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STATUTORY INSTRUMENT.

No. **5** of 2014.

Merchant Shipping (Navigational Aids Levy) Regulation 2014.

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STATUTORY INSTRUMENT.

No. of 2014.

Merchant Shipping (Navigational Aids Levy) Regulation 2014.

Being a Regulation, to repeal the *Merchant Shipping (Navigational Aids Levy) Regulation 2007* and for related purposes,

MADE by the Head of State, acting with, and in accordance with the advice of the National Executive Council under the *Merchant Shipping Act* (Chapter 242).

1. INTERPRETATION.

(1) In this regulation, unless the contrary intention appears -

“Act” means the *Merchant Shipping Act* (Chapter No. 242);

“Authority” means the National Maritime Safety Authority of Papua New Guinea established by the *National Maritime Safety Authority Act 2003*;

“contribution”, in relation to a ship, means a marine navigational aid contribution payable under Section 188 of the Act;

“contribution” and “levy” have the same meaning;

“country” means Papua New Guinea;

“collector” means a person appointed as collector under Section 7 of this Regulation

“court” means the District Courts, or the National Court of Papua New Guinea;

“domestic registered ship” means a ship that is registered in Papua New Guinea as required by Section 16 of the Act;

“dumb barge” A non self- propelled barge in tow of a tug used for the carriage of Cargo;

“exempt ship” means a ship referred to in Section 3;

“foreign registered ship” means a ship that is registered in a country other than Papua New Guinea;

“gross tonnes” is a function of the volume of all ships enclosed spaces measured to the outside of the hull framing;

“length”, in relation to a ship that is -

(a) registered under the Act or under the law of another country, means the length of the ship as recorded on the Certificate of Registry of the ship; and

(b) not registered under the Act or under the law of another country, has the same meaning as in Section 1 of the Act;

“levy” means the Navigational Aids Levy;

“place” means an area other than a port where a ship may berth or anchor;

“quarter” means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October in any year;

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“ship” means a ship that is not an exempt ship;

“voyage”, in relation to a foreign registered ship that is engaged on a coastal voyage to multiple ports or places in Papua New Guinea, means a voyage that -

- (a) commences at the time the ship enters the first port or place in the country; and
- (b) terminates at the time the ship leaves the last port or place in the country for a port or place outside the country.

2. APPLICATION.

This Regulation applies to a ship that is -

- (a) a domestic registered ship; or
- (b) a foreign registered ship calling in to a port or place in Papua New Guinea; or
- (c) a foreign registered ship engaged solely in coastal trade which has been issued with a valid Coasting Trade License, but does not include a ship that is -
 - (i) laid up; or
 - (ii) a pleasure craft; or
 - (iii) an exempt ship.

3. EXEMPT SHIP.

Where a ship -

- (a) belongs to the Defence Force or to any of the Defence Forces of any other country and is not engaged in trade; or
- (b) is, in the opinion of the Authority, of Papua New Guinea traditional build; or
- (c) having entered and left a port or place in the country to -
 - (i) disembark a person for urgent medical treatment; or
 - (ii) obtain urgently required medical treatment for a person on board; or
 - (iii) seek shelter due to stress of weather or force majeure,

the ship, for the purposes of this Regulation, is an exempt ship.

4. DUMB BARGES.

The Navigational Aids Levy shall apply to dumb barges at an approved rate determined by the authority and each dumb barge shall pay 50% of the rates specified in each category in the schedules.

5. REVIEW OF RATES.

The rates for Navigational Aids Levy shall increase by up to 10% per annum, after the first year of implementation of this Regulation coming into force and shall be subject to -

- (a) review; and
- (b) inflation; and
- (c) consumer price index increase (if any).

6. PAYMENT OF LEVY'S TO THE AUTHORITY.

The Levy shall be paid directly to the Authority's bank account through direct deposit of -

- (a) a bank cheque; or
- (b) through electronic transfer; or
- (c) other means of deposit,

agreed by the Authority.

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7. COLLECTOR.

(1) The Authority may, by notice in the National Gazette, appoint a person to be a Collector for the purposes of this Regulation.

(2) The authority may, by instrument in writing, delegate to a person all or any of his powers under this Regulation, except the power to delegate, and those powers and functions may be exercised and performed by the delegate in relation to the matters specified in the instrument.

8. IMPOSITION OF LEVY.

(1) Where, at any time during a year, a foreign registered ship to which this Regulation applies calls in a port or place in Papua New Guinea, a Navigational Aids Levy shall be imposed upon the ship on a per-voyage basis.

(2) A foreign registered ship engaged solely in coastal trade shall pay a Navigational Aids levy that is payable every quarter of a year.

(3) An annual Navigational Aids Levy is payable in respect of a ship that is registered in Papua New Guinea.

(4) The levy payable under Subsections (1), (2) and (3) shall be calculated on the amount for each gross tonne or part of a gross tonne to be rounded up to the next full gross tonne.

(5) Where a levy is payable in respect of a ship, the amount of the levy is the amount specified in the Schedule of this Regulation.

9. METHOD OF PAYMENT OF LEVY.

(1) Where the Navigational Aids Levy, in respect of a ship, becomes payable because the ship has called at a port or place in the country, the levy shall be paid before the ship leaves the port or place.

(2) Where the ship calls at -

(a) a port declared under Section 2 of the *Harbours Act* (Chapter 240), the levy payable in respect of that ship may be paid by one of the methods listed in Subsection (3) or may be paid directly to the Authority's bank account or its authorised collector; and

(b) any other place, the levy payable in respect of that ship may be paid by one of the methods listed in Subsection (3) or may be paid to the collector, who, acting as agent for the authority, shall pay the levy directly into the authority's bank account.

(3) Payment of the levy may be made -

(a) in person to the authority; or

(b) by bank cheque made in out to the authority; or

(c) by telegraphic transfer direct to the authority; or

(d) by any other means,

approved by the authority in writing.

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10. TIME OF PAYMENT OF LEVY.

(1) Where a levy is payable in respect of a ship engaged on an international voyage, the per-voyage levy, shall be paid by the owner, master or agent within 48 hours of the time of its first arrival at a port or place in Papua New Guinea.

(2) Payment of the levy shall be made prior to the vessel's departure from the first port of entry and Certificate of Clearance shall not be issued until the levy for that voyage is paid.

(3) Where a levy is payable in respect of a foreign registered ship -

(a) engaged solely in coastal trade; and

(b) that has been issued with a valid Coasting Trade Licence,

the levy shall be paid by -

(i) the agent of that ship; or

(ii) owner of that ship; or

(iii) master of that ship,

every quarter to the Authority or its authorised collector within 7 days of the commencement of each quarter.

11. LIABILITY TO PAY LEVY.

(1) The owner, master or an agent of a ship are jointly and severally liable to pay the levy that is payable in respect of that ship.

(2) The Ship's Agent or consignee who has paid an amount of levy in respect of a ship may, out of any money received on account of the ship, or belonging to the owner of it, shall not retain an amount that is not more than the levy so paid.

12. DETENTION OF SHIP.

A ship to which a levy is payable may be detained by any officer of the Authority or any Customs Officer at any port or place in Papua New Guinea until the levy is paid.

13. RECOVERY OF LEVY.

(1) The levy payable in respect of a ship may be recovered in Court by bringing proceedings against the ship, its owner, master or agent in the name of the Authority or its authorised collector.

(2) The Court may, in addition to any other power it may have to compel payment, direct that the amount unpaid be levied by distress or by the sale of the ship or the equipment of the ship, as the case requires.

14. IMPOSITION OF NAVIGATIONAL AIDS.

The Navigational aids levy to be imposed shall be per gross tonne or part of a gross tonne and shall be rounded up to the next full gross tonne of the ship as provided for in the Schedule.

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SCHEDULE.

Table 1.

Foreign-Registered ship that calls in a port or place in Papua New Guinea.

Gross Tonnage of Ship.			Levy per Gross Tonne per Voyage.		
10	-	50			K5.22
51	-	100	K 210	+	K10.44
101	-	250	K 720	+	K 9.24
251	-	500	K 2,100	+	K17.40
501	-	900	K 6,430	+	K16.24
901	-	1,500	K13,000	+	K 3.48
1,501	-	2,500	K15,000	+	K 2.78
2,501	-	3,500	K17,780	+	K 2.55
3,501	-	5,000	K20,320	+	K 2.32
5,001	-	10,000	K23,800	+	K 1.86
10,001	-	20,000	K33,100	+	K 1.16
20,001	+		K44,700	+	K 0.70

Table 2.

Foreign-Registered ship that is engaged solely in coastal trade.

Gross Tonnage of Ship.			Levy per Gross Tonne per Quarter.		
10	-	50			K5.22
51	-	100	K 210	+	K10.44
101	-	250	K 720	+	K 9.24
251	-	500	K 2,100	+	K17.40
501	-	900	K 6,430	+	K16.24
901	-	1,500	K13,000	+	K 3.48
1,501	-	2,500	K15,000	+	K 2.78
2,501	-	3,500	K17,780	+	K 2.55
3,501	-	5,000	K20,320	+	K 2.32
5,001	-	10,000	K23,800	+	K 1.86
10,001	-	20,000	K33,100	+	K 1.16
20,001	+		K44,700	+	K 0.70


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Table 3.

Domestic Registered ship.

Gross Tonnage of Ship.			Levy per Gross Tonne per Annum.		
10	-	50		K18.56	
51	-	100	K 742	+	K37.12
101	-	250	K 2,560	+	K 6.96
251	-	500	K 3,600	+	K 6.96
501	-	1,000	K 5,330	+	K 2.32
1,001	-	2,000	K 6,500	+	K 1.62
2,001	-	3,500	K 8,110	+	K 2.55
3,501	+		K12,000	+	K 1.86

MADE this 25th day of August, 2014.


GOVERNOR-GENERAL.

