



Tuvalu

**MERCHANT SHIPPING (CARRIAGE OF
PASSENGERS) REGULATIONS**

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Arrangement of Regulations

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MADE UNDER SECTION 141 OF THE MERCHANT SHIPPING ACT¹

PART I - PRELIMINARY

1 Citation

These regulations may be cited as the Merchant Shipping (Carriage of Passengers) Regulations.

2 Interpretation

In these regulations, unless the contrary intention appears —

“**the Act**” means the Merchant Shipping Act²;

“**berthed passenger**” means a passenger on a ship for whose use adequate enclosed accommodation is provided in the ship;

“**ship**” means a ship of 10 metres or more in length that is carrying passengers; and

“**unberthed passenger**” means a passenger on a ship other than a berthed passenger.

“**carriage of passengers**” covers the period from the time when passengers board the ship to the time they disembark the ship.

3 Application

Unless the contrary intention appears, the provisions of these regulations apply to a ship, other than a Safety Convention ship, that is —

- (a) registered under the Act; or
- (b) engaged in near coastal trade.

PART II - MINIMUM STANDARDS FOR CARRIAGE OF PASSENGERS

4 Determination of number of passengers to be carried

- (1) The number of passengers to be carried on a ship shall not exceed the number permitted by the ship's Local Safety certificate issued under Regulation 11 of the Merchant Shipping (Safety) Regulations.
- (2) Subject to sub-regulation (1) and to these regulations, the Harbour Master may determine the number of passengers that may be carried in a specified ship or class of ship, having regard to —
 - (a) the clear deck space available for unberthed passengers under Regulation 5; and
 - (b) the construction of the ship and the trade in which she is, or is intended to be, engaged.
- (3) A determination made under sub-regulation (2) may be modified at any time by the Harbour Master, having regard to —
 - (a) the nature of a particular voyage; or
 - (b) particular weather conditions; or
 - (c) the particular cargo carried in the ship; or
 - (d) any special circumstances at a particular time which may affect the safety of passengers on the ship; or
 - (e) any situation that may warrant the modification.
- (4) Where a ship carries a greater number of passengers than is permitted by a determination made under this regulation, the owner and master of the ship shall each be liable to a fine not exceeding \$300, and in addition a fine not exceeding \$10 for each passenger in excess of the number permitted to be carried.

5 Provision of Clear Deck Space for Unberthed Passengers

- (1) In this regulation —

- (a) “clear deck space” means a space on or above the weather deck of a ship, being a space:
 - (i) which is not enclosed and on which no cargo, stores and equipment are permitted to be carried;
 - (ii) which, unless special permission is given by the Harbour Master, does not include hatchways;
 - (iii) that is not used in the navigation of the ship and the use of which would not obscure vision in the navigation of the ship; and
 - (iv) that does not include the area required to provide a fore and aft gangway having a width of one metre and
 - (b) “weather deck” means the lowest deck in the ship, all or part of which is exposed to weather and sea.
- (2) subject to these regulations, an area of not less than one square metre of clear deck space shall be provided for each unberthed passenger, provided that the Harbour Master may permit a reduction in the required space where adequate seating is provided for each passenger carried.

6 Protection of unberthed passengers

- (1) Where —
- (a) an unberthed passenger is carried on or above the weather deck of a ship; and
 - (b) the deck on which the unberthed passenger is carried is of metal construction,
- the deck on which the unberthed passenger is carried shall be sheathed.
- (2) Where deck space on or above the weather deck is allotted for the carriage of an unberthed passenger —
- (a) the deck space so allotted shall be covered with an awning of a height of not less than 2 metres; and
 - (b) side screens shall be provided where necessary so as to give adequate protection from sun and weather.
- (3) An unberthed passenger shall not, without the permission of the Harbour Master, be carried in a ship on a space over a hatchway or in an enclosed space.
- (4) Deck cargo carried on a ship shall be so secured and stowed that there is —
- (a) no danger to any unberthed passenger; and
 - (b) continued free access to the sanitary facilities on the ship.

7 Carriage of medical stores

A ship in which passengers are to be carried shall be provided with medicines and medical and surgical stores in accordance with the provisions of Regulation 27 of the Merchant Shipping (Safety) Regulations.

8 Provision of drinking water

An adequate supply of potable drinking water shall be kept readily accessible to passengers at all time while they are on board the ship.

9 Provision of toilets and wash places

- (1) Adequate toilet and washing facilities shall be provided for passengers and at least one toilet and one wash-basin shall be provided for every 50 unberthed passengers or part thereof.
- (2) The toilets shall be kept clean and free from noxious matter and odours at all times.

PART III - MISCELLANEOUS PROVISIONS**10 Obstruction of crew by passengers**

A passenger on a ship, including a Safety Convention ship, who wilfully does, or causes to be done, anything in such a manner as to —

- (a) obstruct or injure any part of the ship or of the equipment of the ship; or
- (b) obstruct, impede or molest a crewman in the performance of his duty on or about the ship,

shall be liable to a fine not exceeding \$100.

11 Miscellaneous offences by passengers

- (1) A passenger on a ship, including a Safety Convention ship, who —
 - (a) by reason of being drunk, under the influence of drugs or disorderly, has lawfully been refused admission to the ship and, having been refused admission to the ship, attempts to board the ship; or
 - (b) being drunk, under the influence of drugs, or disorderly is lawfully requested to leave the ship at any port or place at which he can conveniently do so and does not so leave the ship; or

- (c) after having been warned by the master of the ship, or by a person authorized by the master, molests any other person on the ship; or
- (d) after having been refused admission into the ship by the owner, or by the master or by a person authorized by the master by reason of there being insufficient room on the ship, attempts to board the ship; or
- (e) having gone on board a ship at any place and, having been requested by the owner or by the master or by a person authorized by the master to leave the ship because there is insufficient room on the ship, does not so leave the ship,

shall be liable to be refused admission and/or to a fine not exceeding \$100.

- (2) Any person who has been, by virtue of sub-regulation (1) refused admission, may be considered for admission on the next following trip for the unused portion of the journey.

12 Molesting other persons

A crew who molests any other person on the ship shall be liable to a fine not exceeding \$100.

13 Exemptions

The Harbour Master may, subject to such conditions as he thinks fit, exempt a ship or class of ship from compliance with any specific requirement of these regulations other than from the requirements of sub-regulation 4(4).

14 General

No liability shall be incurred by the owner for injuries sustained by passengers during the period of the carriage of passengers, unless such injuries have been sustained due to no fault of such passengers.

ENDNOTES

¹ LN 2/1991

² Cap. 48.28