



MERCHANT SHIPPING (AMENDMENT) ACT, 2014

(Act 13 of 2014)

I assent

A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

28th July, 2014



AN ACT to amend the Merchant Shipping Act (Cap 127A).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the **Merchant Shipping (Amendment) Act, 2014** and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title and commencement

Amendment of
Cap 127A as
last amended by
S.I. 26 of 2004

2. The Merchant Shipping Act is hereby amended as follows—

- (a) in section 3,—
- (i) by inserting before the definition of “authorised officer” the following definition—
- “Administration” means the Seychelles Maritime Safety Administration established by section 5;”;
- (ii) by repealing the definition of “Director General” and substituting therefor the following definition—
- “Director General means the Director General of the Seychelles Maritime Safety Administration appointed under section 5;”;
- (iii) by repealing the definition of “Marine Board” and substituting therefor the following definition—
- “Marine Accident Investigation Board” means the Marine Accident Investigation Board established by section 227;”;
- (iv) by inserting after the definition of “Master” the following definition—
- “Minister means the Minister responsible for Transport;”;
- (v) by repealing the definition of “Shipping Master”;
- (b) by repealing the words “Marine Board” wherever they occur throughout in the Act and

substituting therefor the words “Marine Accident Investigation Board”;

- (c) by repealing the words “Shipping Master” wherever they occur throughout in the Act and substituting therefor the words “Director General”;
- (d) by repealing section 5 and substituting therefor the following section—

Establishment
of Seychelles
Maritime Safety
Administration

“5.(1) There shall be established a Department of Government to be called the Seychelles Maritime Safety Administration.

(2) For the purposes of administration of the Seychelles Maritime Safety Administration, the following public officers shall be appointed—

- (a) Director General of Seychelles Maritime Safety Administration, who shall exercise supervision over all matters of the administration;
- (b) Director;
- (c) Registrar of Shipping;
- (d) Registrar of Seaman;
- (e) Surveyors;
- (f) Examiners;
- (g) Receiver of wrecks;

- (h) Legal Officer;
- (i) Inspectors;
- (j) Such other officers as the Minister may determine, from time to time.

(3) The Director General may delegate the exercise of any powers or the performance of any duties conferred or imposed on him by or under this Act to such person or persons as he may think fit.

(4) Any act done by, to or before the Director, Surveyor, Examiner or Registrar of Seaman in exercise or performance of any power, right or duty conferred or imposed by this Act shall have the same effect as if done by, to or before the Director General.”;

- (e) by repealing section 9(1) and substituting therefor the following section—

“9.(1) There shall be appointed a Registrar of Shipping for the purposes of this Act.”;

- (f) by repealing section 11 and substituting therefor the following section—

Registrar of Seamen “11. There shall be appointed a Registrar of Seamen for the purposes of this Act.”;

- (g) by inserting after section 11 the following section—

Director “11A. There shall be appointed a Director for the purposes of this Act.

Examiner 11B. There shall be appointed such Examiners as may be necessary for the purposes of this Act.

Legal Officer 11C. There shall be appointed a Legal Officer for the purposes of this Act.”;

- (h) by repealing in section 130, paragraph (d) and substituting therefor the following paragraph—

“(d) the manner of appointment of Director, Registrar of Shipping, Registrar of Seamen, Examiners and Legal Officer, their remuneration and functions.”;

- (i) in section 131—

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

“(2) Subject to subsection (3), the Director General may issue in writing a dispensation permitting a specified person to serve in the specified ship in a capacity for which he does not hold the appropriate certificate:

Provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner.”;

- (ii) by repealing in subsection (3) the words “Marine Board” and substituting therefor the words “Director General”;

(iii) by repealing in subsection (4) the words “Marine Board” and substituting therefor the words “Seychelles Maritime Safety Administration”;

(j) by inserting in section 227 after subsection (1) the following subsection —

“(1A) The Marine Accident Investigation Board, in pursuance of the provisions contained in Part XIV of this Act, shall —

- (a) examine and investigate all types of marine casualties, accidents, incidents on board Seychelles flag ships worldwide;
- (b) address all complaints made by ship owners, training institutes, seafarers or International Maritime Organisation; and
- (c) any other matters provided in the Act as the Minister may order in writing.”;

Transitional provisions

3. Upon the commencement of this Act, any act done or omitted to be done by the Port and Marine Services Division or the Marine Board shall be deemed to have been done or omitted to be done by the Seychelles Maritime Safety Administration or, as the case may be, the Marine Accident Investigation Board.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 15th July, 2014.



Luisa Waye-Hive
Deputy Clerk