

[Legal Notice No. 67]

**MARITIME SAFETY ADMINISTRATION (RESEARCH VESSELS)
REGULATIONS 2010**

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MARITIME SAFETY ADMINISTRATION ACT 2009
(No.8 of 2009)

**MARITIME SAFETY ADMINISTRATION (RESEARCH VESSELS)
REGULATIONS 2010**

IN exercise of the powers conferred upon the Minister by sections 7(1)(i) and 29 of the Maritime Safety Administration Act 2009, the Minister makes these Regulations --

PART 1 - PRELIMINARY

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Maritime Safety Administration (Research Vessels) Regulations 2010. |
| Interpretation | <p>2. (1) In these Regulations, unless the contrary intention appears --</p> <p>“the Act” means the Maritime Safety Administration Act 2009;</p> <p>“the Administration” means the Solomon Islands Maritime Safety Administration established under the Act;</p> <p>“Director” means the Director of Marine;</p> <p>“maritime conventions” includes all international maritime conventions applicable in Solomon Islands by reason of any Act, regulations or rule of international law;</p> <p>“research permit” means a permit granted under the Research Act [Cap.152]; and</p> <p>“Solomon Islands waters” includes the territorial waters, the exclusive economic zone and the continental shelf as defined in the Delimitation of Marine Waters Act [Cap. 95].</p> <p>(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998, unless a contrary intention appears.</p> |

**PART 2 – APPROVALS FOR VESSELS TO UNDERTAKE
RESEARCH**

3. (1) No vessel may be used in Solomon Islands waters for the purposes of carrying out research of any nature unless approval for the vessel and its proposed operations have been given by the Administration in accordance with these Regulations. Approvals for research activities

(2) Subject to regulation 6, any approval given under these Regulations is subject to the grant of a research permit for the relevant research activities, and no rights are conferred by reason of the grant of an approval under these Regulations until such time as a research permit is granted.

(3) The Minister may exempt a vessel from the requirements of these Regulations on the grounds that –

- (a) the proposed activities of the vessel are in the nature only of delivering supplies or materials to an approved researcher; or
- (b) the vessel has been retained by the government to undertake research on behalf of the government.

4. (1) The master or owner of any vessel which is intended to be used to carry out research of any nature within Solomon Islands waters must submit an application to the Director for approval in accordance with these Regulations. Requirements for applications for approval

(2) All applications under this regulation must –

- (a) be made on a form approved for that purpose by the Director; and
- (b) include a copy of the relevant application made under section 3 of the Research Act (Cap. 152) for the grant of a research permit.

- (3) A non-refundable application fee of US\$1,000 is payable at the time of making the application.
- (4) Each application must be accompanied by certified copies of the following documents relating to the vessel to be used –
- (a) the Certificate of Registry;
 - (b) all other certificates showing compliance with applicable international conventions;
 - (c) all current insurance policies applying to the vessel; and
 - (d) the current International Oil Pollution Prevention Certificate; and
 - (e) a copy of the vessel's oil spill response plan.
- (5) A Voyage Plan must be submitted in support of an application which gives particulars of –
- (a) the objectives of the research;
 - (b) all operational aspects of the voyage and the research activities;
 - (c) all equipment to be utilised in the research activities;
 - (d) any proposed object, material or organism intended to be collected or taken during the research activities; and
 - (e) any other matter required by the Director

(6) The approval application form shall require the applicant to certify that the vessel and the vessel's operations comply with –

- (a) the requirements of the STCW Convention;
- (b) international best practice in relation to marine pollution prevention and response;
- (c) the published research vessel safety standards of the University National Oceanographic Laboratory Systems (UNOLS), or their equivalent.

(7) Evidence of consents from provincial governments in the areas where the research is intended to be carried out, and of landowners likely to be affected by the research activities must be provided to the satisfaction of the Director.

(8) The Director may request that any additional information be provided in support of an application, and that the applicant verify any matter stated in an application, or the supporting documents relating to an application.

5. (1) The Director may grant an application and issue an approval in writing. Grant of Approval

(2) When approving an application under these Regulations the Director may impose any conditions that relate to –

- (a) safety of the vessel;
- (b) the employment and welfare of the vessel's crew;
- (c) protection of maritime infrastructure and the marine environment;

- (d) protection of the rights and interests of landowners and communities in the vicinity of marine areas, and of other persons undertaking lawful activities in such areas; and
 - (e) any other matter of compliance with maritime laws and applicable maritime conventions.
- (3) It is a condition of every approval given under these Regulations that the approved researcher must –
- (a) report to the Director in accordance with sub-regulation (4);
 - (b) permit a representative of the Administration to accompany a research voyage if required by the Director, and pay the costs of that representative as determined by the Director.
- (4) Reports required under sub-regulation (3) must –
- (a) be submitted at the completion of the research voyage, and at such other intervals, or upon such events, as the Director may require at any time; and
 - (b) contain such information as the Director may require.
- (5) All conditions applying to an approval given under these Regulations shall be deemed to be conditions applying to any research permit to which the approval relates.

6. (1) Any vessel intending to undertake scientific research of any nature must make application for approval under these Regulations even if it is determined that a research permit is not required under the Research Act [Cap. 152] in relation to the proposed research activities.

Approvals
where research
permit is not
required

(2) In any case to which sub-regulation (1) applies, the approval given under these Regulations shall be effective to permit the research to be undertaken in accordance with the terms of the approval, and any conditions applied to it by the Director.

7. (1) All vessels which are approved under regulation 5 must pay the monitoring fees specified in the Schedule.

Monitoring
fees

(2) The Director may determine the nature of the research activity undertaken by an approved vessel for the purposes of applying the monitoring fees prescribed in the Schedule.

(3) The Minister may exempt an approved research vessel from payment of monitoring fees if the vessel has been retained by the government to undertake the research, or if the nature of the research is beneficial to the government.

PART 3 - MISCELLANEOUS

8. (1) The owner or master of any vessel who permits the vessel to participate in research in Solomon Islands –

Offences
against these
Regulations

(a) without an approval or exemption given under these Regulations; or

(b) in breach of any term of an approval or any condition applying to an approval

commits an offence and shall be liable upon conviction to a fine not exceeding 200 penalty units.

(2) Any person who arranges for a vessel to participate in research in Solomon Islands –

- (a) without an approval or exemption given under these Regulations; or
- (b) in breach of any term of an approval or any condition applying to an approval –

commits an offence and shall be liable upon conviction to a fine not exceeding 150 penalty units.

(3) Any person who provides false or misleading information –

- (a) in any application made under these Regulations;
- (b) when required to provide a report; or
- (c) when otherwise required to provide information under these Regulations –

commits an offence and shall be liable upon conviction a fine not exceeding 100 penalty units.

Review of
fees

9. (1) All fees prescribed under these Regulations shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.

(2) When fees are increased in accordance with sub-regulation (1), the Director may publish a list of revised fees to be displayed at the offices of the Administration and to be otherwise notified and circulated as the Director determines.

10. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands. Compliance with other laws

SCHEDULE

(Regulation 7(1))

MONITORING FEES

Activity classification	Monitoring fee (US\$)
Minerals	250 per month or part thereof
Oil & gas	250 per month or part thereof
Fisheries and marine resources	150 per month or part thereof
Forestry and associated activities	150 per month or part thereof
Agricultural and associated activities	150 per month or part thereof
Aquaculture	150 per month or part thereof
Oceanography	100 per month or part thereof
Hydrograph	100 per month or part thereof
Tourism	50 per month or part thereof
Other	150 per month or part thereof

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU
Minister for Infrastructure Development