its length and tonnage by international regulations.

14. Ships to bear name or mark

Every sea going ship shall carry its name or recognition mark painted clearly in letters of at least 3 inches in height on the bow and the stern. Letters and background shall be in contrasting colours.

15. Precautions against fire

- (1) The master of a ship shall take all seamanlike precautions against the danger of fire and shall not permit any open fire on his ship.
- (2) The master of any ship moored or at anchor in the port shall ensure that there shall always be at least one man on duty on board who shall be instructed in the action to be taken in the event of fire, flooding or other emergency.

16. Fire on board

- (1) In the event of a fire on board a ship the master or his deputy shall immediately take action to control it and inform the harbourmaster who may order the ship to leave the port and may take all necessary steps to ensure that his order is immediately complied with.
- (2) The master of the ship shall be in sole charge of fire fighting operations on board.

17. Loading or unloading of dangerous cargo

The intention to load dangerous or inflammable goods shall be notified to the harbourmaster who shall order all requisite precautions to be complied with.

18. Customs control

The loading or unloading of goods for export or import shall only be carried out to or from wharves or to or from ships authorised by the Director of Customs in writing.

19. Leaking drums

- (1) No leaking drums of fuel of any nature may be left within wharf areas.
- (2) No wet copra or copra contained in wet bags shall be stored in wharf warehouses.

20. Loading and unloading of animals

No animal may be unloaded from a ship onto a wharf or be loaded onto a ship unless it is in the charge of a competent person.

21. Repairs of ship when alongside a government wharf

When alongside a wharf owned by the Government, the master of a ship shall not permit or undertake any repairs to its hull or fuel tanks or remove or dismantle its main engines.

22. Fumigation of a ship

A ship shall not be fumigated or deratised in the port without the permission of the harbourmaster who shall order any necessary precautions to be taken.

23. Unnecessary noise

- (1) Except in an emergency to attract attention, ships' sirens or whistles shall not be used in the port between the hours of 8 p.m. and 6 a.m.:
Provided that this rule shall not apply to recognised manoeuvring and bad visibility signals.
- (2) The engines of every power driven ship using the port shall be fitted with effective silencers.

24. Dumping of refuse

No fuel oil, lubricating oil, or waste oil shall be thrown or pumped overside from any ship within the port and no refuse or other matter shall be dumped overside within the port without the prior permission of the harbourmaster.

25. Expectorating

No person shall expectorate, urinate or defecate within the port except in the places provided for such purposes.

26. Waiting area

Every ship awaiting clearance from the port health authorities or the customs or carrying explosives shall anchor in the position indicated by the harbourmaster.

27. Documents required for clearance

The master of any ship seeking customs clearance shall produce the following documents –

- (a) 3 copies of the export manifest;
- (b) 3 copies of the passenger list;
- (c) 2 copies of a declaration of departure.

28. Delivery of documents to authorities

The documents referred to in paragraphs (b), (c), (d), (e), (f) and (g) of regulation 6 and in regulation 27 shall be delivered to the authorities for inclusion in the port register.

29. Hurricanes

- (1) In the event of bad weather and especially if a hurricane is reported approaching the vicinity, any ship anchored or moored in the port shall either leave the port or move to a hurricane shelter position in the port at the earliest opportunity or when ordered to do so by the harbourmaster.
- (2) No ship shall return to its original position until authorised to do so by the harbourmaster.

30. Refusal of permission to berth to damaged ship

The harbourmaster in the case of wharves owned by the Government and the owners in the case of private wharves may refuse permission to come alongside a wharf to any ship that is damaged or making water or if it is already alongside may order its immediate departure from the wharf.

31. Responsibility for damage

- (1) The master or owner of a ship shall be liable for any damage that the ship may cause to a wharf owned by the Government or private wharf or its installations.
- (2) The master of the ship shall report such damage to the harbourmaster and it shall be examined jointly by the harbourmaster and the master or in the absence of the latter, the local representative of the ship's owners, and a joint report prepared.
- (3) Any necessary repairs carried out by the Government shall be at the expense of the owners of the ship.
- (4) The harbourmaster may submit a written report in any case where the provisions of these Regulations have been contravened.