

**Merchant Shipping (Tonnage Measurement) Regulation 2007**

**STATUTORY INSTRUMENT**

**No 6 of 2007**

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Being a Regulation,

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.

In this Regulation, unless the contrary intention appears—

"Act" means the Merchant Shipping Act (Chapter No. 242);

"authorised person" means a person employed by an Recognised Organisation who has delegated powers from the Authority to conduct surveys and recommend that the Authority issue and/or suspend certain certificates;

"Authority" means the National Maritime Safety Authority established by the National Maritime Safety Authority Act 2003;

"breadth", has the same meaning as in Annex 1 Regulation 2(3) of the Tonnage Convention;

"excluded spaces", has the same meaning as in Annex 1 Regulation 2(5) of the Tonnage Convention;

"foreign ship" means any ship that is not a Papua New Guinea ship; "International Tonnage Certificate (1969)" means:

(a) in relation to a Papua New Guinea ship, a document issued under Part III of the Act in accordance with Section 10; and

(b) in relation to a foreign ship, the International Tonnage Certificate referred to in Section 11;

"length", has the same meaning as in the Act;

"moulded depth", has the same meaning as in Annex 1 Regulation 2(2) of the Tonnage Convention;

"Papua New Guinea ship" means a ship that is registered under the Act and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act;

"passenger", has the same meaning as in Annex 1 Regulation 2(6) of the Tonnage Convention;

"recognised organisation" means an Organisation which has entered into a memorandum of agreement with the Authority in compliance with the International Maritime Organization Assembly Resolution A.739(18) and the Annexes thereto entitled Guidelines for the Authorisation of Organizations Acting on Behalf of the Administration, whereby that Organisation may undertake the

measurement of Papua New Guinea ships for the purpose of calculating the gross and net tonnages in accordance with the International Convention on Tonnage Measurement of Ships, 1969;

"segregated ballast oil tanker" means any oil tanker which is certified as a segregated ballast oil tanker and whose segregated ballast tanks comply with Regulation 13 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

"surveyor" means, a surveyor employed by a Recognised Organisation, or any suitably qualified person who has been appointed by the Authority under Section 57 of the Act, as a surveyor entitled to undertake the particular functions referred to in this Regulation;

"tonnage convention" means:

- (a) the International Convention on Tonnage Measurement of Ships 1969 and any Amendments or Protocols thereto; and
- (b) the Regulations annexed to that Convention and any amendments of those Regulations;

"upper deck", has the same meaning as in Annex 1 Regulation 2(1) of the Tonnage Convention.

## 2. Application.

- (1) Sections 3 to 10 inclusive apply to a Papua New Guinea ship of 24 metres or more in length that is to be registered in the Register of Ships under Section 16 of the Act.
- (2) Section 11 applies to a foreign ship of 24 metres or more in length while it is at a Papua New Guinea port or Papua New Guinea offshore terminal.

## 3. Requirement for ship to be measured for tonnage.

The owner of every ship to which this Regulation applies shall ensure that:

- (a) the ship is measured and the gross and net tonnage of the ship calculated by a surveyor:
  - (i) on completion of the initial construction of the ship; and
  - (ii) prior to registration of the ship in accordance with Part III of the Act and the Merchant Shipping (Registration) Regulation; and
  - (iii) after any alteration to the characteristics of the ship in accordance with Section 8; and
- (b) the ship has on board an International Tonnage Certificate (1969) issued in accordance with Section 10.

## 4. Determination of tonnage.

- (1) Every surveyor measuring a ship and calculating its gross and net tonnage for the purposes of these Regulations shall do so in accordance with Section 5, Section 6, and Section 8.
- (2) The owner and the master of a ship to be measured shall make the ship and all necessary facilities for the inspection and measurement available to the surveyor

(3) The owner and the master shall produce for the surveyor's use, and retention if required, such plans, drawings, specifications and other documents relating to the ship that the surveyor may require, to enable him to calculate the gross and net tonnages of the ship.

5. Gross tonnage.

The gross tonnage (GT) of a ship shall be determined by the formula contained in Annex 1 Regulation 3 of the Tonnage Convention.

6. Net tonnage.

The net tonnage (NT) of a ship shall be determined in the manner described in Annex 1 Regulation 4 of the Tonnage Convention.

7. Change of tonnage.

The owner of a ship to which this Regulation applies shall ensure that when any characteristics of the ship such as—

- (a) the arrangement; or
- (b) the construction; or
- (c) the capacity; or
- (d) the use of spaces; or
- (e) the total number of passengers the ship is permitted to carry (as indicated in the ship's passenger certificate); or
- (f) the assigned load line; or
- (g) the permitted draught,

are altered resulting in an increase in the ship's tonnage, details of the alterations are forwarded within 14 days of the completion of those alterations to the Authority to allow a surveyor of ships to re-measure the ship and calculate the new gross and net tonnages.

8. Measurement and calculation.

Every surveyor calculating the gross and net tonnages of a ship shall do so in the manner described in Annex 1 Regulations 6 and 7 of the Tonnage Convention.

9. Oil tankers with segregated ballast tanks.

When measuring a segregated ballast oil tanker as defined in Section 1 and to which this Regulation applies, the surveyor shall ensure that the segregated ballast tanks are measured separately and their tonnage is calculated in accordance with the Tonnage Convention.

10. Issue of certificates.

(1) If the owner of a ship to which this Regulation applies makes an application for a International Tonnage Certificate (1969) in respect of the ship, and the Authority is satisfied that a surveyor has measured the ship and calculated the gross and net tonnages in accordance with the requirements of this Regulation, the Authority shall issue an International Tonnage Certificate (1969) in respect of the ship, in the form shown in the Schedule to this Regulation.

(2) Subject to Section 10(3)(b), when there is a decrease in the net tonnage of a ship to which this Regulation applies due to—

- (a) an alteration in the characteristics of the ship; or
- (b) an alteration to the load line because of a change in trade,

a new International Tonnage Certificate (1969) shall not be issued by the Authority to the ship until twelve months after the date of issue of the ship's current International Tonnage Certificate (1969).

(3) The Authority may issue a new International Tonnage Certificate (1969) to a ship to which Section 10(2) applies within 12 months of the date of issue of the current International Tonnage Certificate (1969), if—

- (a) the ship is transferred to the Papua New Guinea flag; or
- (b) the ship undergoes alterations or modifications considered by the Authority to be major changes.

#### 11. Port State control.

(1) Subject to Section 11(2), the Authority may inspect a ship flying the flag of a State Party to the Tonnage Convention when at a Papua New Guinea port or Papua New Guinea offshore terminal to verify—

- (a) that the ship has a valid International Tonnage Certificate (1969); and
- (b) the main characteristics of the ship correspond to the data given in the certificate.

(2) In no case shall the inspection authorised by Section 11 (1) cause any delay to the ship. If the inspection reveals that the main characteristics of the ship differ from those on the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the Authority shall inform, without delay, the Government of the State whose flag the ship is flying.

#### SCHEDULE.

Form of International Tonnage Certificate (1969).

INTERNATIONAL TONNAGE CERTIFICATE.

(Official seal of Papua New Guinea) (State)

Issued under the provisions of the

INTERNATIONAL CONVENTION ON

TONNAGE MEASUREMENT OF SHIPS, 1969

under the authority of

The Government of Papua New Guinea (name of the State)

by the National Maritime Safety Authority

(full official designation of the organization recognised under the provisions of the International Convention on Tonnage Measurement of Ships, 1969)

Name of Ship    Call Sign            Port of Registry    Date

...            ...            ...            ...

\*Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(6)),

or date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b)), as appropriate.

MAIN DIMENSIONS

Length    Breadth    Moulded Depth amidships

to Upper Deck

...            ...            ...

THE TONNAGES OF THE SHIP ARE

GROSS TONNAGE            ...

NET TONNAGE            ...

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Issued at ...

Date of issue ... Signature of authorised ...

Official Seal

official issuing certificate (Print name)

SPACES INCLUDED IN TONNAGE

GROSS TONNAGE            NET TONNAGE

Name of            Location            Length    Name of            Location            Length

Space                            Space

...            ...            ...            ...            ...            ...

NUMBER OF PASSENGERS

Number of Passengers in cabins

with not more than 8 berths

....

Number of other passengers

....

EXCLUDED SPACES

MOULDED DRAUGHT

An asterisk(\*) should be added to those

spaces listed

above which comprise both enclosed and

excluded spaces

Date and place of original measurement . . . .

Date and place of last previous measurement . . . .

REMARKS

Migration (Fees) Regulation (Chapter 16)