

# SOLOMON ISLANDS MARITIME AUTHORITY (CARRIAGE AND REGISTRATION OF PASSENGERS) MARITIME ORDER 2024

## Table of provisions

<b>Part 1</b>	<b>Preliminary Matters .....</b>	<b>1</b>
1	Citation	1
2	Commencement	1
3	Interpretation	1
4	Application	3
<b>Part 2</b>	<b>Minimum Standards for Carriage of Passengers .....</b>	<b>4</b>
5	Provision of fire protection equipment and lifesaving appliances	4
6	Provision of essentials	4
7	Protection of unberthed passengers	5
8	Carriage of pregnant woman, small and unaccompanied children	5
9	Carriage of passengers with limited mobility	6
10	Carriage of livestock	6
11	Offences	7
<b>Part 3</b>	<b>Registration and Counting of Passengers .....</b>	<b>8</b>
12	Determining the passenger carrying capacity of vessels	8
13	Passengers details	9
14	Shipboard Procedure	9
15	Passenger manifest	10
16	Counting of passengers	11
17	Powers and duties of authorised officer and appointed agent	12
18	Identification and training of crew on vessels carrying passengers	13
19	Offences	13

<b>Part 4</b>	<b>Safety and Security of Passengers.....</b>	<b>14</b>
20	Admission of Passengers	14
21	Safety briefings and instructions on board	15
22	Right to search	15
23	Consumption of liquor	15
24	Smoking	15
25	Possession and use of dangerous drugs	16
26	Offences	16
<b>Part 5</b>	<b>Miscellaneous Provisions.....</b>	<b>17</b>
27	Case of force majeure	17
28	Liability	17

**SOLOMON ISLANDS MARITIME AUTHORITY ACT 2018**  
(No. 9 of 2018)

**SOLOMON ISLANDS MARITIME AUTHORITY (CARRIAGE AND  
REGISTRATION OF PASSENGERS) MARITIME ORDER 2024**

The Solomon Islands Maritime Authority, under section 66 of the *Solomon Islands Maritime Act 2018*, makes the following Maritime Order:

**Part 1                      Preliminary Matters**

**1                      Citation**

This Maritime Order may be cited as *the Solomon Islands Maritime Authority (Carriage and Registration of Passengers) Maritime Order 2024*.

**2                      Commencement**

This Maritime Order commences on 1 September 2024.

**3                      Interpretation**

(1) In this Maritime Order, unless the context otherwise requires:

“**appointed agent**” means any person who is appointed by the Director to carry out special inspections in a port where SIMA authorised officers are not available;

“**authority**” or “**SIMA**” means the Solomon Islands Maritime Authority;

“**authorised officer**” means an authorised officer within the meaning of the *Solomon Islands Maritime Authority Act 2018*;

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

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

“**clear deck space**” means a space on or above the weather deck of a vessel, being a space:

- (a) that is not enclosed and on which no cargo, stores and equipment are permitted to be carried, unless special permission is given by the appropriate state authority, does not include hatchways;
- (b) that is not used in the navigation of the ship and the use of which would not obscure vision in the navigation of the ship, impede crew in their duty and obstruct emergency exits; and
- (c) that does not include the area required to provide a fore and aft gangway having a width of one metre;

“**dangerous drug**” means any of the substances which may be from time to time subject to the provisions of the *Dangerous Drugs Act* (Cap 98);

“**dangerous goods**” means any goods classified and dealt with as dangerous goods in the IMDG Code;

“**Director**” means the Director of SIMA under the *Solomon Islands Maritime Authority Act 2018*;

“**enclosed space**” means a space on board a vessel with restricted means of entry and exit, and is not for the purposes of continued occupancy;

“**liquor**” means any wine, spirits, beer, or any liquid containing alcohol ordinarily used or fit for use as a beverage, or any other liquid which the Minister may by notice declare to be liquor for the purposes of the *Liquor Act* (Cap. 144);

“**passenger**” means every person carried on board a vessel with the knowledge of the master or owner of the vessel, it does not include the master, members of the crew or any person employed or engaged in any capacity on board a vessel, and any shipwrecked, distressed or other person who is rescued at sea;

“**Passenger Manifest**” means the official list compiled and signed off by the master containing relevant details of passengers who board a vessel at the original port of departure or at each subsequent port to

travel to another port;

“**passengers with limited mobility**” means passengers who are elderly or disabled or heavily pregnant;

“**the Act**” means the *Solomon Islands Maritime Authority Act 2018*;

“**Safety Certificate**” means any certificate issued by SIMA in respect of the safety of a vessel, its hull, machinery, equipment and appliances and includes a Tonnage Certificate;

“**shore personnel**” means an employee of the owner responsible for the registration of passengers;

“**Special Inspection**” means the examinations before departure of a vessel from a port, of the condition of the vessel, the manning, essential equipment and systems to verify compliance with the requirements of applicable laws, including those related to carriage, registration and counting of passengers;

“**subsequent port**” means any port or place of loading/discharging other than the port of initial departure where passengers either disembark or board to travel to another port;

“**owner**” includes the operator or charterer of a passenger carrying vessel carrying passengers;

“**unberthed passenger**” means a passenger on a vessel other than a berthed passenger;

“**weather deck**” means the lowest deck in the vessel, all or part of which is exposed to weather and sea.

- (2) A word or expression which is not used in the Act, but which is defined in the *Shipping Act 1998* and used in this Maritime Order, has the same meaning as it has in the *Shipping Act 1998*.

#### 4 Application

This Maritime Order applies to a vessel that is registered under the *Shipping Act 1998*.

## **Part 2                    Minimum Standards for Carriage of Passengers**

### **5                    Provision of fire protection equipment and lifesaving appliances**

The master or owner of the vessel must ensure that the vessel is equipped with the following:

- (a) suitable fire protection;
- (b) fire detection;
- (c) fire extinction;
- (d) fire safety measures;
- (e) lifesaving appliances.

### **6                    Provision of essentials**

The master or owner of the vessel must ensure that the vessel:

- (a) has adequate supply of drinking water that is kept readily accessible to passengers at all times while they are on board the vessel; and
- (b) has adequate toilets and washing facilities, with at least one toilet and one wash basin for every fifty passengers, that:
  - (i) are regularly kept clean, appropriately stocked, and functioning properly;
  - (ii) are free from harmful matter and odours at all times; and
  - (iii) have appropriate lighting and locking facility:
- (c) has a first aid kit and necessary medicines and medical stores on board at all times, in accordance with any applicable law or as determined by the Director.

## **7 Protection of unberthed passengers**

- (1) The master or owner of the vessel must ensure that:
  - (a) any space above the weather deck made of metal is covered with materials approved by the Director which will not readily ignite or give rise to toxic or explosive hazards at high temperatures;
  - (b) the deck space on or above the weather deck allotted for the carriage of an unberthed passenger is:
    - (i) covered with an awning of a height of not less than 2 metres; and
    - (ii) side screens to give adequate protection from sun and weather; and
  - (c) the clear deck space for unberthed passenger is adequately lit and ventilated.
- (2) The master and crew must ensure that:
  - (a) deck cargo carried on a vessel, including livestock is secured or stowed so there:
    - (i) no danger to any unberthed passenger; and
    - (ii) there is continued free access to the sanitary facilities on the ship;
  - (b) scuppers and freeing ports are clear at all times.
- (3) Passengers should not occupy a space over a hatchway or in an enclosed space, unless permitted by the master.

## **8 Carriage of pregnant woman, small and unaccompanied children**

- (1) Pregnant woman up to and including six months, including high risk pregnancy may only travel with a doctor's certificate or registered nurse's note that is issued within 48 hours.
- (2) The note must be produced on board on request.

- (3) Children who are 11 years of age or below must be accompanied with an adult when travelling on board a vessel.
- (4) Children who are 12 to 17 years of age, if unaccompanied must produce written permission by a parent, or legal guardian to:
  - (a) the master; or
  - (b) the owner; or
  - (c) shore personnel.
- (5) The master must log the information and retain a copy of the certificate or note on board for 365 days.

## **9 Carriage of passengers with limited mobility**

The master or owner of the vessel must ensure that:

- (a) the vessel is equipped with the following to cater for people with limited mobility:
  - (i) signage and information about the vessel;
  - (ii) accessible and well-marked walkways with level surfaces;
  - (iii) good lighting;
  - (iv) ramps and accessible walkways;
- (b) an evacuation plan for passengers with limited mobility; and
- (c) crew members required to assist passengers with limited mobility are given and receive training and instructions in the kind of assistance needed by such passengers.

## **10 Carriage of livestock**

- (1) Passengers must not take on board a vessel any livestock, without the prior approval of the master or owner of the vessel or shore personnel.
- (2) The carriage of livestock is authorised only on vessels with arrangement allowing segregation between passengers and livestock.



## 11 Offences

- (1) It is an offence if the owner of a vessel fails to:
- (a) provide on a vessel carrying passengers, such medicines, medical stores and car kits, as required under paragraph 6; or
  - (b) provide an adequate supply of potable drinking water readily accessible to passengers at all times, while they are on board the vessel; or
  - (c) display prominently on the vessel notices and signs are notifying passengers that only the pre-approved number of unberthed passengers is permitted to be on deck; or
  - (d) cover or provide adequate light and ventilation of deck space on or above the weather deck allotted for the carriage of unberthed passengers.

Maximum penalty      5,000 penalty units or imprisonment for 3 years or both.

- (2) It is an offence if the master or a crew member fails to keep the number of unberthed passengers on deck within the limit specified in the vessel's Safety Certificate.

Maximum penalty      5,000 penalty units or imprisonment for 3 years or both

- (3) It is an offence if a passenger:
- (a) brings and stores cargo or other baggage in the clear deck space for unberthed passengers, despite being instructed by the master or a crew member not to do so; or
  - (b) occupies a space over a hatchway or in an enclosed space, without the permission of the master; or
  - (c) takes on board any livestock, without the prior approval of the master or the owner or the shore personnel.

Maximum penalty      5,000 penalty units or imprisonment for 3 years or both.

## **Part 3                      Registration and Counting of Passengers**

### **12                      Determining the passenger carrying capacity of vessels**

- (1) The passenger carrying capacity of a vessel is determined by SIMA applying the following criteria:
  - (a) not more than 12 passengers on a cargo vessel;
  - (b) on a cargo-passenger vessel or a passenger vessel, by applying the criteria related to the space available for each passenger:
    - (i) for the calculation of berthed passengers:
      - (A) fixed bench or chair seating; and
      - (B) passenger cabins;
    - (ii) for the calculation of unberthed passengers:
      - (A) length of rail at the periphery of the deck, not including rail space in congested areas, on stairways, in corridors and where persons standing in the space would block the vision of the ship's operators; and
      - (B) free deck area available for the passengers' use of not less than 0.6 m x 0.6 m of clear deck space for day voyages and 1.8 m x 0.6 m for overnight voyages;
  - (c) on any vessel, the total number of persons accommodated by lifesaving appliances less the number of crew members including the master in the approved crew list;
  - (d) on any vessel, the total number of persons and number of passengers in the stability calculations or at the satisfaction of SIMA after review and approval of the stability calculations.
- (2) Despite subsection (1), SIMA may determine other passenger carrying capacity criteria to be used on each deck of a ship, added together to determine the maximum number of passengers to be carried on that ship.

- (3) Where seats are provided on part of a deck, the number of passengers permitted on a ship may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the deck area criterion for the space having no seats.
- (4) The length of the rail criterion may not be combined with either the deck area criterion or the fixed seating criterion when determining the maximum number of passengers permitted on an individual deck.

### **13 Passengers details**

- (1) The owner of the vessel must maintain a registration system to register the details of a passenger for each voyage.
- (2) The registration system may be manual, electronic or other suitable means approved by SIMA.
- (3) The following details of each passenger must be entered in the registration system by staff at the office of the shipping company or by the master on the vessel:
  - (a) family name and forename(s) or initials;
  - (b) date of birth, age and indication of the category of age (adult, child or infant);
  - (c) gender;
  - (d) contact details;
  - (e) ports of embarkation and disembarkation;
  - (f) when volunteered by a person, information concerning the need for special care or assistance in emergency situations.

### **14 Shipboard Procedure**

- (1) The master or owner of the vessel shall develop, approve and implement a Shipboard Procedure.
- (2) A Shipboard Procedure must outline the process for:

- (a) maintaining the registration system and the registration and the counting of passengers onboard before the vessel departs; and
  - (b) verifying the number of passengers counted with the Passenger Manifest.
- (3) The process under sub paragraph (2) must include:
- (a) the head count of each passenger and his or her port of boarding;
  - (b) recording of identification of each passenger;
  - (c) signing of the Passenger Manifest 30 minutes before each voyage by the master.

**15 Passenger manifest**

- (1) The Passenger Manifest shall contain the passenger details under paragraph 13.
- (2) Where the master signs the Passenger Manifest in accordance with the Shipboard Procedure, no person shall board the vessel.
- (3) The master of the vessel must:
  - (a) update the Passenger Manifest at every subsequent port by checking off the name of each passenger who disembarks and adding in relevant details of any passenger who boards for onward travel;
  - (b) keep a copy of the Passenger Manifest on board the vessel at the time of departure and arrival and make it available for Special Inspections, or upon request by SIMA;
  - (c) inform the owner about updated entries in the Passenger Manifest not later than one hour after departure at each subsequent port; and
  - (d) no later than six hours after receiving an updated Passenger Manifest, the owner shall disseminate that updated list to SIMA.
- (4) The master and owner of the vessel are not responsible for the accuracy of personal information supplied by an informant for the

purposes of registration and entry into the Passenger Manifest so should not be held liable for any damage arising from any error with that information.

- (5) The master and owner of the vessel must not allow a person to book or to board the vessel where the maximum number of passengers stated in the vessel's Safety Certificate has already been reached.
- (6) It is deemed as an official declaration by the master and owner of the vessel that they have diligently carried out their legal responsibilities regarding the registration and counting of passengers and that they will be held liable for providing any misleading or inaccurate information.

## **16 Counting of passengers**

- (1) In maintaining the registration system, the owner of the vessel shall register relevant details in the Passenger Manifest of each person who is disembarking at a port or embarking on a subsequent port.
- (2) Before a vessel departs on and during the voyage, the master and crew shall carry out a physical count of the passengers on board to ascertain and confirm the:
  - (a) identity of each passenger on board a vessel;
  - (b) identity of each passenger disembarking and embarking on a subsequent port;
  - (c) number of persons remaining on board after disembarkation of passengers at each port;
  - (d) total number of passengers due to sail for the next port;
  - (e) the gender of each passenger;
  - (f) composition of passengers as between adults, children and infant;
  - (g) identity of passengers with limited mobility who may require assistance, and
  - (h) placement of passengers with limited mobility.

- (3) The master and crew shall use the information from the count to update the Passenger Manifest.

**17 Powers and duties of authorised officer and appointed agent**

- (1) An authorised officer may carry out Special Inspections of a vessel not later than thirty minutes before the vessel's scheduled departure.
- (2) The authorised officer may request the master to supply the Passenger Manifest for inspection and, in case of doubt, request a headcount of the passengers.
- (3) The authorised officer must try not to cause any undue delay to the ship, except where the information provided and usual verifications show the following, the authorised officer may delay departure until satisfied that the vessel is not overloaded:
  - (a) inconsistency of information; or
  - (b) inaccuracy of information; or
  - (c) misleading information on the number of passengers.
- (4) In ports where authorised officers are not available to carry out Special Inspections, the Director may appoint an agent to carry out Special Inspections for SIMA.
- (5) The appointed agent must produce to the master or owner of the vessel a written confirmation of their appointment before carrying out the Special Inspections.
- (6) The appointed agent must carry out Special Inspections upon request from the Director or an authorised officer and report immediately to the Director or the authorised officer if the information provided and usual verifications show inconsistent, inaccurate, or misleading information on the number of passengers.
- (7) The appointed agent should inform the master and the owner of the vessel that the Director or the Authorised Officer request to delay the departure of the vessel until the appointed agent confirms that the vessel is not overloaded.

**18 Identification and training of crew on vessels carrying passengers**

- (1) The owner of the vessel must provide the crew with uniforms and identity card.
- (2) The crew must wear uniforms and their identity card must be placed on them so that it is visible to the passengers during the period of carriage of passengers.
- (3) In addition to holding certificates of competency and proficiency, training and familiarisation in accordance with the applicable laws related to the STCW Convention, the master and the owner of the vessel shall provide on board familiarisation and training, ensure the conduct of drills and exercises for the preparedness of any emergency and apply provisions of PART IV of the *Shipping Act 1998* as amended.

**19 Offences**

- (1) It is an offence where the owner of the vessel fails to maintain a system to register required details of persons who have booked or bought tickets to travel on a voyage.
- (2) It is an offence if the master or owner of the vessel:
  - (a) accept bookings or sell tickets or allow on board more persons than the maximum number of people specified in the vessel's Safety Certificate; or
  - (b) fail to compile, update or disseminate a Passenger Manifest as required by this Maritime Order; or
  - (c) make a false, inaccurate or misleading entry or fail to make a required entry in the Passenger Manifest.
- (3) It is an offence if the master:
  - (a) fails to carry out a physical count of the passengers on board to ascertain and get the required details and update the Passenger Manifest; or
  - (b) gives false, inaccurate or misleading information related to the number of passengers to an authorised officer or appointed

agent; or

- (c) fails to comply with a request by either an authorised officer or appointed agent to furnish the Passenger Manifest for Special Inspections, or for obstructing an authorised officer or appointed agent who is carrying Special Inspections; or
- (d) authorises onboard more persons than the maximum numbers of persons stated in vessel's Safety Certificate.

Maximum penalty: 5000 penalty units or imprisonment of 3 years or both.

(4) It is an offence if a passenger:

- (a) gives false, inaccurate or misleading information to the owner of the vessel, master, crew member, an authorised officer or appointed agent about the passenger's personal or cargo details; or
- (b) fails to comply with a direction or request by, or obstructing, threatening, or evading an authorised officer or appointed agent who is carrying out Special Inspections.

Maximum Penalty: 5000 penalty units or imprisonment of 3 years or both.

## **Part 4 Safety and Security of Passengers**

### **20 Admission of Passengers**

The master or crew of the vessel may refuse passage when carrying out the counting and admission of on boarding passengers of any person who:

- (a) may disturb or pose a danger to other passengers, themselves of the vessel's safety; or
- (b) is under the influence of liquor or dangerous drugs; or
- (c) displays disturbing or threatening behaviour; or
- (d) fails to comply with applicable rules concerning age, security,



order or other regulation.

## **21 Safety briefings and instructions on board**

- (1) The master must ensure a pre-departure safety briefing is provided to all passengers, prior to or when safe to do so immediately after departure.
- (2) A log entry of that briefing must be made by the master.
- (3) The master, crew and shore staff may instruct passengers on their safety on board, storage of cargo and restriction access to designated areas of the vessel.

## **22 Right to search**

The master or crew member:

- (a) where it is necessary for safety or security reasons, must request permission from a passenger to search his or her vehicle and baggage on board the vessel;
- (b) where the passenger consents to the search, the master or crew member can carry out the search in the presence of the passenger who is the owner of the vehicle or baggage and one other crew member;
- (c) if the passenger does not comply with this request, the master may refuse to carry the passenger, his or her vehicle and or baggage on the intended voyage or report the matter to relevant authorities.

## **23 Consumption of liquor**

No passenger is allowed to take onboard the vessel any liquor for consumption during the voyage.

## **24 Smoking**

- (1) No passenger is allowed to smoke except in smoking designated areas, during a voyage.
- (2) The owner of the vessel and master shall place and display "NO SMOKING" signs in areas where smoking is not allowed and

“SMOKING ZONE” signs in areas where smoking is allowed.

- (3) Every person on board shall follow the instructions of no smoking onboard a vessel.

## **25 Possession and use of dangerous drugs**

No passenger is allowed to have in his or her possession and take onboard a vessel any dangerous drug.

## **26 Offences**

- (1) It is an offence if the master or owner of the vessel or fails to place and display "NO SMOKING" signs near places where flammable liquids (e.g fuels or kerosine) or gases (e.g gas cylinder storage room) are stored.

Maximum Penalty: 10,000 penalty units or imprisonment for 3 years or both

- (2) It is an offence if the master fails to make a pre-departure safety briefing to all passengers.

Maximum Penalty: 10,000 penalty units or imprisonment for 3 years or both

- (3) It is an offence if a passenger who:

- (a) has lawfully been refused admission to the vessel for good cause attempts to board the vessel;
- (b) has been lawfully requested to leave the vessel at any port or place at which he can conveniently do so, fails to leave the vessel;
- (c) fails to comply with the lawful instructions of the master or crew member regarding safety measures, storage of cargo, or restriction of access to designated areas of the vessel;
- (d) molests or assaults any other person on the vessel, without lawful cause;

- (e) takes on board a vessel any liquor for consumption during travel, or takes such liquor during travel;
- (f) smokes in any area on the vessel other than the area where smoking is allowed; or
- (g) takes on board a vessel or uses a dangerous drugs or narcotics on the vessel.

Maximum Penalty: 10,000 penalty units or imprisonment for 3 years or both

## **Part 5                    Miscellaneous Provisions**

### **27                    Case of force majeure**

Persons on board a vessel by reason of force majeure or because of the obligation of the master to carry shipwrecked or other person in distress should not be considered, for the purposes of ascertaining the application to a vessel any provisions of the maritime order.

### **28                    Liability**

A master or crew member shall not be liable for any injuries, loss or damage sustained by passengers during the period of the carriage of passengers unless if it is proven such injuries, loss or damage has been sustained due to no fault of such passengers.

**MADE** ..... 2024.

.....  
**ROBERT BOKELEMA**  
 CHAIRPERSON OF THE BOARD