



## REPUBLIC OF VANUATU

### MARITIME ACT [CAP 131]

#### Passenger Vessel Safety Rules No. 1 of 2025

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**REPUBLIC OF VANUATU**  
**MARITIME ACT [CAP 131]**

**Passenger Vessel Safety**  
**Rules No. 1 of 2025**

In exercise of the powers conferred on me by sections 49A and 49B of the Maritime Act [CAP 131], I, Saade MAKHLOUF, the Maritime Administrator, make the following Rule.

**PART 1     PRELIMINARY MATTERS**

**1       Interpretation**

In this Rule, unless the contrary intention appears:

**Act** means the Maritime Act [CAP 131];

**Authority** means:

- (a) the Vanuatu Maritime Safety Authority established under the Vanuatu Maritime Safety Authority Act No. 26 of 2016; or
- (b) another authority authorised under the Act to oversee maritime regulation and enforcement;

**ILO** means International Labour Organization;

**IMO** means International Maritime Organization;

**ISM** means International Safety Management;

**passenger vessel** means any vessel carrying more than 12 passengers primarily for leisure or on international voyage and includes a passenger vessel operating on international routes and offering overnight accommodations, but excludes a domestic ferry and vessel engaged solely in domestic voyage;

**SOLAS** means the International Convention for the Safety of Life at Sea, 1974, including its mandatory Codes such as the ISM Code for safety management and the ISPS Code for security;

**STCW** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978;

**Athens Convention** means the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea 1974;

**MARPOL** means the International Convention for the Prevention of Pollution from Ships, 1973/1978;

**MLC** means Maritime Labour Convention;

**International Conventions** refers to all applicable IMO conventions and instruments to which Vanuatu is party;

**Recognized Organization** means a classification society or other entity authorized by the Authority or Maritime Administrator to conduct surveys, audits, and issue certificates on behalf of Vanuatu, in accordance with international guidelines;

**Gross Tonnage** has the same meaning as in the International Convention on Tonnage Measurement of Ships, and is used for determining fees and tonnage taxes;

**Passenger** means any person on board a vessel but does not include:

- (a) the Master and crew of the vessel; and
- (b) any persons employed or engaged on the vessel in any capacity; and
- (c) a child under the age of 1 year.

## **2 Application**

- (1) This Rule applies to a Vanuatu flag passenger vessel registered under the Registry and are operating on international voyages.
- (2) To avoid doubt, this Rule does not apply to the following:

- (a) a passenger vessel engaged in domestic voyage within the Vanuatu waters; and
- (b) a warship, a naval auxiliary or a troopship.

### **3 Exemption from certain provisions of this Rule**

- (1) The Authority or the Maritime Administrator may in writing, exempt any of the following vessel to comply with this Rule if the Authority or the Maritime Administrator is satisfied that the safety of the vessel is maintained and there is no violation of Vanuatu's international obligation:
  - (a) a small passenger vessel below a certain gross tonnage or passenger capacity threshold, such as vessels carrying not more than 12 passengers; and
  - (b) a vessel engaged in special services such as non-commercial or expeditions.
- (2) The Authority or the Maritime Administrator in exempting a vessel under subclause (1), must exempt the vessel with conditions to ensure safety and protection of the environment.

## **PART 2      REGISTRATION OF PASSENGER VESSEL AND OWNER INCENTIVES**

### **4      Eligibility for registration on the Registry**

- (1) A passenger vessel may be registered in Vanuatu Registry regardless:
  - (a) of the nationality and residency of its owners or crew members; or
  - (b) of its domestic or foreign status.
- (2) Despite subclause (1), the owners of a passenger vessel must satisfy any due diligence checks required by the Maritime Administrator, including providing proof of ownership, evidence of good standing, and compliance with any sanctions, security or transparency requirements.

### **5      Condition of pre-registration survey**

- (1) A passenger vessel operating more than 20 years and intends to be registered to the Registry, must undergo a pre-registration condition survey by a Recognized Organization or an authorized inspector at the time of its registration.
- (2) Despite subclause (1), the Maritime Administrator may exempt a passenger vessel to undergo a pre-registration condition survey based on the vessel's recent satisfactory inspection records.
- (3) A passenger vessel operating less than 20 years and possess a valid SOLAS safety certificates and other required certificates from an IMO "white list" flag State that intends to be registered to the Registry, must be registered without additional initial survey.
- (4) The Maritime Administrator may require an inspection of any vessel when there is reasonable doubt about its condition or safety, regardless of the years of its operations.

### **6      Provisional registration**

- (1) For the purposes of formalizing the registration of a passenger vessel into the Registry, the Maritime Administrator may issue a Provisional Certificate of Registry for up to 6 months if the vessel provides to the Maritime Administrator the following:
  - (a) the proof of ownership; and

- (b) the consent or certificate of deletion from previous registry; and
  - (c) the class confirmation; and
  - (d) the application forms.
- (2) The owner of the passenger vessel must complete the following remaining formalities during the provisional registration:
  - (a) marking the vessel; and
  - (b) submitting original or authenticated documents; and
  - (c) obtaining all required Vanuatu-issued statutory certificates.
- (3) The provisional registration may be extended only once for a period of up to 6 months if it is necessary to complete the remaining formalities of registration of the vessel to the Registry.

## **7 Permanent registration**

- (1) The Maritime Administrator must register a passenger vessel by issuing the permanent certificate of registration if the passenger vessel complies with all the requirement of registration.
- (2) The certificate issued under subclause (1) may be issued electronically.

## **8 Competitive fee structure**

The Maritime Administrator is to maintain the competitive registration fees, tonnage taxes and provide incentives to attract passenger vessel owners to remain registered within the Registry. The fees and incentives include:

- (a) registration fees, which the Maritime Administrator is to determine and publish the registration fees, tonnage taxes, and administrative charges applicable to passenger vessels. The registration fee is to be calculated per gross tonnage to ensure it is affordable for large passenger vessels.
- (b) The Maritime Administrator may:
  - (i) reduce registration fees for newly constructed vessels registered to the Registry; and



- (ii) offer discount fees if an owner register to the Registry multiple passenger vessels under a single owner; and
- (iii) offer discounts or incentives to passenger vessel that:
  - (A) demonstrated exceptional environmental performance; or
  - (B) belong to a recognized international fleet; or
  - (C) support the strategic objectives and growth of the Registry.
- (c) The Maritime Administrator may at his or her discretion:
  - (i) waive the registration fees for the first year; or
  - (ii) apply preferential fee terms,

for a passenger vessel if the Maritime Administrator considered that it is strategically significant to the Registry. The discretion is exercised if the owner of the vessel provides a formal commitment to maintain the vessel's registration under the Vanuatu flag for a continuous period of over 5 years.
- (d) the Maritime Administrator is to determine the tonnage tax rate for passenger vessels lower than the tonnage tax rate of Vanuatu traditional flag vessels.
- (e) The Maritime Administrator is to determine the annual registration maintenance fee and an annual inspection fee as well as may grant a passenger vessel a rebate on the following year's fees if he or she is satisfied that the passenger vessel maintains high standard and good safety record.
- (f) Vanuatu imposes no income tax, corporate tax or withholding tax on income derived from operating a Vanuatu-flagged vessel. The Vanuatu registered vessels are tax free within Vanuatu's jurisdiction.
- (g) The Maritime Administrator may authorize flexible payment plans for large registration of passenger vessel and tonnage tax obligations for a passenger vessel. The payments made may be made in any currency and may be made through an online payment system.

## **9 Flexible crew and ownership requirements**

- (1) A crew of any nationality may serve on board a passenger vessel if he or she hold a valid professional certification acceptable to Vanuatu and in conformity with STCW standards.
- (2) A company owning a passenger vessel is not required to establish an office in Vanuatu.

## **10 Streamlined documentation**

- (1) The VISR designed standardized electronic forms to be used for all applications, including application to register a passenger vessel by the owner of the vessel.
- (2) To avoid doubt, other electronic copies of required documents such as the Bills of sale, previous registry deletion certificates and class certificates with electronic signatures can be submitted and accepted electronically.

## **11 Mortgages and security interests**

The Maritime Administrator is to provide in the Registry a modern and user-friendly system for recording passenger vessel mortgages and other matters.

## **12 Quality control on registration**

The Authority and the Maritime Administrator may:

- (a) refuse or cancel the registration of a passenger vessel if the Authority or the Maritime Administrator is satisfied that the passenger vessel is operated or owned by a person with a record of serious non-compliance; and
- (b) require a passenger vessel to rectify any deficiency or undergo further inspection before being registered into the registry.

## **PART 3 SAFETY STANDARDS AND EQUIPMENT**

### **13 SOLAS Compliance**

The owner and the Master of a passenger vessel must ensure that:

- (a) the passenger vessel at all times holds valid SOLAS certificates appropriate to a passenger ship such as:
  - (i) the Passenger Ship Safety Certificate; and
  - (ii) Safety Equipment Certificate; and
  - (iii) Safety Radio Certificate; and
  - (iv) Safety Management Certificate-ISM Code; and
  - (v) Ship Security Certificate-ISPS Code; and
- (b) the vessel is operated in accordance with the conditions of all the certificates under paragraph (a); and
- (c) the vessel complies with the following SOLAS requirement:
  - (i) vessel construction; and
  - (ii) vessel stability; and
  - (iii) vessel subdivision; and
  - (iv) vessel fire safety; and
  - (v) vessel life-saving appliances; and
  - (vi) vessel navigation and radio communications; and
  - (vii) vessel safety management; and
  - (viii) vessel security measures.

## **14 Vessel life-saving appliances**

- (1) The owner and the Master of a passenger vessel must ensure that:
- (a) there is onboard the vessel life-saving appliances and equipment as required by SOLAS Chapter III and the International Life-Saving Appliance (LSA) Code; and
  - (b) there is onboard the vessel enough lifeboats and life rafts to accommodate at least 100% of the total persons on board on each side of the vessel, with additional survival craft capacity as required; and
  - (c) there is onboard the vessel enough lifejacket for every passenger and every crew member, with additional spare lifejacket, and additional infant lifejackets for children; and
  - (d) there is emergency lighting and illuminated exit markings installed throughout passenger areas to guide passengers to assemble stations and embarkation stations in darkness.
- (2) The Maritime Administrator or an organization authorised by the Maritime Administrator may conduct inspection on a passenger vessel to ensure that the vessel comply with the requirements under subclause (1).

## **15 Fire safety**

The owner and the Master of a passenger vessel must ensure that:

- (a) the vessel complies with SOLAS Chapter II-2 and the associated Fire Safety Systems (FSS) Code concerning fire prevention, detection, and firefighting; and
- (b) the vessel is equipped with an automatic fire detection and alarm system covering all accommodation and machinery spaces; and
- (c) there is enough portable fire extinguishers; and
- (d) there is onboard appropriate firefighting installations such as sprinklers, water mist systems, fixed gas/CO<sub>2</sub> systems in machinery spaces; and
- (e) there is onboard an up-to-date fire control plan; and
- (f) fire drill is conducted monthly for the crew members; and

- (g) the material used in construction and outfitting of accommodation, public space, galleys, laundries, engine rooms onboard meets the low flame-spread and fire resistance requirements specified under the SOLAS; and
- (h) the vessel is equipped with fire suppression system.

## **16 Navigation and radio safety**

The owner and the Master of a passenger vessel must ensure that:

- (a) the vessel is fitted with modern navigation equipment as required by SOLAS Chapter V, including, if applicable:
  - (i) an Electronic Chart Display; and
  - (ii) Information System (ECDIS); and
  - (iii) GNSS receivers, GPS or similar radar; and
  - (iv) Automatic Identification System (AIS); and
  - (v) echo-sounder; and
  - (vi) gyrocompass; and
  - (vii) speed log; and
  - (viii) other instruments for safe navigation; and
- (b) there is onboard the vessel, a backup system or component that can take over if the primary system of the vessel malfunction; and
- (c) there is onboard the vessel, radio-communication equipment as specified under the SOLAS Chapter IV (GMDSS) requirements for its sea area of operation such as Sea Area A1, A2, A3, or A4); and
- (d) there is up to date navigational chart and publication in paper or electronic form covering the intended voyage area; and
- (e) safe navigation practice is followed at all times; and
- (f) the vessel complies with the International Regulations for Preventing Collisions at Sea and any mandatory ship routing or reporting systems.

**17 Safety management and emergency drills**

- (1) The owner and the Master of a passenger vessel must ensure that:
  - (a) a Safety Management System is implemented in the vessel in accordance with the IMO's International Safety Management Code; and
  - (b) there is onboard, the ISM certified Document of Compliance for the company and Safety Management Certificate for the vessel; and
  - (c) the Safety Management System address the special risks and emergency procedures; and
  - (d) the emergency drill is conducted regularly; and
  - (e) the fire and abandon-ship drills are conducted monthly for the crew members; and
  - (f) a muster drill and safety briefing is conducted for all embarking passengers before or immediately upon departure at the start of a voyage within 24 hours of embarkation; and
  - (g) all the crew members are trained in crowd management techniques to assist passengers during emergencies; and
  - (h) all drill and safety trainings is recorded in the ship's log or drill record book for verification by inspectors.
- (2) The muster drill conducted under paragraph (1)(a) must:
  - (a) inform the passengers on the general emergency alarm; and
  - (b) inform the passengers on the actions to take in an emergency; and
  - (c) inform the passengers on the location of lifejacket and how to use the lifejacket; and
  - (d) inform the passengers on the muster station assignment and evacuation routes.

## **18 Emergency and crisis management plan**

- (1) The owner and the Master of a passenger vessel must prepare and maintain a written Crisis Management and Emergency Response Plan for the vessel and ensure that the emergency plan:
  - (a) address a range of emergency scenarios such as fire, flooding, loss of propulsion or steering, onboard medical outbreaks, terrorist or security threats, and scenarios requiring evacuation of the ship; and
  - (b) assign specific duties to crew members including procedures for passenger care and accounting during emergencies such as muster lists, headcounts, passenger information; and
  - (c) provide for coordination with shore-side resources such as the company's emergency response team and relevant authorities such as Rescue Coordination Centre.
- (2) The Maritime Administrator may require the owner or the Master of a passenger vessel to submit the emergency plan for review or to demonstrate its effectiveness through drills.
- (3) The emergency plan may be regularly tested by drills or table-top exercises and updated as necessary.
- (4) The emergency plan must conform to SOLAS guidelines for passenger ship emergency preparedness.

## **19 Stability and weather safety**

- (1) The owner and the Master of a passenger vessel must:
  - (a) ensure that the vessel's stability is always maintained within safe limits, in accordance with the ship's approved stability information especially before departing port, and whenever there are significant changes in cargo, fuel, water, or passenger load; and
  - (b) for voyages in an area prone to heavy weather such as cyclone or hurricane regions – ensure that the vessel comply with the IMO Intact Stability Code requirements for severe weather; and
  - (c) ensure that there is onboard the vessel, adequate weather monitoring equipment and receive up-to-date weather forecasts.

- (2) The Master of a passenger vessel must change the course, adjust the speed, or delay the voyage of the vessel to avoid the storm if a tropical cyclone, hurricane, or other severe storm is forecast along the ship's intended route.
- (3) The Master of a passenger vessel under subclause (2) must:
  - (a) record the change of the intended route: and
  - (b) inform the owner of the vessel of the change of the intended route; and
  - (c) inform the Maritime Authority of the change of the intended route.

**20 Additional safety measures**

- (1) The Maritime Administrator may, by notice or marine circular, prescribe additional safety measure or standard for a passenger vessel.
- (2) The Maritime Administrator must consider new technologies or lessons learned from maritime incidents when prescribing a notice or maritime circular under subclause (1).
- (3) A passenger vessel may implement safety measures beyond the minimum safety requirement to ensure the highest level of safety for passengers and crew members.



## **PART 4 ENVIRONMENT PROTECTION AND COMPLIANCE**

### **21 Marpol compliance**

The owner and the Master of a passenger vessel must ensure that the passenger vessel comply with the provisions of the MARPOL 73/78 Convention and its Annexes I through VI.

### **22 Oil pollution**

(1) The owner and the Master of a passenger vessel must:

- (a) ensure that the vessel is fitted with required pollution prevention equipment such as oily water separators; and
- (b) maintain an Oil Record Book; and
- (c) comply with the strict limit on discharge of oil or oily mixture; and
- (d) ensure that no oily waste such as bilge water and sludge is discharged at sea except in full compliance with MARPOL requirements in the following manner:
  - (i) through an oily water separators producing effluent <15 ppm oil content; or
  - (ii) discharged during the voyage and not in restricted areas, or retained for proper disposal ashore; and
- (e) have onboard an approved Shipboard Oil Pollution Emergency Plan.

### **23 Noxious liquid substances**

The owner and the Master of a passenger vessel must ensure that a passenger vessel comply with all carriage, documentation, and discharge requirements of the Annex II of the MARPOL if the vessel is transporting in bulk form, any liquid substances categorized under the Annex II MARPOL.

### **24 Harmful substances in packaged form**

The owner and the Master of a passenger vessel must ensure that the passenger vessel comply with Annex III of the MARPOL in relation to the following:

- (a) proper packaging; and
- (b) marking; and
- (c) labeling; and
- (d) documentation; and
- (e) stowage; and
- (f) any necessary precautions to prevent or contain pollution in the event of spillage,

if the vessel is transporting any harmful substance as stores or packaged goods such as certain cleaning chemicals or pool treatment chemicals that fall under International Maritime Dangerous Goods Code hazardous materials.

## **25 Sewage**

- (1) The owner and the Master of a passenger vessel must:
  - (a) ensure that the passenger vessel is equipped with an approved sewage treatment plant or sewage holding tank that comply with the standards of MARPOL Annex IV; and
  - (b) if required by Annex IV - ensure that the passenger vessel carry onboard the international Sewage Pollution Prevention Certificate; and
  - (c) use port reception facilities to offload the sewage of the vessel; and
  - (d) not discharge the untreated sewage of the vessel into the sea; and
  - (e) discharge the treated sewage of the vessel at a port only if the port has the IMO-approved sewage treatment system that meets the effluent standards; and
  - (f) have onboard a Garbage Management Plan and a designated Garbage Management Officer; and
  - (g) ensure that the garbage is collected, sorted into such categories as plastics, food waste, paper and glass and processed or stored

onboard the vessel in accordance with the requirements of Annex V of the MARPOL; and

- (h) not discharge into the sea any other type of garbage prohibited by Annex V; and
  - (i) record all overboard discharges or incineration of garbage in the Garbage Record Book; and
  - (j) ensure that the shipboard incinerator onboard the vessel is approved by IMO and operated in accordance with the guidelines of Annex V.
- (2) Despite paragraph (1)(d), the owner and the Master of a passenger vessel may discharge untreated sewage of the vessel into the sea at a distance greater than 12 nautical miles from the nearest land.
- (3) Despite paragraph (1)(h), the owner and the Master of a passenger vessel may discharge any food waste into the sea in compliance with distance restrictions such as >12 nm from land, or >3 nm if comminuted/ground and the vessel is on its voyage.

## **26 Air pollution**

The owner and the Master of a passenger vessel must:

- (a) ensure that the vessel use fuel oil that meets the global and applicable regional Economic Control Area – Emission Control Area sulfur limits under Annex VI of the MARPOL; and
- (b) ensure that the vessels' engine and boiler comply with NO<sub>x</sub> emission standards and have onboard the required EIAPP certificates; and
- (c) manage the Ozone-depleting substances such as certain refrigerants to prevent intentional release; and
- (d) maintain and decommissioned fire-extinguishing systems using ozone depleting substances requirements in line with Annex VI; and
- (e) ensure that there is onboard valid International Air Pollution Prevention Certificate; and
- (f) if required - ensure that there is onboard an Engine International Air Pollution Prevention certificate for each engine; and

- (g) ensure that the vessel participate in fuel consumption data collection scheme such as IMO Data Collection System; and
- (h) report annual fuel usage and other data to the Maritime Administrator for onward reporting to IMO as part of greenhouse gas monitoring.

## **27 Ballast water**

- (1) The owner and the Master of a passenger vessel must:
  - (a) ensure that the passenger vessel use ballast water in accordance with the Ballast Water Management Convention; and
  - (b) ensure that there is onboard the vessel the approved Ballast Water Management Plan, a valid International Ballast Water Management Certificate and the ballast water record book; and
  - (c) ensure that ballast water exchange and ballast water treatment procedure is conducted in accordance with the Ballast Water Management Convention to prevent the transfer of invasive aquatic species.
- (2) The Maritime Administrator may accept a vessel to use ballast water treatment system as approved by other recognized flag States or Recognized Organizations in accordance with IMO guidelines.

## **28 Environmental management**

- (1) The owner and the Master of a passenger vessel must implement operational procedures to minimize environmental impact through the following:
  - (a) ensuring crew member is trained in pollution prevention and response; and
  - (b) maintaining spill response kits on board for minor spill; and
  - (c) fostering a zero discharge culture such as no garbage or plastic thrown overboard.
- (2) The Maritime Administrator may request the owner or the Master of a passenger vessel:
  - (a) to provide evidence of environmental management practice; or

- (b) to integrate certain environmental protection measures into the ship's Safety Management System.
- (3) The owner and the Master of a passenger vessel:
  - (a) may use onboard the vessel innovative technology for waste reduction, recycling and energy efficiency; and
  - (b) may install onboard the vessel advanced wastewater treatment systems; and
  - (c) that ensure that the vessel achieves significant fuel efficiency improvement such as the reduced fees for green ships.
- (4) A passenger vessel that comply with subclause (3) may be eligible for incentives.

## **29 Prohibited discharges in Vanuatu waters**

- (1) The owner and the Master of a passenger vessel:
  - (a) must ensure that no garbage or sewage may be discharged from a ship while in port, in Vanuatu's internal waters, or within 12 nautical miles of the nearest land in Vanuatu; and
  - (b) must ensure that all garbage generated on board when the passenger vessel is in Vanuatu waters must be retained on board and disposed of at port reception facility or outside Vanuatu waters in accordance with MARPOL; and
  - (c) must ensure that bunkering operation in Vanuatu ports must be carry out in accordance with necessary pollution prevention requirements; and
  - (d) must report immediately to the local port authority and the Maritime Administrator a spill or accidental discharge of oil or fuel in port or coastal waters.
- (2) Despite the allowances of MARPOL, stricter national rules apply in Vanuatu's territorial water which is 12 nautical miles from baselines and internal waters.

- (3) The owner and the Master of a passenger vessel who breaches subclause (2) may be liable to a fine imposed by a Regulation, an Act or MARPOL.

### **30 Bunkering and fuel quality**

- (1) The owner and the Master of a passenger vessel must:
- (a) maintain bunker delivery notes and fuel samples for each bunkering in accordance with MARPOL Annex VI and kept on board for at least 3 years for notes, and 1 year for samples; and
  - (c) ensure that the vessel use compliant low-sulfur fuel or equivalent measures like scrubbers; and
  - (d) notify the Maritime Administrator and any competent authority of the next port of call via a Fuel Oil Non-Availability Report as required by Annex VI requirements if the vessel, despite best efforts, cannot obtain compliant fuel at a port.
- (2) The Maritime Administrator or an inspector may request to review bunker delivery notes or test fuel samples to verify compliance with sulfur content limits.
- (3) Despite paragraph (1)(d), repeated instances of non-compliance due to unavailability of fuel will not be accepted by the Maritime Administrator and the vessel must continue its intended voyage and manage its fuel.

### **31 Vessel recycling**

- (1) The owner and the Master of a passenger vessel must comply with the IMO's guidelines for recycling the vessel.
- (2) The owner of a passenger vessel may maintain an updated Inventory of Hazardous Materials to facilitate safe recycling and consider green recycling facilities that comply with international standards at the end of the vessel's service life, if the vessel registered in Vanuatu is being prepared for de-registration and scrapping.

## **PART 5 CREW QUALIFICATIONS, MANNING AND WELFARE**

### **32 Safe Manning**

- (1) The owner and Master of a passenger vessel must ensure that a passenger vessel is manned with enough crew and expertise to ensure the safety and security of the vessel's operations.
- (2) The Maritime Administrator must issue a Minimum Safe Manning Document for every passenger vessel, in accordance with SOLAS Regulation V/14.
- (3) The owner or operator of a passenger vessel must have the number of crews that are no less than the levels stated in the Minimum Safe Manning Document.
- (4) In determining the safe manning level, the Authority or the Administrator must consider the following factors:
  - (a) the ship's size; and
  - (b) the passenger capacity; and
  - (c) the degree of automation; and
  - (d) the need for crew to perform emergency duties.
- (5) A passenger vessel owner who operates fewer crew or lesser-qualified crew than specified number of crews commits an offence.
- (6) Any vessel owner who breached this section:
  - (a) is liable to a fine of \$5000; or
  - (b) the Maritime Administrator is to de-register the vessel.

### **33 STCW Certification**

- (1) The deck and engine officers, and those required by the Safe Manning Document, must hold valid certificates of competency or proficiency appropriate to their positions, issued in accordance with the STCW Convention.

- (2) The Officers such as Master, Chief Mate, Chief Engineer, Second Engineer must be issued with licenses by a country recognized by Vanuatu or issued directly in Vanuatu by the Maritime Administrator or any person authorized by the Maritime Administrator to issue.
- (3) All seafarers must hold a valid medical fitness certificate, in particular the requirements from the meetings of STCW and ILO/MLC 2006, to ensure they are fit for the duties they will perform.
- (4) The Maritime Administrator must endorse acceptable foreign certificates for service on Vanuatu ships after verification of authenticity and validity.
- (5) A person who serves as a Master, deck officer, engineer officer, or radio operator on a Vanuatu cruise ship without an appropriate STCW certificate and a Vanuatu endorsement where applicable commits an offence.

### **34 Passenger Ship Specific Training**

- (1) In addition to clause 2, crew members on passenger vessels must complete a specialized passenger ship safety training as required by section A-V/2 of the STCW Convention. The training includes:
  - (a) All personnel assigned on the muster list to assist passengers in emergency situations, including hotel staff or entertainers with emergency duties, must undergo approved crowd management training and be familiar with the vessel's escape routes and safety arrangements.
  - (b) Masters, chief Mates, Chief Engineers, Passenger Service Officers, and any other personnel having responsibility for the safety of passengers in an emergency must complete approved training in crisis management and human behaviour.
  - (c) Crew members who interact directly with passengers, such as cabin stewards, waitstaff, entertainment staff, must receive additional safety training relevant to their duties and to passenger safety. This may include passenger familiarization, evacuation assistance, and other safety duties as appropriate.
- (2) The documentary evidence, such as certificates or endorsements, of the specialized trainings under subclause (1) must be kept on board and made available for inspection by the Administrator or Recognized Organizations. Compliance with these training requirements must be verified during audits and inspections.



### **35 Work and Rest Hours**

A passenger vessel registered under the Vanuatu flag must comply with the MLC 2006, to ensure that all seafarers enjoy decent working and living conditions in line with international standards. In particular:

- (a) The Maritime Administrator enforces the MLC 2006 minimum requirements for hours of work and rest, namely:
  - (i) Minimum 10 hours of rest in any 24 hours period; and
  - (ii) Minimum 77 hours of rest in any 7 days period; and
- (b) The passenger vessel owners may apply to the Maritime Administrator for exemptions under the MLC 2006, particularly for structural or accommodation-related standards. The applications must be assessed on a case-by-case basis and, if granted, must be reflected in Part 1 of the Declaration of Maritime Labour Compliance, issued to the ship; and
- (c) The Maritime Administrator recognizes that not all personnel onboard a passenger vessel may fall under the legal definition of "seafarers." In this situation, the shipowners may request a formal Statement of Interpretation from the Maritime Administrator confirming the classification of such individuals; and
- (d) Every passenger vessel must maintain effective onboard complaint procedures that allow seafarers to submit grievances confidentially and without risk of retaliation. These procedures must be in writing, accessible to all crew, and comply with the MLC 2006 Guideline B5.1.5.

### **36 Crew Nationality and Language**

- (1) Any nationality may serve on Vanuatu ships, provided they are qualified.
- (2) All Vanuatu ships must have a Safety Management Manual that specify a common working language on board. The Crews must have a common working language on board to ensure effective safety management.
- (3) All crew members must have basic proficiency in the working language, sufficient to understand emergency instructions and perform their duties safely.
- (4) The main safety announcements for passengers must be made in English and in any other predominant passenger languages, as practicable, to ensure clear communication during emergencies.

### **37 Medical Staff**

- (1) Every passenger vessel carrying more than 100 passengers, or undertaking voyages exceeding 72 hours, must carry at least one certified medical doctor as part of the crew.
- (2) The larger passenger vessels, such as those certified to carry over 1,000 passengers, must carry additional medical personnel, including an extra doctor or qualified nurses appropriate to the number of persons on board.
- (3) All medical staff must hold appropriate qualifications and licenses to practice, and must be recognized as seafarers, particularly those with necessary STCW or MLC documentation.
- (4) The ship's medical facility must be stocked with medical supplies and equipment, complying with the requirements of the international health guidelines, such as the WHO's International Medical Guide for Ships and ILO and IMO guidelines.
- (5) The regular inspections of medical stores, including medicines and first aid kits, must be conducted to replace expired items and ensure readiness.

### **38 Seafarer Identification and Documentation**

- (1) The crew members must possess a seafarer's identity document, in accordance with the ILO Convention No.185, or a valid passport, as well as any necessary visas for the ship's ports of call.
- (2) The Master is responsible for maintaining an accurate crew list and ensuring that crew documentation is completed and up to date for port clearance and Port State Control inspections.
- (3) The Master must ensure that, the crew passports and Identity documents, seafarer books, certificates, and the ship's articles or crew agreements are in proper order, prior to departure.

## **PART 6 PASSENGER RIGHTS, WELFARE AND ACCOMODATION STANDARD**

### **39 Athens Convention – Liability and Insurance**

- (1) All passenger vessels must comply with the Athens Convention relating to the carriage of passengers and their luggage by sea regarding carrier liability.
- (2) The shipowner is required to maintain insurance or other financial security in an amount not less than 250,000 Special Drawing Rights (SDR) per passenger on each voyage to cover the carrier's liability under subclause (1) for passenger's death or personal injury.
- (3) The ship must carry on board a valid Athens Convention Passenger Liability Certificate attesting that such insurance coverage is in place. The Athens Convention Passenger Liability Certificate may be issued by Vanuatu or by another State Party to the Athens Convention and accepted by Vanuatu.
- (4) Any contractual terms of carriage provided to the passengers must not reduce the rights or compensation due under the Athens Convention. Any liability limits or notice requirements must meet at least the minimum standards of the Athens Convention 2002 protocol.
- (5) In the event of an incident involving passenger injury, death, or loss or damage to luggage, the shipowner must promptly activate the required process of insurance claims and provide any immediate assistance to passengers as required by the Convention and any applicable Vanuatu law on passenger's rights.

### **40 Passenger Compensation for Delay or Disruption**

- (1) The passenger vessel operators must develop fair policies for compensating passengers in cases of significant voyage disruptions, without prejudice to the Athens Convention rights.
- (2) If there are voyage cancellation, substantial delay, or an itinerary change caused by a failure on part of the passenger vessel, such as mechanical breakdown, the passengers must inform of their rights in such situations and the process for obtaining refunds or compensation.

#### **41 Accommodation and Facility Standards**

The accommodations and onboard facilities for passengers must meet high standards of safety, hygiene, and comfort. In particular:

- (a) the structural safety, such as all passenger accommodation areas, including cabins, corridors, lounges, dining areas and theaters, must be constructed in accordance with SOLAS requirements for passenger ships; and
- (b) the ventilation and sanitation in passenger vessels, the passenger cabins and public areas must be equipped with:
  - (i) adequate heating, ventilation and air conditioning to maintain comfortable conditions; and
  - (ii) sufficient sanitary facilities, such as toilets, wash basins and showers must be provided for passenger use, appropriate to the number of passengers carried, and these facilities must be maintained in a hygienic condition throughout the voyage.
  - (iii) the ship's potable water system. It must meet WHO guidelines for drinking-water quality at sea. The vessel must carry a valid Ship Sanitation Certificate, issued by a competent authority, under the WHO International Health Regulations, to demonstrate compliance with health and hygiene standards on board.
- (c) enough space and occupancy include, appropriate berth or sleeping accommodation for overnight voyages for all passengers and must not be overcrowded. The number of passengers on board must never exceed the vessel's certified passenger capacity. The Master must verify the passenger before each departure to ensure it does not exceed the allowed number; and
- (d) ships accessibility, all passenger vessels must be designed or modified to accommodate persons with disabilities or reduced mobility.; and
- (e) The recreational facilities, it must include:
  - (i) the pools, whirlpools, spa areas, gyms, theatres, or other recreational amenities on board must be operated with passenger safety in mind; and
  - (ii) appropriate safety signage, in multiple languages where appropriate, such as depth markings and "no diving" signs at pools must be posted; and

- (iii) a lifeguard or trained crew member to supervise the pools or waterparks that are in use and not shallow, especially if children are present; and
  - (iv) Gym equipment must be maintained and have instructions for safe use. All such facilities must be designed with safety features to prevent accidents and injuries.
- (f) The Passenger Muster Stations and Information must be clearly indicated, and that includes:
  - (i) the number of muster station or the assembly stations for passengers, located in safe areas with ready access to lifeboat and life raft embarkation points; and
  - (ii) routes from passenger areas to muster stations and lifeboat embarkation points; and
  - (iii) each passenger cabin and public area, indicating the occupant's muster station and a simplified evacuation plan; and
  - (iv) Safety information, in particular, the general emergency alarm signal and the actions passengers must take in an emergency, which must be provided in cabin booklets or via notices in multiple languages appropriate to the passenger demographics; and
  - (v) any muster drill or real emergency, announcements must be made in English and any other principal languages of the passengers on board to ensure understanding.
- (g) the Medical care on board for Passengers requires:
  - (i) that large passenger vessels are required to carry medical personnel and facilities. Any passenger who falls ill or injured during the voyage must be given appropriate medical attention; and
  - (ii) passenger vessels to carry medical supplies and equipment according to IMO's Medical First Aid Guide and International Medical Guide for Ships; and
  - (iii) clear protocols must be in place for handling serious medical emergencies, including coordinating with shore-side medical

facilities for advice or arranging medical evacuation by helicopter or other means if necessary.

- (vi) the Master to enter all significant medical incidents in the ship's medical log and report occurrences of any infectious disease to the next port as required under the International Health Regulations.
- (h) The passenger vessel owners must ensure that reasonable measures are in place to respect the privacy of passengers and protect their personal data. In particular:
  - (i) surveillance cameras, as CCTV in public areas must be used judiciously for security and safety, and passengers must be informed that such CCTV is in use; and
  - (ii) any personal data collected from passengers, such as during booking or check-in and passenger manifests must be stored and processed with data protection laws and used only for legitimate purposes such as safety, security, immigration, emergency contact.
- (i) the Master or Operator of a passenger vessel must:
  - (i) prepare an accurate passenger manifest or list before departure from each port. The passenger manifest or list, including the name of every passenger on board, their gender, and when required by authorities, additional details such as date of birth, nationality, and travel document details; and
  - (ii) ensure a copy of this passenger list must be kept ashore by the company or transmitted to a designated shore-based authority or agent for use in emergency response, such as in case of an accident requiring search and rescue; and
  - (iii) ensure a copy of the passenger list is available on board for inspection. Additionally, when in Vanuatu ports, the operator must, upon request by the Authority or Administrator, furnish details of passengers embarking or disembarking in Vanuatu.
- (j) the passenger vessel operator must have a process for passengers to lodge complaints and must ensure:
  - (i) passengers are provided with information on the process to submit a complaint; and

- (ii) passengers are provided with information on the process to submit serious complaints, particularly those involving safety, security, or potential legal violations, which must be recorded by the Master or chief purser and reported to the company's shore management for appropriate action; and
  - (iii) to investigate and address promptly any breach of this Rule or any other laws of Vanuatu.
- (k) the protection of persons at sea which is in line with the SOLAS Chapter V and the general Maritime Law that requires:
  - (i) that every passenger vessel has a duty to assist persons in distress at sea. The Master is obligated to render assistance to any person, whether a passenger, crew or a third party at sea, in danger of being lost, so far as can be done without danger to the passenger vessel or the persons on board; and
  - (ii) Passengers must be made aware, through notice or announcement that the ship may deviate from its course to undertake rescue operations or for other emergency deviations.

## **PART 7     DIGITAL COMPLIANCE AND ELECTRONIC INNOVATIONS**

### **42     Digital Compliance meets Authentication Standards**

- (1) The Maritime Administrator is authorized to implement and recognize electronic certificates or e-certificates for all certificates, licenses, and other official documents required under the Maritime Act [CAP 131].
- (2) An electronic certificate that meets the IMO's guidelines for the use of electronic certificates is considered legally equivalent to a traditional paper certificate. Such e-certificates must include appropriate security features, such as:
  - (a) digital signatures; and
  - (b) unique identification numbers; and
  - (c) Quick Response Codes.
- (3) The passenger vessels must not require carrying original papers, if electronic certificates are accessible on board and can be verified.
- (4) All certificates issued prior to the adoption of e-certificates remain valid until their normal expiry dates. Upon renewal, the new certificates must be issued in electronic form.

### **43     Electronic Signatures**

- (1) The electronic signature is recognized as valid for signing official documents, certificates, and contracts. The method of e-signatures of an authorized persons must ensure the authenticity of the signer's identity.
- (2) The documents relating to VISR such as certificate of registry, Officer's endorsement, inspection report are to be verified through the VISR's online systems in lieu of a physical stamp or seal.

### **44     Online Verification Portal**

- (1) The Maritime Administrator must establish and maintain a secure online verification portal that allows the verification of the validity of Vanuatu issued ship and seafarer certificates.
- (2) The online verification portal must enable Port State Control officers, vetting inspectors, charterers, insurers, and other stakeholders to verify



certificates, such as the Certificate of Registry, SOLAS certificates, Safe Manning Document and crew competency endorsements by entering a certificate number or scanning a Quick Response code on the electronic certificate.

- (3) The online verification portal will confirm details like the certificate's validity status, issue and expiry dates, and any restrictions or endorsements, without exposing personal data beyond what is on the face of the certificate.
- (4) The online portal must be publicly accessible for 24 hours each day without the need for special login credentials, to facilitate global use. This initiative aligns with practices of other leading registries and enhances transparency and trust in Vanuatu's certification.

#### **45 Online Services and Reporting**

- (1) The VISR must develop an Online Services and Reporting platform to provide comprehensive e-government services for passenger vessels owners and operators.
- (2) The Online Services and Reporting platform include:
  - (a) the passenger vessel owners or their authorized agents can apply for registration of a vessel online, and must submit all necessary documents, and pay fees through the online system, and can track the status of their application electronically.
  - (b) the crews of a passenger vessel must make applications for seafarer documents, such as Vanuatu endorsements of STCW certificates, or seaman's books, if can be made online, and the issuance of such documents must be done electronically.
  - (c) an online reporting system to be provided for operators to submit required reports, such as marine casualty or incident reports, pollution reports, and periodic compliance declarations.

#### **46 Audit and Inspection Portal**

- (1) The Maritime Administrator must implement an online interface for Recognized Organizations and authorized inspectors to upload survey and inspection results directly after completing a survey or audit.
- (2) The owners and operators of passenger vessels:

- (a) must have secure access to view their vessel's survey status, inspection reports, and any outstanding deficiencies in real time; and
- (b) can request flag state inspections or surveys and receive authorizations or upload planning documents electronically.

#### **47 Electronic Logbooks and Records**

- (1) The use of electronic logbooks and records is permitted, provided that these electronic systems meet the IMO guidelines and must be approved by the Maritime Administrator.
- (2) The passenger vessels choosing to use electronic record keeping systems must ensure data is securely backed up and entries can be readily retrieved, printed or transmitted for inspection when required.
- (3) The Maritime Administrator may issue additional guidance and approval and use of electronic logbooks.

#### **48 Cybersecurity**

- (1) If passenger vessels rely on digital system, owners of passenger vessels must implement appropriate cyber risk management as part of their Safety Management System according to the IMO guidelines.
- (2) The Company and passenger vessels must have the following measures to protect critical systems and data:
  - (a) network security for bridge navigation systems and engines; and
  - (b) access controls for administrative networks; and
  - (c) procedures for responding to cyber hygiene.
- (3) The Maritime Administrator may request evidence of a vessel's cybersecurity plan or conduct audits focusing on cyber risk preparedness.

#### **49 Data Privacy**

- (1) The Maritime Administrator, collecting electronic data from ships or seafarers, including vessel particulars, crew personal data, passenger manifests submitted for emergency use, must be handled in compliance with applicable data protection laws and principles.

- (2) The VISR's digital systems must employ encryption and robust access controls to protect sensitive information.
- (3) The Owners and agents of passenger vessels, who are the users of the online portal must have individualized accounts with authentication. Their personal and commercial data must be protected.

## **50 Acceptance of Digital Copies**

- (1) The Authority or the Maritime Administrator, in all their dealings, must accept electronic or digital copies of documents as equivalent to the original paper documents, as long as the authenticity can be verified.
- (2) The Maritime Administrator's online verification systems and procedures must be used to validate documents submitted digitally. The physical service of documents is no longer required, except in extraordinary cases where verification is not possible electronically.

## **51 Innovation and Continuous Improvement**

- (1) The Authority and Maritime Administrator must:
  - (a) continuously updating the VISR's digital capabilities; and
  - (b) monitor global best practices in maritime administration, such as the developments in e-certificates by other flags, use of blockchain for registries and remote survey techniques; and
  - (c) must implement new technologies and services as appropriate.
- (2) The VISR may introduce tools such as electronic voyage data submission, Artificial Intelligence-assisted compliance monitoring, remote inspections via live video feeds, and other innovations in the future, once they are proven and acceptable by IMO or industry standards.
- (3) The Ship owners and operators must provide feedback on digital services to help improve and expand the VISR's online offerings.

## **PART 8 PORT STATE CONTROL AND INTERNATIONAL COOPERATION**

### **52 Compliance with Port State Control**

- (1) The Vanuatu-flagged passenger vessels must uphold high standards so that passing a Port State Control inspections in foreign ports is possible without detentions or serious deficiencies.
- (2) The owner, operator, and Master of a passenger vessel must fully cooperate with Port State Control officers during any inspection abroad.
- (3) If the foreign Port State Control discover any deficiencies or detained the ship, the Master or operator of the vessel must report this to the Vanuatu Maritime Administrator as soon as possible, but no later than within 24 hours.
- (4) The report under subclause (3) must detail the deficiencies or reasons for detention and include a proposed corrective action plan.
- (5) The Maritime Administrator may conduct a special review on passenger vessel if Port State Control repeatedly detain ships or there is a pattern of serious deficiencies in the vessels to ensure the operator must maintain standards.

### **53 Port State Memorandum of Understanding**

- (1) Vanuatu must be included on the register of Whitelist of major Port State Control regimes such as Tokyo and Paris Memorandum of Understanding.
- (2) If a Vanuatu-flagged ship performs poorly, the Authority may consider suspending or deleting the vessel from the register or refusing renewal of the registration of that vessel to protect the overall flag performance.
- (3) The vessels that maintain a strong Port State Control record, such as no detentions but has very few deficiencies, may be eligible for positive incentives.

### **54 Mutual Assistance**

- (1) The Maritime Administrator must cooperate with other nations' maritime authorities and with international organizations, such as the International Maritime Organization, in matters of maritime safety, security, environmental protection, and passenger welfare. This is to ensure that:

- (i) if a Vanuatu-flagged passenger vessel is involved in an incident in a foreign jurisdiction, the Maritime Administrator will coordinate with the coastal or port State in the investigation and response, consistent with the IMO Casualty Investigation Code; and
  - (ii) Vanuatu must fulfill its flag State reporting obligations to IMO, such as submitting investigation reports for very serious marine casualties and piracy reports as applicable.
- (2) The Shipowners and Masters must cooperate fully with any authorized investigation by Vanuatu or by a port or coastal State into incidents involving their vessel, particularly incidents such as accidents, pollution incidents, or alleged criminal acts on board.

## **55 Port State Inspections in Vanuatu**

- (1) The local authorities may inspect a Vanuatu-flagged passenger vessel call at a port in Vanuatu, for Port State Control purposes.
- (2) Vanuatu reserves the right to conduct Port State Control inspections on its own flag vessels when in national ports, as an additional compliance check.
- (3) Any deficiencies found during such an inspection must be reported to the ship operator and must be rectified. Any serious deficiencies affecting safety, or the environment must be addressed before the vessel's departure.

## **56 International Conventions and Agreement**

- (1) The passenger vessel owners and Masters must know the International Maritime Conventions to which Vanuatu is a Party. It is mandated to be complied with Conventions such as SOLAS, MARPOL, STCW, the Load Line Conventions, the Athens Conventions and other applicable treaties.
- (2) If the Conventions are amended, the Maritime Administrator must issue a Flag State Notices or Circulars to inform vessel owners of the new amendments and its effective dates.

## **57 Recognized Security Organizations and Security Compliance**

- (1) For the purposes of ship security under SOLAS Chapter XI-2 and the ISPS Code, the Maritime Administrator may approve certain organizations as Recognized Security Organizations to act on its behalf.

- (2) The passenger vessel operators must ensure the vessel has a valid Ship Security Plan approved by either the Administrator or a Recognized Security Organizations and that the ship operates in accordance with the ISPS Code.
- (3) The Ships must comply with any security level directives issued by Port States or by Vanuatu as flag State.
- (4) The Company Security Officer for the cruise line must coordinate with Vanuatu's designated security authority for maritime security on any identified threats or required actions.
- (5) While in foreign ports, the vessel must adhere to local security regulations, such as screening of embarking passengers and baggage, gangway security, and cooperate during any security inspections or drills conducted by authorities.

## **58 Maritime Assistance Services**

- (1) Vanuatu, through the VMSA or other designated agencies, must participate in global maritime search and rescue and incident response networks.
- (2) The passenger vessel must make use of international procedures for reporting and assistance, such as reporting any persons in distress at sea to the nearest Rescue Coordination Centre and to the Company and flag State as appropriate.
- (3) Vanuatu must maintain or designates a Rescue Coordination Centre to coordinate Search and Rescue operations for incidents involving Vanuatu ships when necessary, in collaboration with the Rescue Coordination Centre of other nations.
- (4) The Masters of Vanuatu ships must promptly report any distress situation involving their vessel or any persons rescued at sea to the nearest coastal state's Rescue Coordination Centre and to the Maritime Administrator.

## **59 Language of Communication**

- (1) All official communication between a Vanuatu-flagged passenger vessel and the Maritime Administrator or VMSA, especially communications related to safety, security, and port State matters, must be conducted in English or accompanied by an English translation.

## **PART 9     INSPECTION, COMPLIANCE AUDITS AND ENFORCEMENT**

### **60     Flag State Inspection**

- (1)     The Maritime Administrator must implement a program of regular flag State inspections for passenger vessels to ensure compliance with this Rule and applicable international requirements.
- (2)     The Annual Flag State Safety Inspections must be conducted on each active passenger vessel under the Vanuatu flag. These inspections may be scheduled to coincide with statutory surveys, such as an annual or renewal survey by a Recognized Organization or carried out independently by authorized flag State inspectors.
- (3)     The Administrator must appoint a worldwide network of qualified marine surveyors or inspectors, including at major cruise ports, to perform these inspections.
- (4)     The scope of a flag State inspection under subclause (3) must typically include a review of the following:
  - (a)     ship's structural condition; and
  - (b)     lifesaving; and
  - (c)     fire-fighting equipment; and
  - (d)     navigational safety equipment; and
  - (e)     pollution prevention arrangements; and
  - (f)     crew certificates and welfare conditions; and
  - (g)     verification that the vessel's operations comply with the SMS; and
  - (h)     any other requirements of this Rule.
- (5)     After each inspection under subclause (4), the inspector must issue a report noting any deficiencies or observations. If there are any deficiencies, the inspector must report to the operator of the vessel.
- (6)     The operator must rectify minor deficiencies within a timeframe given and report back once corrected.

- (7) Any major deficiencies, especially those affecting safety or pollution prevention, may result in immediate requirements for correction, a follow-up inspection, or even detention of the vessel until rectified.
- (8) An owner or operator of a vessel who refuses to submit his or her vessel for a required inspection or to cooperate with the inspector, such as denying access to areas or documents commit an offence and is liable to a fine to be determined by the Maritime Administrator.

## **61 Additional Audit**

- (1) In certain cases, the Maritime Administrator may conduct additional audits or reviews on a ship or a company outside the normal schedule.
- (2) Without limiting subclause (1), the Maritime Administrator may conduct additional audits and reviews on the following matters:
  - (a) very serious marine casualty; and
  - (b) a significant incident, such as fire and security breach if analysis of PSC or flag inspections reveals a pattern of recurring deficiencies if there are concerns about performance; and
  - (c) an audit of the ship's Safety Management System implementation.
- (3) The shipowner or Operator and Master must cooperate fully with any such audits, and implement any corrective actions identified.

## **62 Detention and Operating Bans**

- (1) Under the Maritime Act [CAP 131], the Authority has the power to detain a vessel for breach of a law.
- (2) If a passenger vessel is found to have deficiencies that pose an immediate danger to passenger or crew safety or to the marine environment, an authorized inspector or the Administrator may issue a detention order against the ship.
- (3) A detained ship is prohibited from sailing until all grounds for detention have been rectified and the vessel is confirmed to be complying with the law.
- (4) If a ship persistently violates this Rule or fails to remedy reported deficiencies, the Authority may suspend or revoke the vessel's registration



and effectively banning the ship from operating under the Vanuatu flag until compliance is achieved, or banned permanently, in severe cases.

- (5) If the ship inspector or Maritime Administrator detained a ship, he or she must communicate in writing, the detention to the owner or operator, stating the reasons of the detention.
- (6) In cases requiring urgent action for safety, the owner or operator must be given an opportunity to be heard or to promptly correct the issues.
- (7) The costs incurred related to a detention, such as the cost of follow-up inspections, or expenses for keeping the vessel under guard if needed, may be charged to the ship's owner.

### **63 Non-Compliance and Offences**

- (1) Any person or Company who fails to comply with this Rule commits an offence.
- (2) Without limiting the generality of subclause (1), any person or company commits an offence if:
  - (a) operating a passenger vessel without the required valid certificates or in contravention of their conditions, such as sailing without a valid Passenger Ship Safety Certificate, or operating without the required passenger liability insurance in place; and
  - (b) fails to comply with an applicable international convention requirement as mandated by this Rule, such as not having STCW certified crew as required, or unlawful discharges in violation of MARPOL; and
  - (c) intentionally providing false or misleading information to the Authority or Administrator, for instance, falsifying documents or reports, or lying to inspectors; and
  - (d) obstructing or refusing to cooperate with an inspector or Authority or Administrator official in carrying out their duties such as attempting to conceal deficiencies, denying access to parts of the ship or records, or otherwise interfering with inspections; and
  - (e) carrying passengers in excess of the number the ship is certified to carry, or any other willful act or omission by the Master or owner that endangers human life, the ship, or the environment.

Is liable and is convicted for the offences in Court.

- (3) The Authority or Administrator may issue an administrative penalty after an administrative determination if a violation of offences under subclause (2) has occurred.

#### **64 Penalties and Enforcement**

The Maritime Administrator must have the authority to monitor compliance with this Rule and to impose enforcement measures if there is any offence occur under clause 63.

#### **65 Sanctions and Penalties**

- (1) If an offence is committed under clause 63, the Maritime Administrator may impose one or more of the following penalties:
  - (a) Written warnings; or
  - (b) Orders to remedy or correct deficiencies within a stipulated timeframe; or
  - (c) Suspension or revocation of any certificate issued under this Rule; or
  - (d) Administrative fines in proportion to the severity of non-compliance.
- (2) The penalties under subclause (1) must be determined based on the facts of each case.

#### **66 Procedural Fairness**

- (1) The Maritime Administrator must do the following before imposing any penalty:
  - (a) notify the affected party in writing; and
  - (b) provide a reasonable opportunity for response or submission of evidence; and
  - (c) ensure that any person sanctioned has the right to appeal the decision.

- (2) The Appeals may be lodged in accordance with the procedures set out under the Maritime Act [CAP 131].

## **67 Penalties Affecting Certificates -Masters and Crew**

- (1) If an investigation determines that a Master or a licensed officer was personally responsible for a willful or negligent breach of this Rule or other maritime safety laws, such as willfully ignoring safety procedures, or operating under the influence of alcohol or drugs, the Maritime Administrator may take action against that individual's certification.
- (2) The actions taken under subclause (1) can include suspension or revocation of the person's Certificate of Competency or his or her Vanuatu endorsement, either for a defined period or permanently in serious cases.
- (3) If the Maritime Administrator taken any action under subclause (2), he or she must ensure the individual is notified on the grounds and given an opportunity to respond or appeal.
- (4) Additionally, the company or operator is expected to discipline crew members who are found to have engaged in serious wrongdoing, such as dismissal of crew who engage in misconduct that endangers passengers.
- (5) The Maritime Administrator must report any suspension or revocation of a certificate to the issuing authority of that certificate and may be communicated to other flag States or port States if relevant.

## **68 Appeals**

- (1) Any person or entity aggrieved by an administrative decision made under this Rule, such as a fine imposed by the Administrator, a ship detention, or the suspension of a certificate, has the right to appeal the decision.
- (2) The person or aggrieved entity must follow the process below to appeal the decision under subclause (1):
  - (a) an appeal may be made to the head of the Maritime Administrator's organization, who must review the decision; and
  - (b) If the appellant is not satisfied with the outcome at that level, the matter can be further appealed to the Vanuatu Maritime Safety Authority or to a tribunal or court as designated by the laws of Vanuatu.

## **69 Delegation of Enforcement**

- (1) The Authority may delegate its powers to the Maritime Administrator under subsection 10D(2) of the Maritime Act [CAP 131] to do the following:
  - (a) to conduct inspections on passenger vessels; and
  - (b) to issue deficiency notices or directives, detain vessels; and
  - (c) impose fines.
- (2) In addition to subclause (1), the Authority delegates its powers to the Maritime Administrator's officials, such as flag State inspectors, auditors, registration officers, and other designated agents to carry out these enforcement functions under subclause (1).
- (3) The Maritime Administrator must regularly report to the Authority on major enforcement actions taken, such as detentions, fines imposed, or certificates suspended, to ensure oversight. The Authority retains the ultimate oversight and can revoke or modify any delegation in accordance with the Act.

## **70 Criminal Liability**

- (1) This Rule must not preclude criminal prosecution, if there is a breach of this Rule that constitutes an offence under the laws of Vanuatu, such as a major oil pollution incident from a ship, the ship must be prosecuted under the Environmental Protection and Conservation Act [CAP 283].
- (2) The Maritime Administrator and Authority must coordinate with other enforcement agencies, such as environmental authorities or police, when such incidents occur to ensure all appropriate legal actions are taken.

## **71 Continuous Improvement and Review**

The Maritime Administrator must regularly review the effectiveness of the enforcement regime established by this Rule.

## **PART 10    TRANSITIONAL PROVISIONS**

### **72     Existing Registered Vessels**

- (1) Any passenger vessel already registered under the Vanuatu flag prior to the commencement of this Rule must comply with this Rule within 12 months.
- (2) The Maritime Administrator may, on a case-by-case basis, make written application to grant a short-term extension to an existing ship for a specific new requirement if immediate compliance with the 12 months under subclause (1) is impracticable.
- (3) The passenger vessel owners must comply with the Digital compliance provisions in this Rule within 6 months grace period from the commencement of this Rule. During the period:
  - (a) the Maritime Administrator may continue to issue traditional paper certificates with electronic certificates for ships and seafarers. Both paper and electronic formats must be considered valid.
  - (b) the Masters and operators of Vanuatu-flag ships must familiarize themselves with the new online verification portal and digital certificate processes. The Administrator must notify Port State Control regimes worldwide of Vanuatu's adoption of e-certificates to ensure smooth acceptance.
  - (c) After the commencement of this Rule, the newly statutory certificates and documents must be issued or renewed electronically. Despite this, paper certificates issued prior to that date will remain valid until renewal or is expired.
- (4) Any certificate, license, endorsement, or other document issued by or on behalf of Vanuatu prior to commencement of this Rule is to remain valid until its normal date of expiry, unless it is earlier replaced or canceled. After the commencement of this Rule, any certificate, license, endorsement, or other document issued must comply with the requirements of these Rule.
- (5) If there are IMO conventions, amendments, or international rules that have been adopted but are not yet in force as from the date of the commencement of this Rule, the Maritime Administrator may issue guidance recommending voluntary early compliance. Ship owners and operators are strongly encouraged to stay aware of upcoming changes in international requirements and plan for their implementation.

### **73 Commencement**

This Rule commences on the day on which it is made.

**Made at Port Vila this 22 day of September, 2025.**



**SAADE MAKHLOUF**  
**Maritime Administrator**