



Tuvalu

## MERCHANT SHIPPING (AMENDMENT) ACT 2012

### AN ACT TO AMEND THE MERCHANT SHIPPING ACT 1987 TO MAKE CERTAIN RETROACTIVE CORRECTIONS IN THE PROVISIONS FOR REGISTRATION OF FOREIGN VESSELS.

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [4th May, 2012]

#### 1 Short Title

This Act may be cited as the Merchant Shipping (Amendment) Act 2012.

#### 2 Commencement

This Act shall come into force on such date as the Minister may appoint by notice.

#### 3 Effective date of amendments of Cap 64A

Notwithstanding the date when this Act shall come into force, the amendments to the Merchant Shipping Act 1987 as provided by this Act shall have effect as from 5 May 2004.

#### 4 Amendment of s.8 of Cap 64A

Section 8 of the Merchant Shipping Act is amended by repealing subsection 2 in its entirety and substitute with the following:

"(2A) Where a ship, other than an exempt ship —

- (i) is manned by officers and crew, not less than a satisfactory number of which as determined by the Minister, are citizens of Tuvalu; and

- (ii) is engaged in near coastal trade, near coastal voyages or Pacific region trade; and
- (iii) is not registered in any other country; and
- (iv) in respect of which the Minister's approval for registration has been obtained;

the owner or owners of the ship may apply for registration of the ship under this Act.

- (2B) Where a ship is a foreign vessel as defined in this Act, the owner or owners of the ship may apply for registration of the ship under this Act."

**SCHEDULE****SCHEDULE 1 OF CAP 64A**

Amendment of s.1 of 5 Section 1 of Schedule 1 of the Merchant Shipping Act is amended by adding the following immediately after the definition of the phrase “fishing vessel”:

“**foreign owner**” means a person or legal entity having the legal capacity to own a ship as the Minister may by regulations prescribe who, if a person, is not a citizen of Tuvalu and if a legal entity is not established under the laws of Tuvalu; and in both instances, may not ordinarily reside or have a place of business in Tuvalu, except that an International Company incorporated under the International Companies Act may be a foreign owner.

“**foreign vessel**” means a sea-going ship of any type, class, size or weight, including any exempt ship, engaged in any kind of trade, service or international maritime activity, including a ship for leisure and recreation, owned by a foreign owner.