

PORTS (OPERATIONS IN PORT OF LUGANVILLE) REGULATIONS

Joint Rules 3 of 1957
Joint Rules 1 of 1960
Joint Rules 1 of 1961
Joint Rules 3 of 1962
Joint Rules 13 of 1976
Joint Rules 1 of 1977

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To regulate operations in the port of Luganville.

PART 1 – GENERAL PROVISIONS

1. Interpretation

In these Regulations unless the context otherwise requires –

“customs area” means the area defined in regulation 3;

“port” means the port of Luganville;

“passenger ship” means a vessel possessing a safety certificate for a ship carrying more than 12 passengers;

“wharf” means the Government wharf at Luganville and includes the "main wharf" and the "small ship wharf".

2. Declaration of a port

The port of Luganville is hereby declared to be a port for the purposes of the Ports Act, Cap. 26 and its limits shall be defined by reference to a line joining the following points –

- A: 15° 31' S and 167° 14' E
B: 15° 32' S and 167° 14' E
C: Point Chapuis (Black Rock Point) the North coast on the island of Aore as far as point
D: 15° 34' S and 167° 08.3' E
E: 15° 34' S and 167° 07.5' E

thence returning to point A along the South coast of the island of Espiritu Santo.

3. Delimitation of the customs area

For the purpose of section 13 of the Customs Act, Cap. 3, the unloading of goods imported from outside Vanuatu, and the loading of goods intended for export from Vanuatu shall in the port of Luganville take place at the Government wharf at Luganville which, for the purpose of this regulation, is taken as being the area enclosed on the landward and northern side by the boundary fence of the wharf area, and on its eastern, southern and western sides by an imaginary line running parallel to the earthworks of the wharf and at a distance of 50 metres therefrom on the seaward side:

Provided that the port customs officer, may, on payment of such fees and subject to such conditions as may be prescribed by regulations, authorise the loading and unloading of goods at some other place within the port of Luganville.

4. Regulations regarding vessels in the port

Except when an express order or authorisation to the contrary has been given by the harbourmaster, vessels may not heave to or anchor in the zone hereafter defined –

On the North, by a line running from a marker (No. 3) situated on the west corner of Pier 4 to the dolphin west of the wharf (No. 2), and thence by a straight line extending eastwards in line with the front edge of the wharf.

On the West, by a line running North/South defined by a marker on Santo (No. 3) and a marker on Aore (No. 4).

On the South, by a line West/East extending from Chaverot Point.

On the East, by a line running North/South defined by a marker on Santo (No. 1) and a marker on Aore (No. 5).

Markers (1) and (3) bear the words "Limit of Anchorage".

5. Waiting area

Vessels awaiting clearance from the port health authorities, carrying explosives or waiting to come alongside the main wharf shall anchor within the area enclosed by the following limits –

On the East, a line running from North to South through Clemenceau Point.

On the West, a line running from North to South through Chaverot Point.

On the North, the 5 fathom line.

On the South, a line on a bearing of 70° from a point situated 1,200 metres to the South of Chaverot Point.

6. Indication of currents and tides

- (1) The following signal flags shall be exhibited from the wharf by the harbourmaster to indicate to ships berthing at the main wharf the direction of surface currents along the face of the wharf –

Flag	Meaning
Red	Current running to the East towards Tutuba
Yellow	Current running to the West towards the Renee
Red and yellow	No appreciable current

- (2) The following signals shall be exhibited on the wharf to indicate to ships the state of the tide –

Signal	Meaning
Black cone, apex uppermost	Rising tide
Black cone, apex downmost	Falling tide
Black ball	Slack water

7. Speed in port

Whilst within the port limits, vessels shall move at a moderate speed and shall not exceed a speed of 8 knots when less than 100 metres from the wharf.

8. Right of way

Small boats, launches, and lighters used within the port limits shall give way to sea going vessels.

9. Unnecessary noise

- (1) Ships' sirens or whistles shall not be used between the hours of 8 p.m. and 6 a.m. provided that this shall not apply to recognised manoeuvring and bad visibility signals.
- (2) The engines of all motor-vessels entering the port limits shall be fitted with effective silencers.

10. Advance information of arrival

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

- (a) the expected time of arrival;
- (b) the maximum draught of the ship;
- (a) the tonnage and nature of the cargo to be unloaded;
- (b) whether there are explosives on board;
- (c) the state of health of the ship;
- (f) the state of health at the last port of call.

11. Documents for inspection

The master of a vessel coming from a place outside Vanuatu, and which anchors off Luganville or ties up at the wharf shall have available for inspection by the port authorities the following documents –

- (a) the certificate of registry of the vessel;
- (a) 6 copies of the manifest of cargo to be unloaded;
- (c) 3 copies of a list of the crew;
- (b) 3 copies of a list of the passengers;
- (c) a list of ship's stores;
- (f) 2 copies of the declaration of arrival;
- (g) a customs clearance from the last port of call;
- (h) the bill of health;
- (i) a statement of mail destined for Espiritu Santo.

12. Documents required for clearance

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

- (a) 3 copies of the export manifest;
- (b) 3 copies of a list of the passengers embarked in Vanuatu;
- (c) 2 copies of a declaration of departure.

13. Responsibility for damage

The master shall be responsible for any damage that his vessel may cause to the wharf or its installations. He 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. Any necessary repairs shall be carried out by the Government at the expense of the owners of the vessel.

14. Hurricanes

If the weather requires it and especially if a hurricane is in the vicinity, vessels in the wharf area or alongside the wharf will be expected to get under way as soon as possible and at the very latest when ordered to do so by the harbourmaster. They may not return to the wharf area without the prior authority of the harbourmaster.

15. Refusal of permission to berth to damaged vessel

The harbourmaster may refuse permission to berth at the wharf to any ship that is damaged or making water or if it is already berthed may order its immediate departure from the wharf.

16. Fire on board

In the event of a fire on board a vessel, the master or his deputy shall immediately inform the harbourmaster who may order the vessel to leave the wharf and may take all necessary steps to ensure that his order is obeyed. The master of the vessel or his deputy shall be in sole charge of fire fighting operations on board the vessel.

17. Fumigation of a vessel

A vessel may not be fumigated or deratised while at the wharf without the permission of the harbourmaster, who may order that necessary fire precautions shall be taken and that the moorings shall be strengthened.

18. Exemptions

Regulations 5, 10 and 11 shall not apply to Government-owned vessels.

PART 2 – REGULATIONS REGARDING OPERATIONS ON THE WHARF

19. Unloading of dangerous cargo

Priority shall be given to the unloading of dangerous or inflammable goods, which shall be stored in a place set aside for the purpose or, with the approval of the port customs officer, removed from the customs area at once.

20. Loading of dangerous cargo

Dangerous or inflammable goods to be loaded on a ship berthed at the wharf shall not be kept in the customs area save with the authority of the harbourmaster and at a place set aside for the purpose and shall be the last cargo loaded into the ship.

21. Leaking drums

No leaking drum of fuel may be left on the wharf.

22. Wet copra

Wet copra or copra contained in wet bags shall not be stored in the wharf warehouses.

23. Disposal of contaminated or unclaimed goods

(1) The harbourmaster may direct –

- (a) that goods that have perished and become objectionable or dangerous be destroyed at once; any necessary expenses being debited to the consignee;
- (b) that any perishable goods of which the owner cannot be traced shall be sold;
- (c) the sale 1 year after the date of deposit in the customs area of all other goods unclaimed by their owners.

(2) Any money realised from the sale of goods under subregulation (1)(b) and (c) shall be deposited with the Treasury after deduction of any unpaid wharf, storage, or customs dues and any expenses incurred by the Government in the sale.

24. Loading and unloading animals

No animal may be unloaded from a ship onto the wharf or brought into the customs area for loading on a ship unless it is in the charge of a competent person.

25. Entry of customs area by the public

No person shall have the right to enter or remain within the customs area without good reason.

26. Entry of customs area by vehicles

No vehicle other than official vehicles on duty, shall enter the customs area without the express permission of an officer of the Customs Department. While in the customs area no vehicle shall exceed a speed limit of 10 kilometres per hour.

PART 3 – REGULATIONS REGARDING THE MAIN WHARF

27. Priority of vessels at the wharf

- (1) Vessels shall berth at the main wharf in the following order of priority and any vessel already at the main wharf will be required to leave in the event of a vessel of a higher priority wishing to come alongside –
- (a) cruise vessels;
 - (b) vessels maintaining a regular scheduled service to Vanuatu from any area;
 - (c) merchant vessels loading chilled or frozen meat for export;
 - (a) other merchant vessels on a first come first served basis;
 - (b) warships.
- (2) Tankers shall have priority during the hours from sunset to sunrise except where vessels already alongside the wharf can complete operations and sail that same night.
- (3) Vessels in categories (a) and (b) in subregulation (1) shall lose their priority in the event that less than 1 month's notice is given to the harbourmaster of any change in the scheduled date of arrival, other than a change necessitated by "force majeure".
- (4) The order of priority set out above shall also be observed at the Government wharf at Port Vila.
- (5) Notwithstanding the provisions of subregulations (1) and (2), the Director of Ports and Harbour may where circumstances so require, permit a vessel to berth or remain berthed at a Government wharf even though a vessel of higher priority wishes to come alongside.

28. Priority of vessels of same category

When 2 vessels having equal priority arrive at the same time priority shall be given to the vessel that first enters the port limits.

29. Vessel ordered to make way for another

- (1) The master of a vessel required to give way under regulation 27 shall leave the wharf when instructed to do so by the harbourmaster.
- (2) The harbourmaster may instruct the master of a vessel which has completed working cargo more than 3 hours before the time fixed for its departure to give way to another vessel whatever may be its position in the order of priority.
- (3) The harbourmaster may at his discretion postpone a vessel's departure until the end of the shift being worked.

For the purpose of this regulation "shift" shall mean a period of work of 8 hours.

30. Hours of mooring and casting off

Vessels may not draw alongside the main wharf between the hours of sunset and sunrise. They may not leave the main wharf during the same period without the written authority of the harbourmaster.

31. Double berthing at the wharf

At the request of the masters of the vessels concerned the harbourmaster may authorise a vessel to moor alongside another already at the main wharf.

32. Rate of cargo handling

Weather permitting, an average loading or unloading rate of not less than 120 tons per hold for each working day shall be required of any vessel at the main wharf counting from the first full day after the vessel's coming alongside. If any other vessel is waiting, any vessel unable to achieve this average shall leave the wharf as soon as required to do so by the harbourmaster.

33. Precaution to be taken by master

During the time a vessel is at the wharf the master shall provide –

- (a) a net under each gangway;
- (b) a light at the head of each gangway, during the hours of darkness;
- (c) a net, covered where necessary by a tarpaulin, under each derrick overhanging the wharf;
- (d) an effective rat-guard on each mooring line.

34. Offence to deposit rubbish or discharge liquid on wharf

No rubbish shall be deposited on the wharf or any liquid discharged thereon, and all outlets, offal chutes and scupper holes of a vessel berthed at the wharf shall be covered on the side facing the wharf.

35. Repairs of vessels berthed at wharf

Except with the express permission of the harbourmaster, which shall not be given between 15 December and 15 April of any year, the master of a vessel berthed at the wharf shall not allow any repair or dismantling of his vessel which may immobilise it for more than 24 hours. No repairs may be carried out on the hull of a vessel or her fuel tanks without the prior authority of the harbourmaster.

36. Precaution against fire

The master of a vessel at the main wharf shall take all necessary precautions against fire and shall ensure that there is always on board the vessel at least one man on watch, that the fire fighting system is always under pressure and that at least 1 pump is always in working order.

PART 4 – REGULATIONS REGARDING THE SMALL SHIP WHARF

37. Priority at small ship wharf

The first vessel arriving in front of the small ship wharf shall have priority for coming alongside it.

38. Vessel not to go alongside while other vessel is manoeuvring at main wharf

Vessels may not draw alongside or leave the small ship wharf while any other vessel is berthing at, leaving or hauling off from the main wharf.

39. Loading or unloading to begin at once

Ships berthed at the small ship wharf during working hours shall begin loading or unloading operations forthwith. No merchandise or produce may be left on the wharf.

40. Maximum period allowed at wharf

The berthing of ships at the small ship wharf is limited to 12 working hours. Any ship having completed loading or unloading shall leave the wharf as soon as another ship arrives.

41. Repairs of vessel when alongside wharf

The master of a vessel shall not allow or undertake any repairs to its hull or fuel tanks or remove or dismantle its main engines while the vessel is berthed at the small ship wharf.

42. Precautions against fire

The master of a vessel at the small ship wharf shall take all necessary precautions against fire. He shall not allow any open fire on his vessel and shall ensure that there is at least one man on watch.