VESSEL REGISTRATION

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Vessel Registration Act 2024

TABLE OF AMENDMENTS

The Vessel Registration Act 2024 No 3 was certified and commenced on 28 January 2025.

Amending Legislation	Certified	Date of Commencement
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

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An Act to provide for the registration of vessels and for related purposes.

Enacted by the Parliament of Naoero as follows:
[cl am Act 21 of 2026 s 5, opn 12 May 2026]

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Vessel Registration Act 2024.*

2 Commencement

This Act commences on certification of the Speaker.

3 Objectives

The objectives of this Act are to:

(a) provide a uniform procedure for registration of both Naoero-owned vessels and foreign vessels;

(b) establish the office of the Registrar responsible for the registration of all vessels required or eligible to be registered under this Act;

(c) establish the register of vessels constituting Naoero vessels required to be registered and foreign vessels eligible to be registered under this Act;

(d) domesticate the application of international maritime organisation related conventions and other international instruments which relate to the registration and operation of vessels;

(e) provide for the safe and secure operation of a vessel for the crew and other associated persons in line with applicable conventions and other international conventions to which the Republic is a party;

(f) promote compliance with the requirements of maintaining marine environment free from any adverse effects of operations of vessels;

(g) provide for the compliance of the registration and operations of vessels in accordance with the requirements of the Financial Action Task Force Standards and in particular, international law on counter terrorism and transnational organised crime, targeted financial sanctions and other related matters; and

(h) provide for the enforcement of the obligations of relevant stakeholders under the Act.

[s 3 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 182,001]

PART 2 — INTERPRETATION

4 Interpretation

In this Act:

'applicable conventions' means the conventions listed in the Schedule;

'armed forces' includes any disciplined force or coast-guard;

'Authority' means the Naoero Maritime and Port Authority established by Section 6 of the *Ports and Navigation Act 2019;*

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'beneficial owner' has the same meaning given under Section 5 of the *Beneficial Ownership Act 2017*;

'business' has the same meaning given under Section 3 of the *Business Licences Act 2017;*

'certificate' means a:
(a) certificate of registry; or
(b) provisional certificate of registry;

'certificate of registry' means a certificate granted under Section 23(1) but does not include a provisional certificate of registry;

'demise charter' means the demise, letting, hire, or delivery of a vessel to the charterer, by virtue of which the charterer has possession, power and control of the vessel, including the right to appoint its master and crew;

'Director of Maritime Services' means the person appointed under Section 9 of the *Ports and Navigation Act 2019*;

'enemy' means any:
(a) country, including all members of the Government of such country;
(b) armed force, including all members of such armed force, whether at any moment armed or not;
(c) pirate, mutineer, rebel, terrorists or proliferation and terrorism financiers; or
(d) Government, authority or other organisation controlling any such force, including all its members and allies,

with which the Republic or any force acting in co-operation with Naoero, is at war or engaged in armed conflict;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'environment' has the meaning given under Section 5 of the *Environmental Management and Climate Change Act 2020* and includes water, air, soil, flora and fauna;

'Financial Intelligence Unit' has the meaning given to it under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

'flag administration' means the authority responsible for the registration of vessels in a flag State;

'flag State' means the State whose flag a vessel:
(a) flies; or
(b) is entitled to fly;

'foreign country' means a country other than the Republic;

'foreign port' means a port outside of the Republic;

'foreign vessel' means a vessel that is not a Naoero-owned vessel;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Load Lines' means the International Convention on Load Lines, done at London on 5 April 1966, as amended from time to time;

'master' includes every person who has the power to manage, possess, control or command a vessel, but does not include a pilot;

'Minister' means the Minister responsible for the Authority;

'mortgage' includes a debenture over the vessel;

'Naoero Fisheries and Marine Resources Authority' has the meaning given to it under the *Naoero Fisheries and Marine Resources Authority Act 1997*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero Flag' means the National Flag of the Republic described and specified in Schedule 3 of the *Naoero National Anthem Emblem and Flag Protection Act 2018*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero port' has meaning given to it under Section 4 of the *Ports and Navigation Act 2019*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero waters' means:

(a) the territorial sea of Naoero, as defined in Section 4 of the *Sea Boundaries Act 1997*; and

(b) all waters on the landward side of the territorial sea, including the waters of a Naoero port;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero' means:

(a) a citizen of Naoero; or

(b) a body corporate, partnership, trust or legal entity established by or under a law of Naoero;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero-owned vessel' has the meaning given under Section 5;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero vessel' means a vessel registered or required to be registered under this Act;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'owner' means:

(a) a registered owner in relation to any registered vessel under this Act or the laws of a foreign country; or

(b) a person who has been assigned or given a right to manage, possess, control or command a vessel under this Act or laws of a foreign country by a registered owner;

'pleasure craft' means a vessel that is used exclusively for the owner's pleasure or as the owner's residence and not offered or used for hire or reward and does not include a vessel that:

(a) provides for the transport or sport or recreation by or on behalf of a business entity, corporation, partnership, trust or association; or
(b) is usually used as a fishing vessel or for the purpose of carriage of passengers or cargo for hire or reward;

'port of registry' in relation to any vessel, means the port that is, for the time being entered in the Register as the port of registry;

'provisional certificate of registry' means a provisional certificate of registry granted under Section 23(2);

'Register' means the Register of Vessels established under Section 12 and includes any part of the Register;

'registered' in relation to any vessel, means a certificate has been granted and is in force in respect of that vessel and ***'unregistered'*** has a corresponding meaning;

'Registrar' means the Registrar of Vessels appointed under Section 8;

'representative' means a person appointed under Section 18;

'Tonnage Convention' means the International Convention on Tonnage Measurement of Ships, done at London on 23 June 1969, as amended from time to time;

'vessel' means a thing used or capable of being used, in navigation by water, no matter how or where propelled and including such which is normally stationary and:
(a) an air-cushion vehicle, seaplane or similar craft;
(b) a submarine or other submersible; and
(c) a barge, lighter or other floating structure used for commercial purposes; and

'voyage' means a journey by water from one port:
(a) to another port; or
(b) back to the same port without calling at any other port.

5 Naoero-owned vessels

(1) A vessel is deemed to be a Naoero-owned vessel, where it is owned by:
(a) the Republic or an instrumentality or public enterprise;
(b) one or more Naoero and no other person;
(c) three or more persons as joint owners and the majority of those persons are Naoero; or
(d) two or more persons as owners in common and more than half of the shares in the vessel are owned by one or more Naoero.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) For the purposes of subsection (1)(c), where two or more persons are joint owners of any number of shares in the vessel the following provisions shall apply:
(a) in the case of two or more particular shares that are owned by the same persons, the interest of each owner in those shares shall be ascertained by dividing the number of shares by the number of owners of the shares;
(b) in the case of a share to which subsection (1)(c) does not apply, the interest of each owner in the share shall be ascertained by dividing the number 1 by the number of owners of the share; and

(c) where the sum of the interests so ascertained in respect of all jointly-owned shares in the vessel as being interests of a Naoero is a whole number or a whole number and a fraction, such number of shares as is equal to that whole number shall be deemed to be owned by a Naoero.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

[s 5 am Act 21 of 2026 s 5, opn 12 May 2026]

6 Demise charters

A reference in this Act to a vessel on demise charter to a Naoero-based operator shall be read as a reference to a vessel on demise charter to:

(a) the Republic, an instrumentality or public enterprise;
(b) a Naoero;
(c) a person ordinarily resident in Naoero; or
(d) one or more of the persons listed in paragraphs (a) and (c), together with any other person, where the persons listed in paragraphs (a) and (c) are in a position to control the exercise of rights and powers of the charterers under the charter party.

[s 6 am Act 21 of 2026 s 5, opn 12 May 2026]

7 Measurement

In this Act:

(a) reference to the length of any vessel is a reference to length as defined in Article 2(8) of Load Lines;
(b) reference to the gross tonnage of any vessel is a reference to gross tonnage as defined in Article 2(4) of the Tonnage Convention; and
(c) reference to the net tonnage of any vessel is a reference to net tonnage as defined in Article 2(5) of the Tonnage Convention.

[The next page is 183,001]

8 Registrar of Vessels

(1) There shall be established the office of the Registrar of Vessels.

(2) The Registrar shall be appointed by the Cabinet on the recommendation of the Authority.

(3) The terms and conditions of the Registrar's appointment shall be approved by the Cabinet.

(4) The Registrar shall be responsible to the Authority.

(5) Where the Registrar is unable to perform the functions or exercise the powers of the office for any reason including any official travel, recreation leave or medical leave, the Cabinet may appoint another person to act as the Registrar for such period as may be necessary.

9 Functions of the Registrar

The Registrar shall:

(a) register vessels;

(b) establish the fees procedure relating to registration;

(c) collect and receive registration fees, tonnage taxes and any other charges payable under this Act on behalf of the Republic;

(d) provide quarterly reports to the Minister on the operation of the registry;

(e) maintain records which include but is not limited to registry certificates, bills of sale, crew endorsements, vessel mortgages and establish procedures;

(f) establish the selection criteria for Recognised Organisations;

(g) delegate authority to a Recognised Organisation for the survey and measurement of vessels registered under this Act on behalf of the Republic;

(h) establish instructions and penalties for direct errors and omissions of Recognised Organisations in order to carry out effective oversight;

(i) recommend to the Minister to establish penalties and actions for vessels that fail to meet the standards of the IMO Conventions that the Republic is party to with the approval of the Cabinet;

(j) establish the selection criteria for the recruitment of inspectors;

(k) develop and define the requirements of a marine inquiry in the event of a casualty;

(l) responsible for keeping and maintaining the Register;

(m) appoint such officers as may be necessary for performance of the functions of the office;

(n) establish the requirements of the relevant IMO Conventions to the satisfaction of the Republic;

(o) establish the requirements of the relevant IMO Conventions to the satisfaction of the Republic relating to the management of the Registry;

(p) establish the procedure for and communicating information to the International Maritime Organisation relating to the management of the Registry;

(q) implement and enforce the requirements of the IMO Conventions that the Republic is party to, through the establishment of circulars or instructions;

(r) recognise foreign seaman documents and establish related procedures;
(s) be the supervisory authority for Naoero vessels for the administration and implementation of the relevant Financial Action Task Force Standards and targeted financial sanctions which includes:
  (i) stop, board or search vessel;
  (ii) stop or search a person on the vessel;
  (iii) seize goods found on a vessel;
  (iv) require a person on the vessel to provide information or produce documents;
  (v) inspect or copy such document or information;
  (vi) require the vessel to be taken to a port or anchorage;
  (vii) use reasonable force in the performing of the functions;
  (viii) appoint authorised officers or law enforcement agencies for the purposes of performing of any functions; or
  (ix) any other actions required to be undertaken for search and seizure under the *Proceeds of Crimes Act 2004* or any other written law; and
(t) any other functions as may be prescribed or conferred by the Authority.

[s 9 am Act 21 of 2026 s 5, opn 12 May 2026]

10 Power of the Registrar

The Registrar shall have the power to do all things necessary or convenient to be done for the performance of his or her functions under this Act or any other written law.

11 Common Seal of the Registrar

(1) The Registrar shall have a common seal, which shall be affixed for the purposes of executing any correspondence, document or instrument to bind the office of the Registrar.
(2) All courts, judges and persons acting judicially or any person shall:
  (a) take notice of the common seal of the Registrar affixed to a document; and
  (b) presume the seal was duly affixed.

12 Register of Vessels

(1) There shall be a Register of Vessels registered under this Act.
(2) The Register shall consist of particulars of vessels required or eligible to be registered under Sections 17, 19 and 82.
(3) The Registrar shall keep and maintain a register of registered vessels.
(4) The Registrar may correct, or cause to be corrected, any clerical error or obvious mistake in the Register.
(5) Where, in relation to any particular vessel:
  (a) the Registrar has reason to believe that the vessel is not entitled to be registered under this Act or is registered in the wrong Part of the Register; or
  (b) no entry or amendment of an entry has been made in the Register for a period of 5 years and the Registrar has reason to suspect that:

(i) any notice, information or document in respect of which an entry in the Register is required by this Act has not been lodged with the Registrar within that period;

(ii) any particulars entered in the Register, other than particulars relating to a mortgage, are incorrect;

(iii) the vessel has been lost whether actually or constructively, taken by an enemy, burnt or broken up; or

(iv) the vessel is derelict or otherwise incapable of being used in navigation,

the Registrar may, by notice in writing served on the owner of the vessel, require the owner to furnish to the Registrar within a specified period, being not less than 30 days after the date of service of the notice, such information and documents relating to the vessel as are specified in the notice.

(6) Where:

(a) the owner of the vessel notified under subsection (5) fails to furnish the Registrar, within the period specified in the notice or such longer period as the Registrar may allow, the information or documents specified in the notice; or

(b) after having been furnished the information or documents the Registrar is of the opinion that the circumstances justify the closure of the registration of that vessel or the alteration of any entry in the Register, the Registrar may make any alteration to an entry in the Register or close the registration of any vessel.

(7) A person may upon payment of the prescribed fee:

(a) inspect the Register during business hours;

(b) inspect any document lodged in association with any entry in the Register; and

(c) obtain an extract from any entry in the Register or copy of any document lodged in association with any entry in the Register.

(8) Any person aggrieved by any matter contained in or omitted from the Register may apply to the Supreme Court for rectification of the Register.

(9) Notice of an application made under subsection (8) shall be served on:

(a) the Registrar;

(b) every person listed in the Register as a mortgagee of the vessel or a share in it;

(c) every person listed in the Register as the holder of an interest in the vessel; and

(d) any other person affected by the registration of the vessel.

(10) The Registrar shall comply with Section 26 of the *Fisheries Management Act 2024*, where he or she registers a vessel required to be registered under that Act.

13 Delegation of registration of vessels, keeping and maintaining of register of vessels required or entitled to be registered under this Act

(1) The Registrar may in consultation with the Minister, delegate his or her functions and powers to a suitable person to establish the register of vessels and keep and maintain such register in accordance with this Act.

(2) The delegation under subsection (1) shall:
(a) be made in writing;
(b) specify a class or classes of vessels to be included under the delegation;
(c) specify the period for which the delegation remains in force;
(d) specify terms and conditions which shall be complied with; and
(e) any other matter that may be prescribed.

(3) A person who is delegated functions and powers under this Section shall perform such functions and exercise such powers in accordance with the requirements of this Act.

(4) The Registrar may revoke a delegation under this Section where:
(a) the Registrar is satisfied that the requirements of this Act are not complied with;
(b) the services provided by any other person is no longer necessary; or
(c) any other reason which the Registrar may deem necessary.

(5) The delegation of powers under this Section shall not prevent the Registrar from performing such function or exercising such power.

(6) Where the Registrar preforms any function or exercises any power contrary to the person to whom such function or power has been delegated, the decision of the Registrar shall prevail.

14 Functions of the Director of Maritime Services

The Director of Maritime shall:
(a) establish the requirements of the relevant IMO Conventions to the satisfaction of the Republic;
(b) establish the procedure for and communicating information to the International Maritime Organisation;
(c) appoint authorised officers for the purposes of boarding and carrying out an inspection of a vessel;
(d) in relation to vessels, administer and implement the relevant Financial Action Task Force Standards and targeted financial sanctions which includes:
(i) stop, board or search vessel;
(ii) stop or search a person on the vessel;
(iii) seize goods found on a vessel;
(iv) require a person on the vessel to provide information or produce documents;
(v) inspect or copy such document or information;
(vi) require the vessel to be taken to a port or anchorage;
(vii) use reasonable force in the performing of the functions;
(viii) appoint authorised officers or law enforcement agencies for the purposes of performing of any functions; or
(ix) any other actions required to be undertaken for search and seizure under the *Proceeds of Crimes Act 2004* or any other written law;
(e) appoint such officers as may be necessary for performance of the functions of the office; and
(f) any other functions as may be prescribed or conferred by the Authority.

15 Powers of the Director of Maritime

The Director of Maritime has the power to do all things necessary or convenient to be done for the performance of its functions under this Act or any other written law.

[The next page is 184,001]

16 Prohibition of operating vessel without registration

(1) An owner shall not operate a vessel required to be registered under this Division without being registered under this Act.

(2) An owner who contravenes subsection (1), commits an offence and upon conviction is liable:
   (a) in the case of an individual to a fine not exceeding $30,000 or to a term of imprisonment not exceeding 2 years or both; or
   (b) in the case of a body corporate, to a fine not exceeding $100,000.

(3) The Authority or a law enforcement agency may detain an unregistered vessel, where it is in operation without a certificate of registry, notwithstanding any investigation or proceedings under subsection (2) has commenced or not.

17 Requirement to register

(1) The following vessels shall be required to be registered in the Register:
   (a) a Naoero owned vessel;
   (b) a Naoero-owned vessel operated by a foreign resident under a demise charter unless registered under the law of a foreign country and entitled to fly that country's flag; or
   (c) a vessel deemed as registered under Section 82.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The owner of a vessel registered under this Act, shall notify the Registrar of any alteration, change or reconstruction of the vessel which could affect the vessel's classification, measurement, gross and nett tonnage or load line within 21 days of the completion of the alteration, change or reconstruction.

(3) The Registrar shall consider the notification under subsection (2) as a variation under Section 31 and require the owner to apply for registration of variation.

18 Presence of representative of an owner of vessel required

(1) Where the owner of a registered vessel, does not reside or is domiciled in Naoero, he or she shall appoint a representative who is a resident of or is present in the Republic.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where a representative is required to be appointed under subsection (1), the owner of the vessel shall:
   (a) before applying for registration, appoint a natural person satisfying the requirements of this Section to be such representative; and
   (b) ensure that, so long as the vessel remains registered, a natural person satisfying those requirements is so appointed.

(3) A representative shall be:
   (a) a resident of the Republic; and
   (b) comply with such other requirements as may be prescribed by regulations.

(4) The owner of a vessel in relation to which a representative is required to be appointed under subsection (1) shall:
  (a) on applying for registration, notify the Registrar in the prescribed form of the name, address and other prescribed particulars of that person; and
  (b) on any change in the particulars of the representative, notify the Registrar within 7 days of such change.

(5) Where any provision of this Act requires the owner of a vessel to lodge with or furnish to the Registrar any document or information, it shall be sufficient compliance with that requirement where the representative appointed under this Section lodges or furnishes the document or information.

(6) Any document required or authorised by or under any written law to be served on the owner of a registered vessel for any purpose shall be deemed to have been duly served where it is:
  (a) served on the representative for the time being appointed in relation to the vessel under this Section; or
  (b) left at the address last notified to the Registrar under subsection (4).

19 Eligibility to register

The following vessels are eligible to be registered in the Register:
(a) Naoero-owned vessels;
(b) foreign vessels on demise charter to Naoero-based operators;
(c) vessels owned in equal or majority proportions by a combination of Naoero and natural persons entitled to reside indefinitely in Naoero;
(d) vessels owned in equal or majority proportions by natural persons entitled to reside indefinitely in Naoero;
(e) foreign vessels owned wholly by a person who is not Naoero; and
(f) foreign vessels owned by persons each of whom is not Naoero.

[s 19 am Act 21 of 2026 s 5, opn 12 May 2026]

20 Application for registration

(1) An application for registration of a vessel under this Act, shall be:
  (a) in the prescribed form;
  (b) accompanied by the prescribed fee;
  (c) accompanied by such particulars, documents and information as may be required by this Act and regulations; and
  (d) signed:
    (i) where the majority interest in the vessel is owned by a natural person, that person;
    (ii) where the majority interest in the vessel is owned by a body corporate, two officers of the body corporate;
    (iii) where the vessel is on demise charter, by the charterer in accordance with subparagraph (i) or (ii), as the case may be; or
    (iv) where the majority interest in the vessel is owned by two or more natural persons or bodies corporate, at least two of those persons or bodies in accordance with subparagraph (i) or (ii), as the case may be.

(2) The Registrar may require an applicant to provide such further information and evidence relating to a vessel for registration and its owners as the Registrar deems necessary.

(3) The Registrar may disallow a name or proposed name of any vessel registered or proposed to be registered, where such name:
(a) is the same or substantially the same as another registered vessel;
(b) is likely to be confused with another registered vessel;
(c) is likely to be offensive to members of the public;
(d) uses any name which falsely suggests an association with the Government;
(e) uses any emblem, letter, slogan, word, or representation which is protected under the *Naoero National Anthem Emblem and Flag Protection Act 2018* or any other written law; or
(f) uses a prefix or suffix which may lead to confusion.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The Registrar shall certify a vessel where:
(a) an application complies with subsection (1); and
(b) the Registrar is satisfied that the vessel complies with the requirements of this Act.

(5) The Registrar shall not register a vessel where the application does not comply with subsection (1).

21 Foreign-registered vessels

(1) Subject to Section 23(2), the Registrar shall not register or shall close the registration of a vessel, as the case may be, where it is registered under the law of a foreign country.

(2) Where an application is made for registration of a vessel that has at any time been registered under the law of a foreign country, the application shall be accompanied by such evidence as the Registrar may require to establish:
(a) that the vessel is no longer registered under the law of that country; or
(b) that steps have been taken, or are intended to be taken, to close the registration of the vessel under the law of that country on or before registration under this Act.

(3) For the purposes of this Section, where the registration of a vessel is suspended under the law of a foreign country, the vessel shall be treated as an unregistered vessel for such time the vessel is suspended.

22 Marking before registration

(1) Except as provided in subsection (2), a vessel shall not be registered unless it has been permanently and conspicuously marked as follows:
(a) the name of the vessel shall be marked on each side of the bow;
(b) the name of the vessel and the port of registry shall be marked either on the stern or on each side of the hull as near as practicable to the stern;
(c) the characters in the name shall be marked in a colour contrasting with the background and shall be of a height not less than 100 millimetres and of proportionate breadth;
(d) where the vessel is less than 24 metres in length, its official number

shall be cut in on the main beam or on a main structural member or on an integral part of the vessel where readily visible; and

(e) where the vessel exceeds 24 metres in length, its official number and net tonnage shall be cut in on the main beam or on a main structural member or on an integral part of the vessel where readily visible.

(2) Where the vessel is a pleasure craft, it shall be sufficient compliance with subsection (1) where:

(a) the name of the vessel is marked:

(i) on each side of the hull; or

(ii) where the vessel is not fitted with a sail, on each side of the superstructure;

(b) the name of the vessel and the port of registry is marked either on the stern or on each side of the hull as near as practicable to the stern; and

(c) the characters in the name are of a height not less than 50 millimetres and of proportionate breadth.

(3) Where the registration of a vessel is closed, the owner shall remove all markings, except the name of the vessel, required by this Section.

(4) The Registrar may impose such additional marking requirements as the Registrar deems necessary.

(5) The Registrar may, subject to such conditions as the Registrar deems necessary, exempt any vessel or class of vessel from all or any of the requirements of this Section.

23 Registrar to grant certificate of registry

(1) Where the Registrar is satisfied that an application for a certificate of registry complies with all the requirements of this Act, he or she shall:

(a) allot an official number to the vessel; and

(b) grant a certificate of registry.

(2) The Registrar may grant a provisional certificate of registry where:

(a) an application has been received while the vessel to which it relates is not in Naoero waters;

(b) no certificate of registry has been granted in respect of that application; and

(c) either:

(i) the owner of the vessel has not yet received deletion and a Continuous Synopsis Record from the previous flag administration;

(ii) the vessel is still under construction;

(iii) the application is complete except for information or document which, in the opinion of the Registrar, may be provided within a time stipulated by the Registrar; or

(iv) the Registrar considers it necessary that any conditions be met prior to registration.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) A provisional certificate of registry shall be endorsed with its duration, which shall not be more than 90 days.

(4) A vessel that has been issued a provisional certificate of registry shall not be issued another provisional certificate of registry within 1 year of the date of issue of the previous provisional certificate.

(5) The Registrar may grant a certificate of registry to replace a provisional certificate of registry if and when:
(a) the circumstances under subsection (2)(c) have ceased or been resolved to the satisfaction of the Registrar; or
(b) any conditions imposed by the Registrar have been met.

24 Renewal of certificate of registry

(1) A certificate of registry shall be renewed on every anniversary of the date on which it was granted upon payment of the prescribed fee.

(2) Where the prescribed fee is not paid when due, the Registrar may after:
(a) 30 days, suspend the registration of the vessel to which the certificate relates; and
(b) a further 30 days, close the registration of the vessel to which the certificate relates.

25 Custody of certificate of registry

(1) A certificate shall:
(a) at all times, be carried with the vessel to which it relates;
(b) be used for the purpose of the lawful navigation of the vessel to which it relates;
(c) not be removed from the vessel which is on a voyage for any reason including by the owner, mortgagee, charterer, operator or other person in respect of any title in, lien or charge on or interest in, the vessel to which it relates.

(2) A person having possession or control of a certificate shall deliver the same on demand to:
(a) the person entitled to custody of it for the purposes of the lawful navigation of the vessel to which it relates; or
(b) the Registrar or any other person entitled by law to require its delivery.

26 Replacement of certificate of registry

(1) Where a certificate is misplaced, lost or destroyed, the owner shall make an application to the Registrar for a replacement certificate.

(2) An application under subsection (1), shall be:
(a) in the prescribed form;
(b) accompanied by the prescribed fee;
(c) accompanied by a reason or explanation as to the manner in which the certificate was misplaced, lost or destroyed;
(d) accompanied by such particulars, documents and information as may be required by this Act and regulations; and
(e) duly executed by the owner or any person authorised by the owner.

27 Surrender of certificate of registry

(1) The owner of a vessel shall within 14 days, surrender any certificate to the Registrar where:
(a) the vessel's registration is closed; or
(b) the vessel ceases to be a Naoero vessel.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where a provisional certificate was granted for a vessel, the owner shall surrender the provisional certificate, upon receipt of a certificate of registry.

28 Temporary Pass

(1) Where the Registrar is satisfied that, by reason of special circumstances, a temporary pass should be granted for an unregistered vessel to travel:
(a) from a port in the Republic to a foreign port; or
(b) from a foreign port to another foreign port or to a port of the Republic,
the Registrar may grant a temporary pass per voyage in respect of that vessel.

(2) A temporary pass shall be in the prescribed form and specify:
(a) the voyage that the vessel is authorised to make;
(b) any conditions subject to which the voyage is to be made; and
(c) the period for which or a date until which the pass is current.

(3) During the period of its currency, and subject to compliance with any conditions imposed in respect of the voyage, a temporary pass has the same effect as a certificate of registry, and for the purposes of this Act and of the lawful navigation of the vessel concerned on the voyage specified in the pass, the vessel is deemed to be registered during that period.

(4) The owner of a vessel in respect of which a temporary pass is granted shall, as soon as practicable after the pass expires, lodge the pass or cause it to be lodged with the Registrar.

(5) An owner who contravenes subsection (4) commits an offence and upon conviction is liable to a fine not exceeding $20,000 or a term of imprisonment not exceeding 2 years or both.

29 Certain vessels not to be registered

(1) The Registrar shall not register a foreign vessel unless the owner of the vessel makes a declaration in the application form for registration that:
(a) the vessel will not be used for:
(i) storage and transportation of illegal drugs and stolen goods;
(ii) people smuggling, trafficking in person or carriage of asylum seekers;
(iii) involvement in any war or armed conflict;
(iv) supporting civil unrest in any State or territory;
(v) terrorism, proliferation or activities in support of terrorism or proliferation; or
(vi) any other activity which would be contrary to the laws of the Republic or any international convention to which the Republic is a party;
(b) the applicant complies with all the requirements of the implementation of any targeted financial sanctions under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*, *Counter Terrorism and Transnational Organised Crime Act 2004*, orders under the *Proceeds of Crimes Act 2004* or any other written law; and
(c) the vessel is not one which flies the flag of high-risk country or is owned by person or entity designated by the United Nations Security Council resolution.

(2) Where a vessel has been registered and subsequently it is brought to the knowledge of the Registrar that the vessel at the time of the registration or after registration falls within the categories of activities under subsection (1), the Registrar shall close the registration of such vessel immediately.

30 Particulars and documents

(1) The Registrar shall enter, in the relevant part of the Register, the following particulars:
- (a) the full name of the vessel and its official number assigned by the Registrar;
- (b) the port of registry;
- (c) any international call-sign assigned to the vessel;
- (d) the vessel's gross and net tonnage, length and descriptive particulars;
- (e) the name, address and nationality of every owner of every share in the vessel;
- (f) the name, address and nationality of every mortgagee of every share in the vessel;
- (g) the name, address and other particulars of any representative under Section 18;
- (h) the particulars of any beneficial owner as required under the *Beneficial Ownership Act 2017*;
- (i) where the vessel exceeds 18 metres in length, the name and address of each person who is, for the time being, authorised to be its master;
- (j) the date of registration;
- (k) the surveyor's certificate;
- (l) the builder's certificate;
- (m) any bill of sale of a vessel previously made;
- (n) the copy of condemnation where relevant;
- (o) all declarations of ownership; and
- (p) any other matter as may be prescribed.

(2) The Registrar shall retain for a period of 5 years following closure of registration of a vessel:
- (a) every document comprising its application for registration; and
- (b) every document submitted to the Registrar in respect of that vessel.

31 Variation of particulars

(1) An owner, representative, charterer or mortgagee shall make an application to the Registrar for the registration of a variation of any particulars of a registered vessel, in the prescribed form, within 14 days of any such variation occurring.

(2) Where the Registrar is satisfied that any variation of any particulars complies with the requirement of this Act or any other written law, he or she shall upon receipt of the notice in subsection (1) amend the particulars contained in the Register.

(3) Where the Registrar requires any further information in respect of the application for registration of any variation of particulars:
- (a) he or she shall require in writing the owner, representative, charterer or mortgagee respectively to provide such information;

(b) the owner, representative, charterer or mortgagee shall provide the details requested in paragraph (a) within 7 days or any other period as specified by the Registrar; and

(c) he or she shall make a determination on the registration of the variation of the particulars after the expiry of the period in paragraph (b).

(4) Where the variation is in respect of the certificate of registry, ownership, address or matter relating to the vessel, the Registrar shall issue an amended certificate of registry accordingly.

(5) Where the Registrar declines the application for variation under subsection (1), he or she shall provide the reasons for such decision in writing.

(6) An owner, representative, charterer or mortgagee who fails to comply with subsection (1), commits an offence and upon conviction is liable to a fine not exceeding $20,000 or to a term of imprisonment not exceeding 2 years or both.

32 Registration of property in vessels

(1) For the purpose of registering property in a vessel:

(a) property in the vessel shall be divided into 64 shares;

(b) subject to subsection (2), the number of persons registered as owners of a vessel shall not exceed 64;

(c) any number of persons not exceeding 5 may be registered as joint owners of a vessel or any number of shares in a vessel;

(d) no joint owner of a vessel or of any number of shares in a vessel is entitled to dispose of that interest in severalty;

(e) no person shall be registered as the owner of a fractional part of a share in a vessel;

(f) a body corporate shall be registered as owner in its full corporate name together with any identifying number or other designation of its domicile.

(2) Where a share in a vessel is jointly owned, or where 2 or more shares are jointly owned by the same persons, the joint owners of the relevant share or shares shall, for the purposes of subsection (1)(b), be treated as constituting 1 person.

(3) Nothing in subsection (2) affects the beneficial interests of any person or body corporate represented by or claiming under or through a registered owner or joint owners.

33 Mortgages

(1) A registered vessel or any share in a registered vessel may be given as security for a mortgage under this Act.

(2) Subject to subsection (3), where 2 or more mortgages are registered in respect of the same vessel or share in a vessel, priority among the mortgagees shall be in accordance with their order of lodgement, irrespective of the dates upon which they were made or executed and notwithstanding any express, implied or constructive notice.

(3) Mortgagees registered under this Act may, by memorandum of priority in the prescribed form, vary the priority as between them of such mortgages, such variation becoming effective upon lodgement.

(4) No registered mortgage of a vessel or a share in a vessel shall be affected by any act of bankruptcy committed by the mortgagor and any such mortgage shall be preferred to any right, claim or interest in that vessel or share of the other creditors of the mortgagor or of any trustee or assignee in their behalf.

(5) A mortgage of a vessel or of a share in a vessel shall not have the effect of the mortgagee becoming or the mortgagor ceasing to be, owner of the vessel or share, except to the extent necessary to make the vessel or share available as security under the mortgage.

(6) Subject to subsection (7), a mortgagee of a vessel or of a share in a vessel shall have power absolutely to dispose of the vessel or share and to give effectual receipts in respect of the disposal.

(7) Where there are 2 or more mortgagees of the same vessel or share, a subsequent mortgagee shall not, except under the order of the Supreme Court, dispose of the vessel or share without the consent of every prior mortgagee.

(8) Where a vessel's registration is closed under this Act:
(a) the registration of that vessel shall be deemed closed except in so far as it relates to any unsatisfied mortgage of the vessel or any share in the vessel; and
(b) the mortgagee may apply to the Supreme Court within 30 days of closure of registration or such extended time as the Supreme Court may allow, and the Supreme Court may:
(i) order that the vessel and its equipment be sold;
(ii) make any orders incidental to sale; or
(iii) give directions to the Registrar.

34 Variation, transmission and discharge of mortgages

(1) The parties to a mortgage registered under this Act may, by memorandum in the prescribed form and with the consent of every subsequent mortgagee, where relevant:
(a) increase or decrease the amount secured by the mortgage;
(b) increase or decrease the rate of interest;
(c) shorten, extend or renew the term or currency of the mortgage; or
(d) vary the terms contained in the mortgage.

(2) A mortgage registered under this Act may be:
(a) transferred by instrument in the prescribed form; or
(b) transmitted by marriage, death, bankruptcy, court order or other lawful means.

(3) A mortgage registered under this Act may be discharged by instrument in the prescribed form.

35 Registration of mortgages and other documents

(1) The instrument of mortgage under this Act shall be:
(a) in the prescribed form; and
(b) lodged with the Registrar as may be prescribed, together with the prescribed fee.

(2) The Registrar shall endorse every instrument of mortgage lodged in

accordance with subsection (1) with the date and time of lodgement and register the mortgage by entering its particulars in the Register.

(3) The date and time of lodgement is the later of:
(a) the date and time on which the prescribed form is lodged; or
(b) the date and time on which the prescribed fee where relevant, is received.

(4) Mortgage instruments lodged under this Section shall be registered in the order of their lodgement.

(5) An instrument under Section 34 shall be effective upon lodgement.

(6) A memorandum which is required under Section 33, 34 or any other relevant provision, shall be effective on the date specified in the memorandum, provided that the memorandum is lodged for registration.

(7) A person to whom an interest in a mortgage is transmitted under Section 34(2)(b) shall lodge a memorandum in the prescribed form.

(8) The Registrar shall endorse on the Register every instrument or memorandum for which this Division provides.

36 Trusts and equities

(1) No notice of any trust, whether express, implied or constructive, may be entered in the Register or received by the Registrar.

(2) Nothing in subsection (1) prevents the registration of a vessel that is subject to a mortgage.

(3) Nothing in this Act shall affect any power to enforce any beneficial ownership in any vessel or share in a vessel in the same manner as in respect of any other personal property.

37 Transmission on death or bankruptcy

(1) Where the property in a registered vessel or share in a vessel is transmitted to another person upon the death or bankruptcy of any registered owner or by any lawful means other than a voluntary transfer:
(a) that person shall authenticate the transmission by making and signing a declaration of transmission identifying the vessel and a statement of the manner in which and the person whom, the property has been transmitted and where the transmission is a consequence of:
(i) bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in a court as proof of the title of persons claiming under a bankruptcy; or
(ii) death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract.

(2) The Registrar upon receipt of the declaration of transmission and accompanying statement, evidence, instrument or official extract, shall enter in the Register the name of the person entitled under the transmission of the owner of the vessel or shares in the property which is transmitted and where there is more than one such person, the names of all those persons, shall for the purpose of this Act and in respect of the number of persons entitled to be registered, be considered as one person.

38 Transfer of vessel or shares by order of court

(1) Where a court, orders the sale of any vessel or share in it, such order will contain a declaration vesting in some person named by the court the right to transfer that vessel or share in a vessel and, that person shall be entitled to transfer the vessel or shares in the manner and to the same extent as where he or she were the registered owner.

(2) Subject to subsection (1), the Registrar shall comply with the demand of the person named in such transfer to the same extent as where such person is the registered owner.

39 Power of Court to prohibit transfer

(1) The Supreme Court may, where it thinks fit and without prejudice to any other of its powers, on the application of a person claiming an interest in a registered vessel, make an order prohibiting for the time specified in the order any dealing with a vessel or share in it and, the Supreme Court may make an order on any terms or conditions it thinks just, or refuse to make the order or discharge the order when made, with or without costs and generally may act in the case as the justice of the case requires.

(2) The Registrar, without being made a party to the proceeding shall, on being served with an order or an official copy thereof, comply with the order.

40 Suspension of certificate of registry

(1) Where the Registrar believes on reasonable grounds that a vessel:
   (a) poses an unreasonable risk to:
      (i) international or domestic law and order;
      (ii) safety of navigation;
      (iii) safety of crew members;
      (iv) maritime security; or
      (v) the environment; or
   (b) does not comport with any particulars, documents or information in relation to the vessel provided to the Registrar under this Act,

   the Registrar may require the owner of the vessel, to show cause why the registration of that vessel should not be closed.

(2) A requirement to show cause under subsection (1) shall:
   (a) be accompanied by reasonable particulars of the Registrar's belief and the reasons for that belief; and
   (b) state the time within which any response is required, not being less than 14 days.

(3) The Registrar may suspend the registration of a vessel for a period not exceeding 30 days from any response to the requirement to show cause under subsection (1).

41 Closure of certificate of registry

(1) Where, upon a requirement under Section 40(1):
   (a) no response is received by the Registrar; or
   (b) such response as is received by the Registrar does not satisfy the Registrar that the vessel:

(i) does not pose an unreasonable risk in respect of any of the matters listed in Section 40(1)(a)(i) to (v); or

(ii) comports with all particulars, documents or information in relation to the vessel provided to the Registrar under this Act,

the Registrar shall close the registration of the vessel and cancel its certificate.

(2) Where a registered vessel has:

(a) been lost whether actually or constructively;

(b) been taken by an enemy;

(c) been burnt or broken up; or

(d) otherwise ceased to be required or entitled to be registered,

the owner shall notify immediately after obtaining knowledge of the event by notice in writing to the Registrar.

(3) The Registrar shall make an entry in the Register of the event to which it relates in respect of the vessel.

(4) Where the Registrar makes an entry under subsection (3), the registration shall be deemed to be closed except for the purposes of the discharge of any mortgage over the vessel.

(5) Where the Registrar is satisfied that subsection (1) applies to a vessel but the owner has not notified the Registrar as required under this Section:

(a) the Registrar may close the registration of the vessel by making the appropriate entry in the Register; and

(b) the Registrar shall notify the owner of the closure in writing.

(6) A closure under this Section:

(a) shall be endorsed on the Register; and

(b) shall be notified to every mortgagee of the vessel or a share in the vessel.

(7) The certificate shall be deemed to be concurrently cancelled on the closure of the registration of the vessel.

(8) The Registrar may restore the registration of the vessel whose registration has closed under subsection (1) on an application by the owner.

(9) The procedure for restoration of a registration of a vessel under subsection (7) may be prescribed.

(10) An owner who contravenes subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding $20,000 or an imprisonment term not exceeding 2 years or both.

42 Closure of registration on implementation of sanctions

(1) The Registrar shall:

(a) close the registration of a vessel; and

(b) cancel the certificate,

where the Registrar is satisfied that the owner of the vessel fails to comply with the requirements of the implementation of any targeted financial sanctions under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023, Counter Terrorism and Transnational Organised Crime Act 2004*, orders under the *Proceeds of Crimes Act 2004* or any other written law.

(2) Where the Registrar has closed the registration or cancelled the certificate

under subsection (1), he or she shall inform of the closure or cancellation of the certificate to the owner and other law enforcement agencies or authorities.

(3) The Cabinet may prescribe the procedure for the purposes of this Section.

[The next page is 185,001]

43 International Conventions

(1) The owner of every Naoero vessel shall ensure that the vessel and the operation of the vessel complies with the requirements of:
  (a) the applicable conventions;
  (b) the Financial Action Taskforce Standards for vessels particularly in relation to terrorist, terrorist activity, terrorist financing, proliferation and proliferation financing; and
  (c) such other instruments as may be prescribed by regulations.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The owner of every Naoero vessel shall ensure that all crew members of that vessel are provided with such publications, instructions and manuals:
  (a) required to be provided by the applicable conventions;
  (b) required under this Act;
  (c) provided by the manufacturer or supplier of all equipment on the vessel; and
  (d) necessary to operate the vessel safely.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

44 Naoero Flag and colours

(1) Naoero vessels that are registered under this Act shall fly the Naoero Flag.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A Naoero vessel, while in a foreign port, may, as a courtesy to that country, display the national flag of that country, but not so as to confuse that flag with the Naoero Flag.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) An owner who contravenes this Section, commits an offence and upon conviction is liable to a fine of $20,000 or a term of imprisonment not exceeding 2 years or both.

[s 44 am Act 21 of 2026 s 5, opn 12 May 2026]

45 Flags authorised by the Cabinet

The Cabinet may by Regulation establish a flag which may be flown by a particular Naoero vessel or class of vessels for the purposes of the Republic or for any special occasion for a visit of any particular dignitaries or guests.

[s 45 am Act 21 of 2026 s 5, opn 12 May 2026]

46 Vessels deemed to have Naoero nationality

(1) The following vessels shall for all purposes be deemed as having Naoero nationality:
  (a) registered vessels; and
  (b) vessels entitled to be registered under this Act other than vessels required to be registered under this Act.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Nothing in subsection (1) alters the character of a vessel as an article of personal property.

[s 46 am Act 21 of 2026 s 5, opn 12 May 2026]

47 Inspection of Naoero vessels

(1) The Registrar may require that a Naoero vessel be inspected, whether in the Republic or outside of the Republic for the purposes of implementing this Act.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) One or more persons may be appointed by the Registrar to carry out an inspection under subsection (1).

(3) Any person conducting an inspection under subsection (1) may:

(a) at all reasonable times, board and inspect the vessel and any part of the vessel, or anything on the vessel;

(b) require the production of, and inspect, any document carried on the vessel under this Act, the applicable conventions or other matters under Section 43; or

(c) require any person on the vessel to answer questions relevant to paragraph (a) or (b).

[s 47 am Act 21 of 2026 s 5, opn 12 May 2026]

48 Declaration of vessels nationality before customs clearance

(1) An authorised officer shall not grant a certificate of clearance in respect of a vessel to leave the port for a place outside of the Republic until the owner is able to produce the nationality of the vessel.

(2) Any vessel which attempts to proceed to a voyage without the certificate of clearance may be detained.

[The next page is 186,001]

PART 6 — ENFORCEMENT

49 Interpretation

(1) In this Part:

'gives information' means the provision of any document or information by any means to a person performing functions or exercising powers under this Act;

'misleading' means false or misleading in a material particular, including by omission;

'notice' means every notice, memorandum, report or other communication by any means; and

'owner' includes a beneficial owner of any interest in a vessel but does not include a person beneficially interested only by reason that the person has rights under an indenture of trust pursuant to which finance was provided to enable the vessel to be purchased.

(2) In this Part:

(a) words and phrases have the same meaning as in the Section, division or part to which the offence relates.

(b) a reference to an offence against this Act includes an offence against the regulations; and

(c) the evidential burden of proving any defence or excuse is on the person asserting it.

50 Extraterritorial criminal jurisdiction

A person is criminally responsible for any act or omission comprising an offence under this Act where such act or omission or any part of such act or omission occurred on or in relation to a Naoero vessel anywhere.

[s 50 am Act 21 of 2026 s 5, opn 12 May 2026]

51 Liability of beneficial owner

An owner who is only a beneficial owner of any interest in a vessel is not criminally responsible for any act or omission committed without their knowledge or consent.

52 Prosecutions by Director of Public Prosecutions

A prosecution for an offence under this Act may be commenced by the Director of Public Prosecutions or a person authorised to do so by the Director of Public Prosecutions.

53 Time for bringing prosecution

A prosecution for an offence under this Act shall be commenced within 5 years after the date on which the offence is alleged to have been committed.

54 Averment

(1) In any prosecution for an offence under this Act, the averment of the prosecutor contained in the complaint is *prima facie* evidence of the matter or matters averred.

(2) This Section applies to every matter averred, although:
  (a) evidence in support or rebuttal of a matter averred is given by a witness or otherwise; or
  (b) the matter averred is a mixed question of law and fact, but in that case the averment is *prima facie* evidence of the fact only.

(3) Any evidence given by a witness in support or rebuttal of a matter averred shall be considered on its merits, and its weight is not affected by this Section.

(4) This Section does not lessen or affect any onus of proof otherwise falling on a defendant.

55 Costs and expenses recoverable

A court may order a person who is convicted of an offence under this Act, in addition to suffering any penalty imposed in respect of that offence, to pay all costs and expenses incurred in the prosecution of that offence.

56 Compensation recoverable

A court may order a person who is convicted of an offence under this Act, in addition to suffering any penalty imposed in respect of that offence, to pay to the Republic or any other person compensation for any loss or damage suffered by reason of the commission of that offence.

57 Disgorgement

A court may order a person who is convicted of an offence under this Act, in addition to any penalty imposed in respect of that offence, to pay to the Republic an amount equal to any profit derived by reason of the commission of that offence.

58 Orders of the court made under this Part

An order of the court under this Part:

(a) shall be made where the court entering the conviction is satisfied on the balance of probabilities:
  (i) that Section 55, 56 or 57 applies; and
  (ii) as to the general amount of the costs and expenses, compensation or profits, as the case may be;
(b) shall specify the amount of costs and expenses, compensation or profits, as the case may be; and
(c) may be recovered as a debt.

59 Distress and forfeiture

(1) Where:
  (a) an owner or master has been convicted of an offence under this Act;
  (b) a penalty has been imposed; and
  (c) that penalty has not been paid for more than 30 days,
  the court may, in addition to any other power, direct that such amount as remains unpaid be levied by distress or by the sale of the vessel or equipment of the vessel to which the penalty relates.

(2) Where an owner or master has been convicted of an offence under Section 63:
(a) a Harbourmaster may seize and detain the vessel; and
(b) the Minister may apply to the Supreme Court for an order that the vessel and its equipment be forfeited to the Republic.

(3) Anything forfeited under this Section becomes the property of the Republic and may be sold or otherwise dealt with as the Minister thinks fit.

(4) A person shall not be civilly or criminally liable in respect of:
(a) the levy of any distress; or
(b) the seizure or detention,
under this Section.

60 Failure to give notice

(1) Where a person, who is required by this Act to give any notice:
(a) fails to give such notice; or
(b) fails to give such notice in the form or manner required,
he or she commits an offence and is liable on conviction to a fine not exceeding $5,000 or a term of imprisonment not exceeding 6 months or both.

(2) Where a person:
(a) is required by this Act to give any notice;
(i) fails to give such notice; or
(ii) fails to give such notice in the form or manner required; and
(b) such failure is a substantial cause of any:
(i) loss of life or personal injury; or
(ii) damage to the environment,
he or she commits an offence and is liable on conviction to a fine not exceeding $20,000 or a term of imprisonment not exceeding 2 years or both.

61 Giving misleading information

(1) A person who, knowingly or recklessly, gives information that is misleading commits an offence and is liable on conviction to a fine not exceeding $25,000 or a term of imprisonment not exceeding 2 years or both.

(2) A person who:
(a) knowingly or recklessly, gives information that is misleading; and
(b) such misleading information is a substantial cause of any:
(i) loss of life or personal injury; or
(ii) damage to the environment,
he or she commits an offence and is liable on conviction to a fine not exceeding $50,000 or a term of imprisonment not exceeding 3 years or both.

62 Hindering

(1) A person shall not hinder the operation of this Act.

(2) A person is deemed to be hindering the operation of the Act where he or she:

(a) fails to surrender any certificate when required to do so;
(b) fails to permit the inspection of any vessel, thing or document under this Act;
(c) fails to produce any document required to be produced under this Act;
(d) obstructs, impedes or interferes with the doing of a thing required or authorised to be done under this Act;
(e) instructs or directs a person to do otherwise than required by this Act; or
(f) uses any abusive language, intimidates, threats or attempts to or physically assaults, any person doing or attempting to do anything required or authorised to be done under this Act.

(3) A person who, contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $15,000.

63 Improperly assuming Naoero nationality

(1) The owner or master of a vessel who does anything, or causes or permits anything to be done:
(a) to fly national colours other than in accordance with Section 44; or
(b) that obscures or conceals the nationality of a Naoero vessel,

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

commits an offence and is liable on conviction to a fine not exceeding $30,000 or a term of imprisonment not exceeding 3 years or both.

(2) A person may raise a defence of escaping being captured or attacked by an enemy, for any offence committed under this Section.

[s 63 am Act 21 of 2026 s 5, opn 12 May 2026]

64 General offences

(1) A person who, with the intention to mislead or deceive any person who has official business in relation to a Naoero vessel under this Act or any other written law:
(a) gives information that describes the vessel by any name other than the name in which the vessel is registered;
(b) removes, alters, conceals, defaces or obliterates any marking on a vessel required by this Act;
(c) removes, alters, conceals, defaces or obliterates any part of a certificate;
(d) uses or lends to another person certificate not lawfully granted under this Act;
(e) uses a certificate in relation to a vessel other than the vessel for which it was issued; or
(f) causes or permits any person to do any of the things listed in paragraphs (a) to (e),

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

commits an offence and is liable on conviction to a fine not exceeding $5,000 or a term of imprisonment not exceeding 2 years or both.

(2) A person may raise a defence of escaping being captured or attacked by an enemy, for any offence committed under this Section.

(3) A person who contravenes or causes or permits another person to contravene any provision of this Act for which no other offence is provided

commits an offence and is liable on conviction to a fine not exceeding $30,000 or a term of imprisonment not exceeding 3 years or both.

[The next page is 187,001]

PART 7 — RECORD KEEPING AND SHARING, DISCLOSURE AND EXCHANGE OF INFORMATION

65 Record keeping obligations of the Registrar

(1) The Registrar shall keep and maintain a record of all matters required to be kept and maintained under this Act.

(2) The records shall be kept and maintained in:
(a) electronic or digital form; and
(b) manual Register or in case of electronic or digital form, capable of being produced in printed form.

(3) The Registrar shall keep and maintain the records:
(a) for the duration of registration; and
(b) for a period of at least 5 years from the date of closure of registration.

66 Record keeping obligations of a Naoero owner

(1) The owner shall keep and maintain a record of all matters required to be kept and maintained under this Act.

(2) The records shall be kept and maintained in:
(a) electronic or digital form; and
(b) physical form or in case of electronic or digital form, capable of being produced in printed form.

(3) The owner shall keep and maintain the records:
(a) for the duration of registration;
(b) for a period of at least 5 years from the date of closure of registration; and
(c) at the registered address of the owner, in the Republic.

(4) Where the owner may no longer exist or in case of a natural person is no longer a citizen and resident of Naoero, the owner shall ensure that a copy of the records of the vessel kept and maintained by the owner is provided to the Registrar to be kept securely until the expiration of the period provided in subsection (3)(b).

[subs (4) am Act 21 of 2026 s 5, opn 12 May 2026]

(5) An owner who contravenes this Section commits an offence and upon conviction is liable to a fine not exceeding $20,000 or an imprisonment term not exceeding 2 years or both.

(6) Notwithstanding subsection (5), the Registrar may close the registration of a vessel for non-compliance of the requirements of keeping and maintaining the records under this Act by a foreign owner or representative or both.

[s 66 am Act 21 of 2026 s 5, opn 12 May 2026]

67 Record keeping obligations of a foreign vessel owner

(1) A foreign owner shall keep and maintain a record of all matters required to be kept and maintained under this Act in respect of a vessel in the Republic in the power, custody and control of the representative.

(2) The representative is deemed to have the authority from the foreign owner to make such information available for any purposes under this Act or any other written law.

(3) The records shall be kept and maintained in:
(a) electronic or digital form; and
(b) physical form or in case of electronic or digital form, capable of being produced in printed form.

(4) The foreign owner shall ensure through the representative that the records are kept and maintained:
(a) for the duration of registration;
(b) for a period of at least 5 years from the date of closure of registration;
(c) at the registered address of the representative in the Republic; and
(d) a copy of the records to be kept by the foreign owner in accordance with the requirements of this Section.

(5) Where a foreign owner may no longer exist or in case of a representative is no longer a citizen and resident of Naoero, the owner or the representative shall ensure that a copy of the records of the vessel kept and maintained by the foreign owner or representative is provided to the Registrar to be kept securely until the expiration of the period provided in subsection (4)(b).

[subs (5) am Act 21 of 2026 s 5, opn 12 May 2026]

(6) A foreign owner who contravenes this Section commits an offence and upon conviction is liable to a fine not exceeding $50,000.

(7) A representative who contravenes this Section commits an offence and upon conviction is liable to a fine not exceeding $20,000 or a term of imprisonment not exceeding 2 years or both.

(8) Notwithstanding subsections (5) and (6), the Registrar may close the registration of a vessel for non-compliance of the requirements of keeping and maintaining the records under this Act by a foreign owner or representative or both.

68 Confidentiality of information

(1) Subject to subsection (2), the Registrar shall keep and maintain the confidentiality of information required to be kept and maintained under this Act.

(2) The Registrar, shall disclose such information for the purposes of:
(a) detecting, investigating or prosecuting an offence under this Act or any other written law;
(b) detecting, investigating or prosecuting an offence under the law of another country;
(c) enforcing or taking action under this Act, any other written law or a law of another country relating to proceeds of crime; or
(d) any other prescribed purpose.

69 Sharing, disclosure and exchange of information

For the purposes of Section 68(2), the Registrar:
(a) whether on his or her own initiative or upon request, shall share, disclose or exchange information that is required to be kept and maintained under

Section 65, to the Authority, Financial Intelligence Unit, Naoero Fisheries and Marine Resources Authority or any other law enforcement agency or authority;

(b) may coordinate the exchange of information required to be kept and maintained under Section 65 with:

(i) a national law enforcement agency or authority;

(ii) an international law enforcement agency or authority; or

(iii) a regional or international body with a law enforcement function; or

(c) share, disclose or exchange information required to be kept and maintained under Section 65, with a flag administration, as he or she deems necessary.

[s 69 am Act 21 of 2026 s 5, opn 12 May 2026]

70 Registrar may require an owner to provide information to a third party

(1) An owner upon request of the Registrar shall provide his or her name, residential address, corresponding address, email and any other information directly to Naoero Police Force, Financial Intelligence Unit, Naoero Revenue Office or any other law enforcement agency or authority.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The requirements under subsection (1) may also be required by the Registrar of an owner, for the purposes of providing basic information to a foreign flag administration, law enforcement agency or authority.

(3) An owner or person may not provide any information where it may affect his or her rights of self-incrimination.

(4) The Registrar may require the third party under subsections (1) and (2) for the purpose or reason of the request for information before requiring an owner to provide such information.

(5) Where an owner without lawful justification fails to comply with the request of the Registrar, he or she contravenes subsections (1) and (2) and is liable upon conviction to a fine not exceeding $10,000 or a term of imprisonment not exceeding 12 months or both.

(6) The procedure for providing of information to third parties under this Section may be prescribed.

71 Restriction on sharing, disclosure and exchange of information

(1) Notwithstanding Section 69, the Registrar shall not disclose, share or exchange information, where the Registrar is not satisfied that the recipient of such information has in place an adequate mechanism to keep such information confidential.

(2) The Registrar may for the purposes of Section 69 impose conditions on the use of the information shared, disclosed or exchanged.

[The next page is 188,001]

72 Act not to apply to certain vessels

This Act shall not apply to any vessel while it is set aside or being used by the armed forces of the Republic or any other country.

73 Protection from liability

The Minister, Authority, Chief Executive Officer, Registrar or authorised officers are not liable for any loss or damage arising from or be subject to any criminal prosecution and civil claim, for the performance of a function or exercise of a power, in good faith under this Act or any other written law.

74 Detained vessels for non-compliance

Where a vessel has been detained by the Authority or other law enforcement agency for non-compliance with the provisions of the Act, the vessel can be released to the owner upon compliance of the requirements of the Act or on an order or direction of a court.

75 Jurisdiction of the District Court

The District Court shall have jurisdiction to hear, try and determine any civil or criminal proceedings instituted in respect of any contravention, offence or other matter arising under this Act unless such jurisdiction is vested in the Supreme Court.

76 Regulations

(1) The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed to give effect to this Act.

(2) Without limiting subsection (1), the Cabinet may make regulations prescribing matters to provide for:

(a) contraventions of regulations that constitute offences against this Act;

(b) contraventions of regulations which give rise to liability to a civil penalty;

(c) civil or criminal penalties of up to $5,000 for an individual or $20,000 for a body corporate;

(d) matters pertaining to vessels of different type, size and ownership;

(e) any standards, rules, regulations, codes, instructions or similar instrument made, determined or issued by or under international conventions to which the Republic is a party;

(f) any of the standards, rules, codes or specifications of the bodies known as the International Maritime Organization, Standards Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities or Maritime New Zealand;

(g) matters applying to foreign vessels;

(h) fees or other monies payable to the Registrar under this Act or may be recovered as a debt due to the Republic in a court of competent jurisdiction; or

(i) prescribing matters relating to fixed penalties including:

(i) offences for which fixed penalties shall be imposed;
(ii) penalties for each corresponding prescribed fixed penalty offences;
(iii) infringement notice which an inspector may serve to an offender for an offence for which a fixed penalty is prescribed;
(iv) a time frame for the payment of prescribed fixed penalty;
(v) procedure for the prosecution of and additional penalties to be imposed by the court on offenders defaulting to pay prescribed penalty in accordance with the infringement notice;
(vi) procedures for dealing with infringement notices; and
(vii) any other matters in relation to the effective enforcement of the infringement notices.

(j) amendments to Schedule where:
(i) the applicable Conventions are amended, modified or no longer in force; or
(ii) any new Convention, Protocols or subsidiary instruments are adopted.

77 Domestication of international agreements

(1) The Cabinet may make regulations giving effect to any maritime or international employment conventions relating to the crew or other staff of a vessel, whether or not the Republic is a party.

(2) On notification of the regulations, such convention is taken to be part of the regulations except to the extent of any inconsistency.

(3) A convention may be incorporated into the regulations by reference.

(4) A convention incorporated by reference may be incorporated as in force at a particular time or from time to time.

78 Power to inquire into ownership of a registered vessel by Minister

(1) Where the Minister suspects that a registered vessel is not entitled to be registered, he may, by written notice served on the registered owner of the vessel, require that owner to furnish to the Minister, information relating to and evidence as to whether or not the owner is a qualified person.

(2) The owner of a vessel upon whom a notice is served under subsection (1), shall provide the required information to the Minister within the period specified in the notice.

(3) Where the owner of a vessel served with a notice under subsection (1), is unable to produce evidence that satisfies the Minister that the vessel is entitled to remain registered, the Minister may by written notice given to the Registrar, direct that the registration of the vessel be suspended until such time the evidence is provided or cancelled.

[The next page is 189,001]

79 Repeal

The following Acts are repealed:

(a) *Shipping Registration Act 1968*; and

(b) *Shipping (Registration of Foreign Vessels) Act 2018*.

80 References to Registrar

A reference to the Administrator or Registrar under a repealed Act in an Act or instrument in force immediately before the commencement date shall be deemed to be a reference to the Registrar.

81 Savings

(1) Except to the extent of any inconsistency with this Act:

(a) regulations made under a repealed Act; and

(b) rules, orders, directions, notices or other instruments made or issued under a repealed Act,

continue in force as if it where made under this Act until expressly repealed or revoked.

(2) A licence, rating, certificate, permit, authorisation, approval or other document issued under a repealed Act and in force immediately before the commencement date continues in force as if issued under this Act until the earlier of the following:

(a) the expiry of the document; or

(b) 12 months after the commencement date.

(3) A delegation of functions or powers made under a repealed Act and in force immediately before the commencement date continues in force as if it were made in relation to corresponding functions or powers under this Act.

(4) An agreement, arrangement or understanding entered into under a repealed Act shall continue in force after the commencement of this Act until it is revoked.

(5) Where any international maritime convention has been brought into effect by a repealed Act, that convention shall continue in force.

82 Vessels registered under repealed Act

(1) Every vessel that was, immediately before the commencement date, registered under a provision of a repealed Act, is deemed to be registered in the Register.

(2) The Registrar shall, as soon as practicable, issue a certificate of registry in respect of each vessel that is so deemed to be registered, and for this purpose the Registrar may require the production of the certificate of registry issued before the commencement date.

83 Applications under repealed Act

All applications for registration of a vessel under a repealed Act that have not

been finally dealt with at the commencement date shall be deemed an application under Part 4 and the Registrar shall complete registration accordingly.

84 General transitional provision

(1) Where anything required or permitted to be done under a provision of this Act, was done under a corresponding provision of a repealed Act and still had effect immediately before the commencement of this Act, such thing continues in effect on and after that date as if:
  (a) this Act had been in force when it was done; and
  (b) it had been done under this Act.

(2) Without limiting subsection (1), if a provision of a repealed Act that corresponds to a provision of this Act would, but for its repeal, have applied in relation to anything done or being done or in existence before the commencement of this Act, the corresponding provision of this Act applies with the necessary changes in relation to the thing.

(3) An agreement, arrangement or understanding entered into under a repealed Act in relation to any provision of this Act, shall continue in force for a period of 12 months after the commencement of this Act and unless revived is deemed to have lapsed.

85 Transitional and savings regulations

(1) The Cabinet may make regulations to prescribe a matter which:
  (a) is necessary to make provision of a savings or transitional nature from the operation of a repealed Act to this Act including the revocation of an agreement, arrangement or understanding entered into before the commencement of this Act; or
  (b) is necessary to make provision of a savings or transitional nature from the operation of a repealed Act to this Act and this Act does not make provision for such.

(2) A regulation made under this Section may have retrospective operation until the commencement date, provided that it does not retrospectively:
  (a) deprive a person of rights; or
  (b) impose liability upon a person.

(3) This Section expires 12 months after the commencement date.

86 Consequential amendments

(1) Section 4 of the *Communications and Broadcasting Act 2018* is amended by deleting the definition of ***'foreign vessel'*** and substituting with:

> ' ***'foreign vessel'*** has the meaning given under the *Vessels Registration Act 2024*;'.

(2) Section 3 of the *Geneva Conventions Act 2012* is amended by deleting the definition of ***'Naoero ship'*** and substituting with:

> ' ***'Naoero ship'*** has the same meaning given to ***'Naoero vessel'*** under the *Vessel Registration Act 2024*;'.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Section 5 of the *Maritime Security Act 2019* is amended by deleting the definition of ***'Naoero ship'*** and substituting with:

> ' ***'Naoero ship'*** has the same meaning given to ***'Naoero vessel'*** under the *Vessel Registration Act 2024*;'.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The *Ports and Navigation Act 2019* shall be amended:

(a) in Section 4 by deleting the definition of ***'Administrator'***;

(b) in Section 4 by deleting the definition of ***'Registrar'*** and substituting with '***'Registrar'*** has the meaning given under the *Vessels Registration Act 2024*;';

(c) in Section 11 by inserting a new paragraph as follows:

> '(k) assist in facilitation, monitoring, implementation and enforcement of targeted financial sanctions without delay to comply with United Nations Security Council Resolutions for the prevention, suppression and disruption of terrorist financing, proliferation financing, transportation of weapons and other terrorist related activities including transportation of drugs by vessels as the Supervising Authority of vessels in the Republic's Exclusive Economic Zone and report any such activities to the Financial Intelligence Unit.';

(d) in Section 80(2) by:

(i) deleting 'or' at the end of paragraph (a);

(ii) deleting the fullstop at the end of paragraph (b) and substituting with '; and';

(iii) inserting a new paragraph (c) as follows:

> '(c) registered as a foreign vessel under the *Vessel Registration Act 2024*.'; and

(iv) inserting a new subsection (4) as follows:

> '(4) The Director shall perform such functions or exercise such powers under the *Vessel Registration Act 2024*.';

(e) in Section 153(4)(a) by deleting 'the Administrator or';

(f) in Section 168(1)(a) by deleting '*Shipping (Registration of Foreign Vessels) Act 2018*, to the Administrator' and substituting with '*Vessels Registration Act 2024* to the Registrar';

(g) by deleting Section 168(1)(b);

(h) in Section 174(5) by deleting 'Administrator' and substituting with 'Registrar'; and

(i) in Section 174(6) by deleting 'Administrator' and substituting with 'Registrar'.

(5) A reference in any written law to the '*Shipping Registration Act 1968*' or '*Shipping (Registration of Foreign Vessels) Act 2018*' shall be deleted and substituted with '*Vessel Registration Act 2024*' respectively.

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SCHEDULE

[Section 4]

APPLICABLE CONVENTIONS

1 IMO Convention 48;

2 International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended;

3 Protocol of 1988 relating to the International Convention for the Safety of Life at Sea (SOLAS) 1974;

4 International Convention on Load Lines (LL), 1966;

5 Protocol of 1988 relating to the International Convention on Load Lines (LL), 1966;

6 International Convention on Tonnage Measurement of Ships (TONNAGE), 1969;

7 Convention on the international Regulations for Preventing Collisions at Sea (COLREG), 1972;

8 The Torremolinos International Convention for the Safety of Fishing Vessels (SFV), 1977, superseded by the 1993 Torremolinos Protocol; Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels;

9 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended;

10 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995;

11 International Convention for the Prevention of Pollution from Ships (MARPOL), 1973 as modified by the Protocol of 1978 relating thereto for Annex I to V;

12 Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as Modified by the Protocol of 1978 Relating thereto for Annex VI;

13 Protocol of 1992 relating to the International Convention on Civil Liability for Oil Pollution Damage (CLC);

14 Protocol of 1992 relating to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992);

15 Convention on Limitation of Liability for Maritime Claims (LLMC), 1976;

16 Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976;

17 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

18 International Convention on the Control of harmful Anti-Fouling Systems on ships (AFS), 2001;

19 International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004;

20 Nairobi International Convention on the Removal of Wrecks, 2007;

21 United Nations Convention on the Law of the Sea 1982; and

22 Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement 1995.

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