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Maritime legislation and development of maritime transport in Sierra Leone

Francis Bockari

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THE WORLD MARITIME UNIVERSITY

MALMO Sweden

Maritime Legislation and development of Maritime Transport in Sierra Leone.

by

Francis Bockari

A Paper submitted to the World Maritime University as part of the requirements of the Course on General Maritime Administration.

The contents of this Paper reflect my own personal views and are not necessarily endorsed by the World Maritime University or the International Maritime Organization.

Signature: 

Date: 15th April 1985

Paper directed by:
Professor G Stubbendorf
The World Maritime University
Dedicated to the Memories of my late Honourable father - Barbor-Kondewa
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PREFACE

This thesis is partial fulfillment of the requirements for the Master of Science degree in general Maritime Administration (MSc) at the World Maritime University.

Every student enrolled in any of the four specific courses with a duration of two academic years is required to prepare a study of this sort on an aspect of his home country's problems in maritime transport in the area in which he is specialising.

An attempt is therefore been made in this work to examine the problems created in the maritime transport industry of Sierra Leone with the non-availability of an appropriate legislative framework for the development of various maritime transport activities of shipping and ports in particular.

Chapter one primarily divided into four parts is concerned with the initial role maritime legislation played as a regulatory means of shipping and port activities before the last two world wars and before independence in 1961.

Chapter two is an analysis of the justification and demand for port and shipping activities for the period before independence.

In the succeeding two chapters a case for the updating of the maritime legislation and for the introduction of a new maritime legislation and organizational structure quite different from the present one in Sierra Leone for a better Maritime environment than exists as of now.

In the last chapter, an attempt is further made giving some personal remarks regarding the maritime situation in Sierra Leone and recommendations for a change in the present maritime legislation from the point of view of a student of general maritime Administration. What ever comments that are made by the writer or inferred by the reader from this work are in no way connected with his official position in the Ministry of
Transport and Communications as senior planning officer.

Since the inception of the then Inter governmental maritime Consultative Organisation (IMCO), now the International Maritime Organisation (IMO) in 1958, much in terms of maritime legislative change for a better regulated environment has taken place in the developed maritime nations.

Developing countries of which Sierra Leone is a member have not kept up with the pace of maritime legislative change which has been sweeping the maritime world since the effective commencement of the United Nations intergovernmental agency, the International Maritime Organisation (IMO) in 1958.

This non responsiveness to maritime changes in developing countries has caused concern to the United Nations agency responsible primarily for Maritime safety and the developed maritime nations who consider maritime transport as being international in nature so that whatever changes are adopted by any group of countries must be adopted by the remaining groups so as to have a relatively homogenous environment in which to operate.

The developing countries therefore have no choice if they elect to stay as maritime nations in adopting the various conventions already put forward by the International Maritime Organization (IMO).

It is not the intention of the author of this thesis to put forward a perfect guiding principle for Maritime legislation and maritime transport development for Sierra Leone but merely a student exercise making an effort to throw light or a real life situation. The work is therefore not claiming to be a perfect guide but merely serving as a pointer.

Not withstanding what has been said in the preceding paragraph, the Ministry of Transport and Communications of Sierra Leone, responsible for maritime matters could find this modest work useful as an incentive for changing the 1894 Merchant Shipping legislation which is currently in force.
In therefore writting this thesis, I wish to express my sincere gratitude to Messrs S. J. Bockari, Abu J. Bockari, Komba Koedoyoma and Mama Hawa for taking care of my wife, Sabina and my kids, Borbor, Tamba and Hawa whilst staying here in Malmö, Sweden.

I do wish to acknowledge with thanks, assistance received from Mr. Bob Conteh of the Bank of Sierra Leone, Mr. Duncan, general Manager, Sierra Leone National Shipping Company, Captain Pat Sowe of the Sierra Leone Ports Authority and Santos Mansaray of Rowan street who worked with me in the field whilst collecting the data.

I especially do wish to acknowledge with profound thanks the efforts of my wife, Sabina in taking care of the home whilst in Malmö for two years and the valuable and untiring assistance given to me by professors Gunnar Stuberud, my course professor and professor P. S. Vanchiswar, course professor of the Maritime Safety Administration (Nautical).
CHAPTER I

EARLY ROLE OF MARITIME LEGISLATION IN THE DEVELOPMENT OF MARITIME TRANSPORT

1.1. National Legislation as a Regulatory Means of Shipping and Port Activities

The Republic of Sierra Leone found on the West coast of Africa, with a coastline stretching over 300 kilometres and lying between the Republic of Liberia on the southwest and the people's Revolutionary Republic of Guinea on the northwest was a British Colony for over a century.

National laws and regulations generally for Sierra Leone up to 1961, when the country attained independence had their derivations from British legislations and ordinances.

As a colony of Britain and part of the British Empire, legislations befitting the British interest were adopted from British laws even when such laws were inappropriate for such areas outside the British Isles.

To have regulatory measures in Sierra Leone's maritime sector, the British colonial administrators adopted Part I of the British Merchant Shipping Act of 1894 enacted on the 25th August 1894.

Part of the preamble to the Merchant Shipping Act of 1894 is quoted below to show that legislation building for most of the British colonies was a purely British parliamentary affair yet it was equally meant for a colony like Sierra Leone.

"Chapter 60.

An Act to consolidate enactments relating to Merchant Shipping. (25th August 1894). Be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and Temporal claims
this present parliament assembled ————.

In shipping all requirements laid down by the British Merchant Shipping Act of 1894 had no modifications for the colony of Sierra Leone but, that the same conditions and requirements were to be met for instance in ship owning.

Qualification for ownership of British ships in the Act says and I quote:

"A ship shall not be deemed to be a British ship unless owned wholly by persons of the following descriptions referred to as persons qualified to be owners of British ships:

a) Natural-born British subjects;

b) Persons naturalized by or in pursuance of the proper legislation authorisation of British possession;

c) Persons made denizens by letters of denization and
d) Bodies Corporate established under and subject to that of some part of Her Majesty's dominions:—————"

Such qualifications even if local capital was available for ship owning could make it difficult for intending shipowners to register with the Sierra Leone ship register when Sierra Leone's next door neighbours, Liberia are operating an open registry with much more flexible restrictions than had been stipulated by the Merchant Shipping Act of 1894 adopted in Sierra Leone.

As regards regulatory measures in territorial waters i.e. port state control no clear cut regulations were promulgated by the British Parliament for the Observance of users of Sierra Leone's territorial waters with her excellent natural harbour facilities, bunkering facilities etc.
which have been lying on the route, Europe round the Cape of Good Hope to
the Far East even before the opening up of the Suez Canal.

Port State controls in the territorial waters of Sierra Leone were
carried out through instructions given to the Harbour Master as what ought
to be done with regards specific matters pertaining to port operations.

In this respect, most common in these early days of state develop-
ment were ship wrecks. From the correspondences which flowed from the
governor's secretariat to the Harbour Master of Freetown, specific instruc-
tions were given to the Harbour Master that he should be the collector of
ship wrecks and time and again the Harbour Master was equally so the ship
surveyor of the colony. The activity of ship surveying was carried out
only when vessels were in distress.

1.2. Port Development and Shipping Activities in Sierra Leone Before
the Two World Wars

Having such a maritime legislation as in 1.1. of this chapter
(chapter I), one should be quick to understand that both Port and Shipping
activity development before the two world wars were to be relatively slow
and related to interest of the administrators of the state at that time
i.e. the administrators during Sierra Leone's colonial rule.

The present Port of Freetown which is found at the Queen Elizabeth II
Quay in Cline Town, was first sited at Government wharf near the
city Centre, close to the administrative blocks like the secretariat building,
the Central Police Station and close to the one time main railway terminal
of Wallace Johnson street, had pride of prominence as a developmental agent.
At the end of the trade in slaves, Freetown which was selected by the British as an administrative centre for the present day West African states of Ghana, Nigeria and the Gambia had to have a shipping port capable enough to cope with the traffic generated by the establishment of the British West African administrative centre in Freetown.

Basic port facilities like gc downs (sheds) wharves, cranes of 20 tonners were provided to meet the general requirements of general cargo handling.

The British Merchant vessels had to assemble at government wharf both for bunkering facilities and for the provisions of the much needed security by the navy for their onward voyages to the Far East against the pirates that always acted as hazardous embargoes for a smooth sailing.

Adjusting the Port development facilities therefore to match the demands of a regional administrative centre, the Port of Freetown stood out conspicuous on the West Coast of Africa as a major sea port.

Considering therefore ship tonnages, ship costs and design of ships generally in the late 19th century and early 20th century and considering further the traffic in and out of the Port of Freetown, (throughput figures are unavailable today), one would have expected shipowning by Sierra Leonean nationals to have started even if on a small scale.

Shipowning was almost impossible mainly for two principal reasons viz:

1) Whilst the British during the same time of the late 19th century had developed the shipyard of Sembawan in Singapore in the Far East, giving that nation and surrounding areas a basic beginning in the development of the shipbuilding industry, all that was present at the Port of Freetown was just limited repair facilities in which the nationals of Sierra Leone
could participate and thus shipbuilding techniques were therefore not present as was the case in similar other British colonies of Singapore and India for example.

2) Without any major economic activities other than agricultural export orientation to feed industries outside Sierra Leone, gross national incomes were therefore relatively low to encourage family members to harness such incomes together and start shipping activities even if it meant serving island areas under the jurisdiction of Sierra Leone.

The ultimate alternative during this period therefore was to rely on foreign operators to carry the trade in and out of Sierra Leone.

Such an alternative may have had its advantages and disadvantage in terms of balance of payment considerations and trade promotion orientation by such new activities.

In short therefore the Maritime legislative machinery as adopted by the British Colonial administration left only room for a Port development than shipowning activity development before the last two world wars.

1.3. **Port Development and Shipping Activities in Sierra Leone before Independence**

At independence and until today after twenty three years of self rule, the regulatory machinery in Port and shipping activities still remains the same.

The Merchant Shipping Act of 1894 part I is still in force. The factors as already described in the preceeding sub divisions of this chapter (chapter I) which influenced Port development and shipping activities during the colonial regime continued to be in force up till independence.
Notwithstanding the slow or non developmental pace in the Maritime sector, trade volumes continued to increase particularly so imports.

This was as a result of the increase in the population through higher birth rates achieved through the elimination of some killer diseases in rural areas where small pox and yawz prevailed. Another outstanding factor was the increased number of migrant population from other surrounding West African states of Nigeria, Ghana, Guinea, Mali and the Gambia to the diamond areas of north eastern Sierra Leone coupled with the rural - urban migrations to the diamond mining areas.

Thus, there was an increase demand for Port and shipping activities but the legislative framework which regulates such increase Maritime activities remained unresponsive allowing developmental pace to follow a natural course rather than a planned pattern with state laws playing a profound influence on the overall activities coordinating such Maritime activities to other activities within the other sectors of the economy.

Such increased Maritime activities never went without attendant problems. The problems therefore faced by the Port of Freetown are discussed in 1.4. of this chapter.

1.4. Problems Faced by the Port of Freetown

Having established the Port with the primary aim of serving British interests during the period Sierra Leone was a colony of Britain i.e. provision of some of the necessary bunkers for British Merchant Shipping and an assembly point for the British navy to see such vessels through the different waters up to the far east, the then newly independent government of Sierra Leone was left with the problem of adjusting the port
to the needs of Sierra Leone rather than the interests for which the port was established.

The first problem was the delegation of the port responsibility either to the Municipality of Freetown or the assumption of responsibility for the port by government itself with the Ministry of Transport and Communications playing the role of policy designer so as to adopt necessary regulations from time to time.

The Municipality of Freetown, though no available records exists as to their financial and manpower capabilities during the early period of independence of Sierra Leone could not assume the responsibility of the Port because the city council of Freetown's major source of income came from the government consolidated revenue fund and the total port revenue during these initial periods of independence could not support the envisaged port development. For example, the Sierra Leone government had to negotiate a loan for the construction of berths 5 and 6 in order to extend the quay area so as to accomodate the increase traffic and to handle traffic for handicapped West African Ports i.e. congested Ports. Total cost of the quay extension ran into thousands of Leones (Sierra Leone's local currency with an equivalent exchange rate of 2.50 leones to the United States dollar as at the time of writing) which the city council of Freetown could not afford.

Secondly, the available trained manpower in the early years of independence in terms of general administrative duties of the various divisions of the Sierra Leone economy were all to be found in the Sierra Leone Civil Service.

Thus, the entrusting of the responsibility of the Port to a government Ministry with further responsibilities for nine other department; the then Sierra Leone Railway, Sierra Leone Posts and Telecommunications, Sierra
Leone Road Transport Corporation, Sierra Leone External Telecommunications, Meteorology Department, Civil Aviation Department, Sierra Leone Airways, and the Sierra Leone National Shipping, left room for the need for an effective organization which could oversee the day to day running of the port and to draw up and implement the port long term plans. The lack of an effective overseeing organization left the port without a plan for the long term. Like all other civil service Machineries, the bureaucratic tendencies either in the Ministry of Transport and Communications and general governmental machinery were sufficient to delay the implementation of major port projects and to delay giving the assistance necessary to the port in the drawing up of its plans.

Another major problem faced by the Port of Freetown in those early days of independence was the lack of an expanding economy. The Principal national developmental objective of the state of Sierra Leone was based on import substitution like most other newly independent developing countries which do not create the necessary impact for rapid economic growth and increased per-capital income for further economic development to warrant port development. By 1961, the year of independence, the development strategy of the first civilian regime was based on import substitution and gradual economic development leaving as little room for the much needed impact on the economy to encourage port development.

Even with the construction of two new berths (5 and 6) at the Port of Freetown it was found that the population per berth ratio by 1964 was 1:500,000 which based purely on the country's needs could not be adequately justified as the then existing four berths could support the government's economic policy taking into consideration that the port was just handling import and export throughputs with negligible annual growth rates in the total traffic handled.
Such an economic policy pursuit therefore had further repercussions on the training of necessary personnel for the setting up of a Maritime safety administration. The training of deck and engine surveyors meant nothing to the government of Sierra Leone as the Harbour master's department could be considered to assume the different roles and report to the Ministry of Transport and Communications on any violations of the adhoc Maritime legislations put forward provided they warranted government's intervention. The setting up of a Maritime safety administration was never considered significant for the general legislation building and the implementation of regulations.

Another major problem facing the port of Freetown during the early days of independence were the low national incomes to encourage ship-owning which would have had an impact both on general trade and the ship-building industry.

If the first indigenous government had embarked upon an economic development generally towards boosting the Sierra Leone economy rather than substituting imports then trade would have more than doubled to warrant the need for a corresponding expanded Maritime service industry comprising of both Port and Shipping services.

The low incomes therefore could not make it possible for Sierra Leoneans to invest in shipping services by either leasing or acquiring vessels to carry Sierra Leone's trade so as to minimise the outward flow of capital in the form of freight rates paid to foreign operators and to have created the necessary impact for shipping infrastructural development.

Till today the state of Sierra Leone depends on outside sources for the acquisition of vessels for traffic in her sheltered waters.
CHAPTER II

ASSESSMENT OF DEMAND FOR PORT AND SHIPPING SERVICES IMMEDIATELY AFTER INDEPENDENCE

2.1. Export Trade Expansion

Due to the lack of available export figures for the period 1965 to the end of 1960s and even though such statistics would have been available not much analysis in terms of traffic growth rate would have been realised because of the relatively shortness of the period 1965 to the end of 1960s, I have decided to examine export and import trade expansion with the base year 1972.

This is not an arbitrary choice but rather based on the fact that there is ready available information starting with the year 1972 from both the Central Bank of Sierra Leone and the Central Statistics office. Below are the figures for the period 1972 to 1982.

The year 1972 which has been selected as the base year for the analysis of the import and export figures in tables I and II was the eleventh year after Sierra Leone's independence. For the purpose of the present analysis all the years in the 1970s are to be considered as the immediate years after independence.

Whilst the average growth rate on a commodity basis for exports ranged from +9.67 to +29.40 with two negative growth rates of -1.10 and -9.82 for two commodities, the average growth rate of the imports sector was rising faster than exports ranging from 15.36 to 53.56 with no negative averages within the periods selected for the analysis.

This in short therefore meant that the export and import trades
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Note: Table I Volume of Major Domestic Exports Excluding Diamonds, 1972/73 - 1981/82.
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Average Annual growth / commodity: +15.36, +12.54, +34.61, +30.91

were expanding showing an increase in demand for the port and shipping services in and out of Sierra Leone. Further more it could be assumed that if the trend as shown by the average growth rates of tables I and II were to be held constant and extrapolated for another period of ten years, assuming however that all economic factors influencing the export and import trade were uninterrupted the the trades would have more than doubled.

This would have further meant that more tonnages would have been demanded either through opening a ships register for the country or relying on foreign carriers for an increase in the tonnage.

Which ever of these was to be the case, the increased shipping operations would have required a corresponding change in the national Maritime legislation of Sierra Leone.

The national legislation remained unchanged but with periodic increases in port dues which have to go through parliament for approval as any legislative bill that could have been drawn up to accommodate the numerous unratified conventions as the main source of the national legislation.

2.2. Changes in National Legislation

International conventions and customary laws are two important sources that have influenced national Maritime legislations so as to give such national legislations the international character required in Maritime transport.

The last few decades have witnessed changes or amendments in legislations of the developed Maritime nations of the world. This has been achieved predominantly through their effective participation in the activities
of the International Maritime Organization (IMO) accommodating all necessary laws, regulations and codes into their individual legislations to cover different aspects of the increased world shipping activities.

Thus, the International Maritime Organisation (IMO) has been able to produce conventions like the Marine Pollution Convention (MARPOL), Safety of Lives at Sea Convention (SOLAS), the Standard, Training, Certification and Watchkeeping (STCW) and also from the Oil industry owing about 2/3 of the world shipping, conventions like the Civil Liability (CLC) and the Tanker owners voluntary Association for Civil Liability for Oil pollution (TOVALOP) to take care not only of the regulatory measures necessary for such increased world shipping activities but to even regulate against possible threats to Marine environments and to ensure that states affected by inciden- ces of Marine pollution are duly compensated financially.

The conventions produced by the International Maritime Organiza- tion are not meant merely for the developed Maritime nations but for all nations of the world, as shipping is an international industry.

What has not been understood by some International Maritime Organization (IMO) members about the IMO conventions is that the conventions do not necessarily require enormous capital outlays to implement the provisions of such conventions.

Sierra Leone's Maritime laws never accommodated these conventions to form part of the new laws that would have taken care of the increased shipping and port activities.

Thus, even though there have been international laws, regulations and codes governing shipping activities in the internal, territorial waters, conti- guous and exclusive exonomic zones, if one assumes that Sierra Leone has rati- fied the third Law of the Sea Convention then Sierra Leone's Maritime laws which are the 1894 British Merchant Shipping laws have not been amended to incorporate such new laws.
2.3. **Port and Shipping Infrastructural Development Immediately after Independence**

Sierra Leone like several other developing countries does not have a Maritime safety administration particularly charged with the responsibility of overseeing the ocean development of Maritime transport.

What exists up to now is the same colonial arrangement that was in force before independence.

There is a Ministry of Transport and Communications charged with the responsibility of drawing up transport policies and ensuring that such policies are carried out by the respective divisions of the Ministry.

With particular reference to Maritime transport, the entire Maritime development aspect is divided between the Ministry of Transport and Communications, the Sierra Leone Ports Authority, the Sierra Leone Shipping Company, the law officers Department of the Ministry of Justice and the Harbour Police Division of the Ministry of Defence.

Sierra Leone Ports Authority and Sierra Leone National Shipping Company do have the primary responsibility of advising the Ministry and to be specific, the Minister of Transport and Communications and the permanent secretary on all technical matters ranging from operations to advice on legal regime building assuming through this policy that management cadres of the Sierra Leone Ports Authority and the Sierra Leone National Shipping Company are competent enough besides the usual operational capabilities for which such officers might have received formal training and gathered the necessary experience over time.

The Law officers Department which could rely on the Ministry of Transport and Communications, Sierra Leone Ports Authority and the Sierra Leone National Shipping Company for professional advice before building any
legislation is only contacted on issues which the Ports Authority and Shipping Company feel threatened in the discharge of their operational functions. Thus there is an absence of a genuine link aspect in this sort of arrangement between the law making institution and the information sources.

The Harbour Police Department of the Ministry of Defence has not been properly instructed by the Ports Authority on whom the Ministry relies for professional advice as to what ought to be the role of such a police unit other than protecting shipping activities from Seaborne thieves.

Having such an organizational structure for Maritime transport development in which responsibility for professional advice has been thrusted on two divisional administrations, Sierra Leone's Ports and shipping Infrastructural development immediately after independence experienced just a minimal change in some respects not based on any sound justification.

In the late 1960s two additional berths 5 and 6 were constructed with go downs to accommodate general cargo, absolutely oblivious of the fact that the container traffic which started in the 1960s was going to be an important aspect of the port operations in the succeeding decades that were ahead.

The most fortunate part of such an infrastructural development was the leaving of an open stacking area which eventual became the container berth where containers are stacked awaiting onward transfer of such containers to their respective ports of destination.

Thus the building of berths 5 and 6 did not go hand in hand with the economic signals indicated by Sierra Leone's economy from the 1960s to the present day economic activity. This further means that instead of adjusting the port infrastructural development to the economy so that the port could act as a servant of the economy, unanalysed infrastructural development
was embarked upon.

The same mistakes which were made in the port infrastructural development were made in shipping infrastructural development with the experience in shipping being much more bitter than in the port activities.

In shipping instead of building institutions other than the then already existing Sierra Leone Produce Marketing Board which acts as some sort of a shippers council for local agricultural export farmers, the shipping company ventured into vessel ownership without the necessary demand analysis for such vessels and the eventual balance of payment consequences such vessel ownership could have on Sierra Leone's economy.

As a result of that faulty move in the shipping infrastructural development, it is I presume becoming extremely difficult to convince the state authorities that the payment of freight rates in foreign exchange to foreign operators if not thoroughly investigated could constitute similar outflow of capital from Sierra Leone as was experienced during the vessel ownership period. Freight rate payments to foreign operators is another important area of research if the government of Sierra Leone is to be convinced of further infrastructural shipping development today.

Tied to the research aspect in shipping should be development of an overall shipping policy with specific aims and objectives.
CHAPTER III

CASE FOR THE UPDATING OF MARITIME LEGISLATION IN SIERRA LEONE

3.1. What National Legislation Cover Maritime Transport Today?

The umbrella national Maritime legislation of Sierra Leone as at the time of writing these thesis is part one of the British Merchant shipping Act of 1894.

In this Merchant Shipping Act topics like qualification for ownership of British ships, obligation to register British ships, alterations, registry anew and transfer of registry, licences to supply seamen, incapacitated persons, trusts and equitable rights, liability of beneficial owner, managing owner, declarations, inspection of registry and fees, forfeiture of ships, ports of registry in place under foreign jurisdiction, registry in colonies etc. are treated by the act in question.

Merchant Shipping Legislation topics covered by Maritime legislations by those nations who have cared to incorporate international conventions in their laws like survey and certification of ships and equipment, passenger ships (regulations governing type, equipment and certification of such ships) cargo ships, special types of ship, construction of ships, calculation of number of passenger ships, lighters/barges, arrangements on and below deck, moveable decks, cargo handling appliances, fire protection, life saving appliances, radio, safety of navigation, navigation aids, rules of the road at sea, carriage of special or dangerous cargo, manning, working hours, watchkeeping, qualifications required, arrangement and keeping of ships' log-books/control registers, equipment of galleys and living accommodation diet, hygienic conditions, medicines, poisonous
substances, tonnage measurement of ships loadlines, pollution prevention from ships, welding-electrical installations, and control of foreign ships etc. are not covered by Sierra Leone's present 1894 Merchant Shipping Act.

This therefore leaves Merchant shipping activities within Sierra Leone waters not properly covered by adequate legislations to cover the additional shipping activities and mandatory requirements since the adoption of the 1894 Merchant Shipping Act.

Apart from 1894 Merchant Shipping Act, Sierra Leone after participating in the first law and second law of the sea conferences of 1958 and 1960, through an act of parliament promulgated a 200 nautical mile territorial waters limit. The promulgation of the 200 nautical mile territorial waters limit would have meant amending the present Maritime legislations to cover the requirements of entry into Sierra Leone waters by foreign ship operators. The proclamation of the 200 nautical miles was not accompanied by any new legislation building to cover the different aspects of living resources, non living resources and marine traffic in the waters of Sierra Leone.
3.2. What International Maritime Organization (IMO) Conventions is Sierra Leone a Party to and have these Conventions Influenced Sierra Leone’s Maritime Laws?

Below is a list of the International Maritime Organization Conventions and other treaty instruments in force as of now:


Instruments not yet in force:


Of these two lists, IMO Conventions and other treaty instruments in force and IMO Conventions and other treaty instruments not yet in force, Sierra Leone even though a member of the International Maritime Organization (IMO) has not ratified any of the above mentioned conventions.

As can be seen from the lists the conventions have been carefully drawn to cover a wide variety of shipping activities for maritime states of the world.

Ratification and implementation of these conventions have gone a
long way in helping the developed maritime states and the newly industrialized countries (NICs) in having effective maritime legislations necessary for the control of shipping in their countries.

Sierra Leone therefore now has the task of ratifying and implementing the conventions listed in this subchapter 3.2. as a member of the world's international community engaged in international trade and using shipping as a servant of trade, it will be but proper to hasten the ratification and implementation of all outstanding International Maritime Organization (IMO) Conventions.

3.3. The need for adoption of the International Maritime Organization (IMO) Conventions in the Maritime Laws of Sierra Leone

Every industry, either involved in the direct production of goods or services, is usually governed by rules, regulations and/or codes to which all parties engaged in the manufacture of goods or rendering of services have got to adopt in order to have an operational environment in which all engaged are assured of a code of conduct for that industry.

Maritime Legislations for maritime nations have primarily two functions. The first function according to the International Maritime Organization (IMO) is to have safe ships. Secondly, considering man's dependence on the seas, the intergovernmental agencies of the United Nations Environmental Programme (UNEP) and the International Maritime Organization (IMO) believe that such seas must be kept clean.

Developing countries like Sierra Leone where the average number of ships entering her internal waters for normal services to international trade per week is between 2 to 4 ships during the present recession (1973-1980s)
have tended to overlook the importance of conventions drawn up by the International Maritime Organization (IMO) in regulating shipping activities.

All coastal states from Mauritania in the northern part of West Africa to the cameroons and a host of other smaller states in the Gulf of Guinea have their exclusive economic zones adjacent to the high seas which are the main maritime throughfares for ships traffic originating from Europe and running to the Oil producing states of the Latin Americas, and the newly industrialized states (NICS) of Korea, Singapore, Japan and India.

Such a coastal location therefore should have made it mandatory for Sierra Leone and her neighbours to be most active in the drawing up of the International Maritime Organization (IMO) conventions and implementing them.

Apart from legislating against ships using adjacent high seas, today a number of conventions could have been used to specify what requirements foreign flag carriers could have been expected to carry out in order to comply with Sierra Leone Port state control regulations.

Having up to now not ratified any of the International Maritime Organization (IMO) conventions, Sierra Leone therefore is left with only customary laws to control shipping activities within her territorial waters.

Using customary laws to legislate against international activities like shipping can pose a number of limitations.

If one were to imagine that an incidence of oil spill occurred in the waters of Sierra Leone, then Sierra Leone can only benefit from any compensatory measures provided it is proved beyond all reasonable doubts that she is a party to one or both of the following two conventions - the International Convention on the establishment of an International Fund for compensation for oil pollution damage, 1971, the International Convention on Civil liability for oil pollution damage, 1969 (CLC), together with the Tanker Owners volun-
tary Agreement concerning liability for oil pollution (TOVALOP) and the contract regarding an interim supplement to tanker liability for oil pollution (CRISTAL).

Today all coastal states, developed or developing, are in the process of exploring the non living resources of their oceans.

To cover the activities of the Mobile units of drilling equipments at oil and gas production sites the International Maritime Organization has drawn up a code for the construction and equipment of mobile offshore drilling units (MODU). The provisions of this code cover even the life boats on board the fixed installations and flotels or mobile accommodations attached to the fixed units.

It is therefore essential that if Sierra Leone is going to remain part of the international community in the shipping industry, then various International Maritime Organization (IMO) conventions so far produced must be ratified.
FIG. 1

FLOW LINE CHART OF WORLD TANKER
MOVEMENTS DEPICTING THE NEED FOR
COASTAL STATES TO RATIFY ALL POLLUTION
RELATED CONVENTIONS ESPECIALLY THE CIVIL
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- **Note:** Most of those conventions have not taken in the space under each column. X indicates ratification status.
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3.4. Proposed Merchant Shipping Act for Sierra Leone

Part I

Citation

1. This Act may be cited as the Merchant shipping Act -

Interpretation

2. Definitions in this Act

(a) "Minister" means the Minister responsible for all shipping matters;
(b) "Master" includes every person having command or charge of a ship other than a pilot;
(c) "Director" means the Director of Maritime Affairs;
(d) "Certificate of registry" means in relation to a Sierra Leone ship, the certificate granted under section -;
(e) "Certificate of Competency" means a certificate issued to a person under Part II that shows his competency as a master or seaman and includes a licence issued under section -;
(f) "Sierra Leonean ship" means a vessel for the time being registered under Part I;
(g) "Foreign ship" means a vessel that is not Sierra Leonean;
(h) "Crew agreement" means an agreement between the master of a ship and ship's crew entered into pursuant to section -;
(i) "Fishing-boat" means a vessel used or intended to be used in capturing fish for gain;
(j) "Foreign-going ship" means a vessel that is not a home-trade ship;
(k) "Home-trade ship" means a vessel employed in the home trade; that is to say, in the carriage of goods or passengers on a sea voyage solely
(l) "Consular officer" means a person in another country appointed to
be or to perform the functions of a consular officer for Sierra Leone and includes, in respect of any other country or place therein where no such consular officer has been appointed, the government of Sierra Leone shall make arrangements with any consul general, consul or vice consul to act on his or her behalf;

(m) "Inspector" includes the Director, a surveyor and a nautical inspector under section -;

(n) "International Voyage" means a voyage from a Port in one country to a port in another country;

(o) "Passenger" means any person carried on a vessel except

(i) the master, a member of the crew, an apprentice or a person employed or engaged in any capacity on board the vessel on its business;

(ii) a child under one year of age; or

(iii) a person carried on the vessel under an obligation imposed upon the master to carry shipwrecked, distressed or other person, or by reason of any circumstance that neither the master nor the owner, or charterer, if any, could prevent or forestall;

(p) "apprentice" means an apprentice to the sea service;

(q) "passenger ship" means a vessel carrying or having accommodation for not less than twelve persons;

(r) "proper officer" in relation to any function or activity means an officer appointed to perform and engaged in the performance of that function or activity;

(s) "registrar" means the Director and includes any person designated by the Director to be a registrar of Sierra Leonean ships in Sierra
Leone or in any other place;
(t) "Seaman" means an individual of either sex who is employed or engaged in any capacity on board a vessel except
(i) the master;
(ii) an individual not belonging to the vessel's crew who has the conduct of the vessel as a pilot; and
(iii) an apprentice unless otherwise expressly provided in subsection;
(u) "Ship" means any vessel used in navigation and not propelled by oars;
(v) "Vessel" includes any ship, boat or other vessel used in navigation; and in Part I and VI includes every description of lighter, barge or like vessel however propelled;
(x) "Wages" includes emoluments.

**Statement of Purpose**

3. **Objects and construction**

(1) The purposes of this Act are:

(a) to encourage and regulate the orderly development of Merchant shipping in Sierra Leone and to provide for the qualifying of persons employed in service of sea in Sierra Leonean ships;

(b) to regulate the terms and condition of service of persons employed in Sierra Leonean ships in conformity with international conventions in that behalf to which Sierra Leone adheres;

(c) to provide for the safety of passengers, crews, ships and Cargo in conformity with any international conventions in that behalf to which Sierra Leone adheres;
and

(d) generally to replace the Merchant Shipping Act 1894 of the United Kingdom applicable to Sierra Leone by laws enacted by the parliament of Sierra Leone.

(2) This Act shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of its purposes.

Application of Act

4. Government Ships

Unless otherwise expressly provided in this Act or by the regulations, this Act does not apply to

(a) ships belonging to the Government of Sierra Leone, and

(b) ships employed in the defence of Sierra Leone or its territorial waters.

5. Exempt ships

(1) Subject to any international agreement or convention that the Government of Sierra Leone has ratified or adhered to the case of foreign-going ships or home-trade ships, the Minister may, upon such conditions as he thinks fit to impose, exempt any ship or class of ship, or any person or class of persons, from all or any of the provisions of this Act.

(2) This Act may be modified in its application to home-trade ships in such manner and to such extent as the Minister may by order prescribe.

(3) An order under subsection (2) is subject to affirmative resolution.
Part II

THE SHIP

Registration of qualified ships

(1) A ship is on application to be registered as a Sierra Leonean ship if the ship qualifies for registration under this Part.

(2) A ship qualifies for registration under this part if

(a) it is a pleasure yacht;

(b) it is a fishing-boat registered under the Fisheries Act;

(c) at least forty-four of the sixty-four shares in the ship are owned by qualified persons;

(d) it is a foreign-going ships of 500 gross register tons or more that is used in navigation in foreign-going trade and its registration under this part is approved by the Minister; or

(e) it is a home-trade ship of 100 gross register tons or more is used in navigation of which forty-four of the shares are owned by Sierra Leonean persons and its registration under this part is approved by the Minister.

(3) A qualified person is

(a) an individual who is either a citizen of Sierra Leone resident in Sierra Leone or a permanent resident of Sierra Leone within the meaning of the Immigration Act; or

(b) a Sierra Leonean Shipping Company.

(4) A Sierra Leonean Shipping Company is a corporation incorporated under the Companies Act or any Special Act

(a) whose principal place of business is within Sierra Leone, and

(b) all the shares or stock of which is beneficially owned by, or it
is otherwise beneficially and wholly owned by, individuals described
in subsection 3 (a) by other Sierra Leonean Shipping Companies with-
in the meaning of this subsection, or by presidential assent.

(5) A Sierra Leonean person is

(a) as defined by the constitution of Sierra Leone and

(b) a Sierra Leonean Shipping Company is as defined in the Registration
of Companies Act.

(6) For the purposes of this section,

(a) "foreign-going trade" means

(i) trade to or from but not within the state of Sierra Leone, or
(ii) trade between ports outside Sierra Leone.

(b) "Pleasure yacht" means a ship, however propelled, that is used
exclusively for pleasure and does not carry passengers or cargo for
hire or reward, but does not include a ship that is provided for the
transport or entertainment of lodgers at any institution, hotel,
boarding house, guest house or other establishment.

(7) Foreign-going ships

(1) A foreign-going ship used in navigation of 500 gross register tons
or more may, regardless of the nationality of the owners, be appro-
ved for registration by the Minister in his absolute discretion, if
the ship will be engaged only in foreign-going trade.

(2) No ship described in subsection (1) may be registered otherwise
than with the express written approval of the Minister and that
permission may only be given if the completion of the ship occurred
not more than twenty years before the year in which application
for registration is made, and a valid certificate of class from a
reportable institution is produced.
8 Home-trade ships

(1) A home-trade ship used in navigation of 100 gross register tons or more may, regardless of the amount of Sierra Leonean ownership, be approved for registration by the Minister in his absolute discretion if the ship is owned by a Sierra Leonean person and will operate generally as a home-trade ship.

(2) No ship described in subsection (1) may be registered otherwise than with the express written approval of the Minister; and that permission may only be given if the Completion of the ship occurred not more than twenty years before the year in which application for registration is made and a valid certificate of class from a reputable institution is produced.

9 Recognition as Sierra Leonean ship

(1) A ship that is not registered under this part shall not be recognised as a Sierra Leonean ship and is not entitled to the rights and privileges accorded to Sierra Leonean ships under this Act.

(2) A ship shall not be registered under this part unless its foreign registration, if any is first cancelled.

10 Director of Maritime Affairs

There shall be an officer in public service to be known as the Director of Maritime Affairs with such functions as are imposed or authorised under this Act.

11 Registrars

(1) The Director is the principal registrar of Sierra Leonean ships in Sierra Leone and the registers to be kept by him must contain the particulars that are required to be entered in a register by this Act in respect of all vessels registered by him and of all vessels
registered by other registrars under this Act.

(2) An individual designated by the Director may be the registrar of Sierra Leonean ships at Ports in Sierra Leone and countries other than Sierra Leone; and his register must contain the particulars that are required to be entered in a register by this Act in respect of vessels registered by him; but he need not keep particulars of vessels registered by other registrars unless required to do so by the Director.

(3) When a ship is first registered with any registrar, particulars concerning that ship that subsequently require registration must in the first instance be registered in the original register in accordance with such regulations as the Director may make in that behalf.

12 Registers

Each registrar shall keep a register, the entries in which must comply with the requirements of section 13.

13 The Registers

(1) The Director shall keep the following books:

(a) a register-book for merchant ships, that is to say, cargo ships and passenger ships;

(b) a register-book for fishing vessels;

(c) a register-book for merchant ships, or fishing vessels, under construction; and

(d) a record of boats, as defined by section 14.

(2) A registrar outside Sierra Leone need keep only the books described in paragraphs (a) to (c) of subsection (1).

(3) A register-book, and the record of boats, consists of a main book
and a file of supporting documents, which shall be maintained in the manner prescribed by regulations.

(4) Where a vessel is registered under the Fisheries Act as a fishing-boat, it may be registered under this part by filing a copy of its certificate of registration under that Act.

14 Records of boats

(1) A vessel that does not exceed ten gross register tons is a boat and not a ship for the purposes of this part and must be recorded as a boat in the record of boats kept by the Director.

(2) Boats are exempted from registration under this part otherwise than in the record of boats.

(3) Boats are to be recorded in the record of boats by an identification mark or number in chronological order.

(4) This section does not apply to a fishing boat registered under the Fisheries Act.

15 Form of register-books

(1) All books or records required by this part to be prepared and maintained may be in a bound or loose-leaf form or in a photographic film form, or may be entered or recorded by any system of mechanical or electronic data processing or any other information storage device that is capable of reproducing any required information in an intelligible written form within a reasonable time.

(2) When the records kept by a registrar are prepared and maintained in other than a written form.

(a) Any copy required to be furnished by him under this Act must be furnished in an intelligible written form, and

(b) a report reproduced from those records, if it is certified by the
registrar, is admissible in evidence with the same evidentiary value and to the same extent as if it were produced from a written form of records.

16 Division of ship into shares

(1) The property in each Sierra Leonean ship is divided into sixty-four shares.

(2) No more than sixty-four persons may be registered at the same time as owners of a Sierra Leonean ship, subject to the provisions of this Act with respect to joint-owners or owners by transmission.

(3) Subsection (2) does not affect the beneficial title of any number of persons represented by or claiming under or through a registered owner or joint-owner.

17 Fractional owners

No person may be registered as the owner of a fractional part of a share in a Sierra Leone ship.

18 Joint owners

(1) Notwithstanding section 17, any five or fewer persons may be registered as joint-owners of a Sierra Leonean ship or of any shares therein.

(2) Joint-owners constitute one only owner as regards the persons entitled to be registered in respect of a ship or shares therein.

(3) Joint-owners are not entitled to dispose in severalty of any interest in a Sierra Leonean ship or in any share therein in respect of which they are registered.

19 Corporate owner

A corporation may be registered by its corporate name as owner of a Sierra Leonean ship or of any shares in a Sierra Leonean ship.
20 Survey of vessels

(1) Before being registered under this part, a vessel must be surveyed by a surveyor and tonnage ascertained in accordance with the tonnage regulations made under section 19.

(2) The surveyor's certificate of a vessel must specify the vessel's tonnage and build and contain such other particulars descriptive of the identity of the vessel as the Director may require.

(3) The surveyor's certificate for a vessel must be delivered to a registrar before he may register the vessel as a Sierra Leonean ship.

21 Foreign and other measurements

(1) Where a vessel has been measured and registered as a foreign ship or has already been measured without being registered as a Sierra Leonean ship, a surveyor may, for the purposes of section 20, accept and use any figures of measurement contained in the latest register relating to that vessel, or in the case of measurement relating to that vessel.

(2) Before acting under subsection (1) the surveyor must satisfy himself that there have been no changes of measurement since the making of the register or certificate that he proposes to use; and where any such changes have been made he must re-measure the vessel to the extent made necessary by the changes.

22 Changes between surveys

Where any change or reconstruction of a Sierra Leonean ship is made that could affect the ship's classification, measurement tonnage or load line, the owner or master of the ship shall, within thirty days from the completion of the change or reconstruction
advise a registrar of the change or reconstruction and give him
the details thereof.

23 Marking of ship

(1) Before being registered as a Sierra Leonean ship, a vessel must
be marked permanently and conspicuously to the satisfaction of the
surveyor who issues the certificate therefore as follows:

(a) the name of the vessel is to be marked on each of the bows and the
name and port of registry is to be marked on the stern on a dark
ground in white or yellow letters, the letters being not less than
four inches or ten centimetres in length and of a proportionate
breadth;

(b) the official number of the vessel and the number denoting the
register tonnage of the vessel are to be cut on the main beam or
some other conspicuous place on the vessel;

(c) a scale denoting the vessels draught of water in feet or decimetres
is to be marked on each side of the vessel's stern and stern post in
Roman numerals or in figures, by having the numerals or figures cut
in and painted white or yellow on a dark ground or in any other
approved manner, so that the lower edge of each numeral or figure
coincides with the draught line denoted thereby; and

(i) in the case of a scale denoting draught in feet, the numerals
or figures are to be at intervals of one foot and not less than
nine inches in length,

(ii) in the case of a scale denoting draught in decimetres, the
numerals or figures are to be at intervals of two decimetres
and not less than one decimetre in length and, if equal metres
are marked the numerals or figures denoting the metres are to
be followed by the capital letter "M".

(2) The Minister may exempt any class of vessel from all or any of the requirements of subsection (1).

(3) The Marks required by this section shall be permanently continued by the owner of the vessel and no change may be made in the marks except when any of the particulars denoted by them are changed in accordance with this Act.

(4) When a registrar, surveyor or an inspector appointed is satisfied that a vessel is insufficiently or inaccurately marked, the registrar, surveyor or inspector may suspend the certificate of registry of the vessel until the insufficiency or inaccuracy has been remedied to his satisfaction.

24 Application for registration

An application for registration of a vessel as a Sierra Leonean ship must be made,

(a) in the case of individuals,

(i) by the individuals seeking to be registered as owner of the vessel

(ii) if there is more than one individual seeking to be registered as owner of the vessel, by any one or more of those individuals, or

(iii) by the agent of any individual or

(b) in the case of a corporation, by an agent authorised in writing in that behalf by the corporation, but a registrar may accept a telex confirmation of an agent's authority in lieu of a written authorisation if the circumstances so warrant.
25 Declaration of ownership

(1) No person may be registered as owner of any shares in a Sierra Leonean ship until a declaration of ownership has been made and signed by him, in the case of an individual, or by a person authorised to do so, in the case of a corporation.

(2) A declaration of ownership to be valid must refer to the Sierra Leone ship as described in the certificate of the surveyor of that ship and must contain

(a) the full name and address of the declarant, and
(b) a statement of the number of shares in the ship for which he is entitled to be registered as owner.

26 Other evidence required

In addition to the declaration of ownership the following evidence must be produced to the registrar on the first registration of a vessel as a Sierra Leonean ship namely:

(a) in the case of a vessel built outside Sierra Leone;

(I) a builder's certificate: that is to say a certificate signed by the builder of the vessel and containing a true account of

(A) the proper denomination and tonnage of the vessel, as estimated by him,

(B) the time when and place where the vessel was built, and

(C) the name of the person, if any, on whose account the vessel was built, and

(II) if there had been any sale, the bill of sale under which the vessel or any share therein has been vested in the applicant for registration.
27 Particulars for registration

When the requirement of this part that are preliminary to registration have been complied with in respect of a vessel, the registrar shall enter into the register the following particulars of the vessel:

(a) its name
(b) its official number;
(c) the details contained in the surveyor's certificate;
(d) the particulars of origin stated in the declaration of ownership;
(e) the name and description of the registered owners and the proportions in which each owner is interested in the vessel; and
(f) in the case of a vessel previously registered under the law of another country;

(i) evidence of permission to transfer registration or evidence that no permission to transfer is required and

(ii) the particulars of any mortgages or liens recorded or the register of ships of the country immediately before transfer, which must be entered in the same order of priority as the mortgages or liens were recorded in that other country.

28 Documents kept by Director

On registration of a Sierra Leonean ship, the Director shall obtain and keep the surveyor's certificate, the builders' certificate, any bill of sale of the ship previously made, the copy of the order of condemnation, if applicable, and all declarations of ownership.

29 Port of registry

The port of registry of a Sierra Leonean ship shall be Freetown.
30. Certificate of registry

On the completion of the registration of a Sierra Leonean ship and upon payment of the fees prescribed, the registrar shall grant a certificate of registry containing the particulars respecting the ship that are entered in the register together with the name of the master.

31. Fees

(1) Subject to section 32, there is payable in respect of every vessel registered as a Sierra Leonean ship a registration fee in such amount as may be prescribed.

(2) Subject to 32, before the first day of January each year there shall be paid to the Registrar for each Sierra Leonean ship an annual fee of an amount equal to ten per cent of the registration fee then prevailing.

(3) Where there is a failure to pay an annual fee in respect of any Sierra Leonean ship, the registrar may suspend the certificate of registry of the ship upon reasonable notice to the owners thereof as shown in the register.

(4) If more than one net registered tonnage is specified in the certificate of measurement of a Sierra Leonean ship, the registration fee and annual fee shall be calculated by reference to the greatest of these tonnages.

32. Saving

No registration or annual fee is payable under section 31 for a vessel that is registered under the Fisheries Act.

33. Use of certificate

(1) The certificate of registry of a Sierra Leonean ship may be used
only for the lawful navigation of the ship and is not subject
to detention by reason of any title, lien, charge or other inter-
rest of any owner, mortgagee or other person whatever.

(2) A master or owner of a Sierra Leonean ship is guilty of an offence
if he uses or attempts to use for the navigation of the ship a
certificate of registry not properly granted under this Act in
respect of that ship.

34 New certificate

The Director may grant a new certificate of registry for a Sierra
Leonean ship if the earlier certificate of registry is delivered
up to him.

35 Lost or mislaid certificate

(1) When a certificate of registry of a Sierra Leonean ship is mislaid,
lost or destroyed, the Director may grant a new certificate of regis-
try in its place.

(2) Pending the issue of a new certificate of registry under subsection
(1), a registrar or, in the case of a country where there is no
registrar, a consular officer may, upon receiving a declaration
of loss of certificate, grant a provisional certificate, which
must contain a statement of the circumstances under which it was
granted.

(3) A provisional certificate of registry is valid for a period of
sixty days from the date of its issue.

(4) A declaration of loss of certificate must be from the master of
the ship, or some other person who must state facts and the names
and description of the registered owners of the ship to the best
of the declarant's knowledge and belief.
36 Change of Master

When the master of a Sierra Leonean ship is changed, a memorandum of the change shall be endorsed on the ship's certificate of registry by the registrar or a consular officer.

37 Endorsement of change

(1) When a change occurs in the registered ownership of a Sierra Leonean ship, the change shall be endorsed on the ship's certificate of registry by the registrar upon advice of the change.

(2) For the purpose of an endorsement under subsection (1), the master of the ship shall deliver the certificate of registry to the registrar as soon as practicable after the change occurs.

(3) The registrar may, for the purpose of making an endorsement under this section, require the master of the ship to deliver to him the ship's certificate of registry in such circumstances as will not detain the ship; and the master shall deliver the certificate accordingly to the registrar.

38 Surrender of certificate

(1) Where a registered ship is either actually or constructively lost, taken by an enemy, burnt or broken up or ceases to be a Sierra Leonean ship, an owner of any share in the ship shall, immediately after obtaining knowledge of the event, if notice thereof has not already been given to the registrar, give notice thereof to the registrar.

(2) The registrar shall thereupon make an entry of the event in his register; and the registration of the ship is then closed except as it relates to any unsatisfied mortgages or existing certificate of mortgages entered in the register.
39 Master's duty

Unless the ship's certificate of registry is lost or destroyed the master of the ship described in section 38 shall, as soon as possible after the relevant event referred to in that section, deliver the certificate to a registrar or a consular officer for immediate transmittal to the Director.

40 Provisional certificate

(1) Where owners of a vessel intend to apply to have it registered as a Sierra Leonean ship and there is no registrar immediately available, a consular officer may grant to the ship's master, on his application therefor, a provisional certificate for the ship and forward a copy of the provisional certificate at the first convenient opportunity to the Director.

(2) A provisional certificate must contain

(a) the name of the ship;

(b) the time and place of her purchase and the names of the purchasers;

(c) the name of her master; and

(d) the best particulars respecting her tonnage, build and description that can be obtained.

(3) A provisional certificate issued under this section has the same effect as a certificate of registry for the ship for the period of six months from the date of its issue or until the ship arrives at a country having a registrar; and upon the expiration of that period or upon arrival at that port, which ever first occurs, the provisional certificate expires.

41 Temporary pass

(1) When it appears to the Minister that because of special circumstances
it would be desirable that permission be given to a vessel to pass without being previously registered from Sierra Leone to a Port in another country, the Minister may grant a pass accordingly.

(2) For the time and within the limits mentioned therein the pass has, in respect of the vessel the same effect as a certificate of registry for that vessel.

Transfer and Transmissions

42 Transfers

(1) A registered ship or any shares therein may only be transferred by a bill of sale to a person entitled under this part to acquire ownership therein.

(2) The bill of sale must set out the description of the ship that is contained in the surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of the registrar and must be executed in the presence of, and be attested by a witness.

43 Registration of transfer

(1) When a bill of sale for the transfer of a registered ship or any shares therein is duly executed, it must be produced to a registrar to be effected; and upon its production the registrar shall enter in the register the name of the transferee as owner of the ship or shares specified on the bill of sale and endorse on it the fact of that entry having been made and the day and how thereof.

(2) It is the duty of a registrar to enter bills of sale in the register in the order in which they are produced to him.

44 Transmission

(1) When the property in a registered ship or in any shares therein is
transmitted to another person on the death or bankruptcy of the registered owner thereof, or by other lawful means not being a voluntary transfer by the registered owner,

(a) the other person must authenticate the transmission by making and signing a declaration of transmission that identifies the ship and states the manner in which and the person to whom the property has been transmitted;

(b) if the transmission results from bankruptcy, the declaration of transmission must be accompanied by evidence admissible in a court as bankruptcy; and

(c) if the transmission results from death, the declaration of transmission must be accompanied by the instrument of representation or an official extract there from.

(2) On receipt of a declaration of transmission and the required accompanying matter, the registrar shall enter in the register

(a) the name of the person entitled under the transmission to be registered as owner of the ship or shares in which the property has been transmitted, or

(b) the names of all those persons, if more than one person is entitled under the transmission to be registered as owner of the ship or of those shares; but, for the purpose of the provisions of this part that relate to the number of persons entitled to be registered as owners of the shares of a Sierra Leonean ship, the persons mentioned in paragraph (b), however many, shall be considered to be one person in respect of the transmitted property in the ship or shares.
45 Transfer by court

(1) When a court orders the sale of a registered ship or any share therein, under section 44 or otherwise, the order must contain a declaration vesting in some person named by the court the right to transfer that ship or share.

(2) The person named in the vesting order is entitled to transfer the registered ship or the shares in the registered ship in the same manner and to the same extent as if he were the registered owner thereof.

(3) A registrar shall obey the requisition of a person named in the vesting order in respect of every transfer made pursuant to the order to the same extent as if that person were the registered owner of the ship or shares of the ship being transferred by him.

(4) When a court orders the sale of a registered ship, all sixty-four shares in that ship are to be sold under the order.

46 Prohibiting transfer

(1) Without limiting any other power of the High Court, the High Court, on the application of an interested person, may, if it thinks fit, by order, prohibit for a specified time any dealing with the shares in a registered ship.

(2) On an application under subsection (1), the High Court may, with or without costs, refuse to make an order, make the order subject to such terms and conditions as it thinks fair and discharge the order when made, and generally act as the justice of the case requires.

(3) On being served with an order made under this section, a registrar shall, without being made a party to the proceeding, obey the order.
Mortgages

47 Mortgage of ship

(1) The registered ship or any shares therein may be made a security for a loan or other valuable consideration.

(2) On production of the prescribed mortgage instrument relating to a ship, the Director shall record it in the register.

(3) It is the duty of the Director to record mortgages in the prescribed form in the order in which they are produced to him; and he shall notify on each mortgage that it has been recorded by him a memorandum of that fact and the day and hour thereof.

48 Discharge of mortgages

(1) When a registered mortgage relating to a ship is discharge, the Director shall, on the production of the mortgage instrument with a receipt for the mortgage money or other release endorsed thereon and duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged.

(2) On entry in the register of a discharge of a mortgage the estate, if any, that passed to the mortgagee vests in the person in whom, having regard to any intervening acts or circumstances, it would have vested had the mortgage not been made.

49 Priority of mortgages

When there are more mortgages than one relating to the same ship or same share, the mortgagees are, notwithstanding any express, implied or constructive notice, entitled in priority between each other according to the date on which each mortgage is recorded in the register and not according to the dates of the mortgages.
Status of mortgagee

Except as far as is necessary to make a mortgaged ship or mortgaged share available as a security for the mortgage debt, the mortgagee is not, by reason only of the mortgage, the owner of the ship or share; nor does the owner cease to be the owner thereof by reason only of the mortgage.

Power of sale

(1) A registered mortgagee has the absolute power to dispose of the ship or share to which the registered mortgage relates and to give effectual receipts for the purchase money.

(2) When there are more persons than one registered as mortgagors of the same ship or same share, a mortgagee is not entitled, except by order of a court, of competent jurisdiction, to sell that ship or share without the concurrence of every mortgagee whose mortgagee is earlier in time than his.

Mortgage and bankruptcy

A registered mortgage of a ship or share is not affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage in the register, notwithstanding that the mortgagor at the beginning of his bankruptcy had the ship or share in his possession, order or disposition or was reputed owner thereof; and the mortgagee is preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of mortgage

(1) A registered mortgage or transfer of a ship or share therein may be transferred to any person.
(2) On the production of an instrument of transfer in the prescribed form, the Director shall record it by entering in the register the name of the transferee or mortgagee of the ship or share; and the Director shall endorse on the instrument of transfer a note that it has been recorded by him on the date and hour stated.

54 Transfer on death etc.

(1) When the interest of a mortgagee in a ship or share therein is transmitted on death or bankruptcy or by other lawful means not being a voluntary transfer, the transmission must be authenticated by a declaration of transmission by the person to whom the interest is transmitted.

(2) The declaration of transmission must be accompanied by like evidence as that required under section 44 in the case of the transmission of a ship or share therein.

(3) On receipt of a declaration of transmission of a registered mortgage accompanied by the required evidence, the Director shall enter the name of the person entitled under the transmission in the register as mortgagee of the ship or share in respect of which the transmission has occurred.

Name of ship

55 Ships names

(1) A registrar may refuse the registration of a vessel by a name proposed for the registration if the name is already the name of a Sierra Leonean ship or a name so similar as to be calculated to deceive.

(2) A Sierra Leonean ship shall not be described by any name other than
that by which the ship is for the time being registered.

56 Change of name

(1) A change may not be made in the name of a Sierra Leonean ship without the previous written consent of the Director.

(2) The Director may not grant permission to change the name of a Sierra Leone ship unless he is satisfied that all registered mortgages thereof have been notified of the proposed change of name.

(3) Application for a change of name must be in writing and if the Director is of the opinion that the application is reasonable he may entertain it subject to a notice thereof being published in the Gazette.

(4) When permission is granted by the Director to change a ships name, the name shall forthwith be changed in the register, in the ship's certificate of registry and in the bow and stern of the ship.

57 Offence

(1) A person is guilty of an offence who contravenes or permits any other person under his control to contravene section 55 or 56.

(2) The Director may suspend the certificate of registry of a ship until any contravention of section 55 or 56 is remedied.

Registration of Alteration and Registration Anew

58 Alteration

(1) When a Sierra Leonean ship is so altered as not to correspond with the particulars relating to her tonnage or description in the register, notification of the alteration must be given within thirty days after the completion of the alteration to a register; and the notice must be accompanied by a certificate from a surveyor stating
the particulars of the alteration.

(2) Upon receipt of a notice of alteration of a Sierra Leonean ship under subsection (1), the registrar shall either cause the alteration to be registered or direct that the ship be registered anew.

(3) Where there is a failure to comply with the requirements of subsection (2), the Director may suspend the certificate of registry of the ship in respect of which the failure occurs.

59 Noting on certificate

(1) On the registration of an alteration in a Sierra Leonean ship, the ship's certificate of registry must be produced to a registrar within sixty days after that registration.

(2) When a certificate of registry has been produced to a registrar under subsection (1), the registrar may

(a) endorse and sign on that certificate a memorandum of the alteration, or

(b) retain that certificate and issue a new certificate of registry that contains a description of the ship as altered.

60 Change of ownership

Where the ownership of a Sierra Leonean ship is changed, the Director may, on the application of the owner of the ship, register the ship anew, even though registration anew is not required under this part.

61 Registration anew

When registering a Sierra Leonean ship anew, the Director, subject to the payment of the prescribed fees, may proceed as in the case of a first registration and

(a) on delivery to him of the existing certificate of registry and on
the compliance with other prerequisites to registration, or

(b) in the case of a change of ownership, or compliance with such of
the prerequisites to registration as he thinks material, make a
registration anew in respect of that ship and issue a certificate
of registry therefor.

(3) When a ship is registered anew, the former registration of the
ship is closed except so far as that registration relates to any
unsatisfied mortgage entered thereon.

(4) The names of all persons appearing by the former registration to
be interested as owners or mortgagees in the ship registered anew
must be entered in the new registration.

(5) A registration anew does not in any way adversely affect the rights
of any persons described in subsection (4).

Wrecked ship

Where the registration of a Sierra Leonean ship is closed because
the ship has been wrecked and the ship's certificate of registry
is delivered to the Director and cancelled, the Minister may, on
application to him, direct that the ship be re-registered on proof
to his satisfaction that the ship has, at the expense of the appli-
cant for ré-registration, been surveyed by a surveyor and certified
by the surveyor to be seaworthy.

Nationality and Flag

62 Nationality and flag

(1) A customs officer shall not grant a clearance or transire for any
vessel until the master of the vessel has declared to that officer
the name of the country to which he claims that the vessel belongs;
and that officer shall thereupon inscribe that name on the clearance or transire.

(2) If a vessel attempts to proceed to sea without the clearance or transire, the vessel may be detained until a declaration is made.

63 National colours

(1) The Sierra Leone flag constitutes the national colours of a Sierra Leonean ship.

(2) A Sierra Leonean ship must hoist the national colours on entering or leaving any port and on a signal being made to the ship by any vessel in the service of the Government of Sierra Leone.

64 National flag or foreign vessel

(1) A person who uses or permits any person to use the flag of Sierra Leone on board a foreign vessel for the purpose of making that vessel appear to be a Sierra Leonean ship is guilty of an offence and liable on summary conviction to imprisonment for two years or to a fine of ten thousand Leones or both.

(2) In any proceedings under this section, the burden of proving the right to use the flag and assume the appearance of a Sierra Leonean ship is upon the person using the flag of Sierra Leone.

Measurement of Ship and Tonnage

65 Ascertaining tonnage

(1) Before a vessel is registered as a Sierra Leone ship the tonnage thereof must be ascertained in accordance with the regulations.

(2) The Minister may by regulations:

(a) provide for ascertaining the tonnage of vessels;

(b) make different provisions for different descriptions of vessels or for the same description of vessels in different circumstances;
(c) make any provision of the regulations dependent on compliance with such condition, to be evidenced in such manner, as is specified; and

(d) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a vessel and provide for making the master and the owner each liable to a fine not exceeding five hundred dollars when a prohibition or restriction is contravened.

(3) In the tonnage regulations, provision may be made

(a) for assigning to a vessel, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the vessel is not loaded to the full depth to which it can be safely loaded, and

(b) for indicating on the vessel by such mark as is specified, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the vessel can be loaded for the lower tonnage to be applicable.

(4) In the tonnage regulations, provision may be made for the issue of documents certifying the registered tonnage of any vessel or the tonnage that is to be taken for any purpose specified as the tonnage of a vessel not registered in Sierra Leone.

66 Tonnage of ship

(1) Where the tonnage of a ship has been ascertained in accordance with the tonnage regulations and registered, that tonnage shall thenceforth be deemed to be the tonnage of that ship.

(2) The tonnage of a ship as ascertained under subsection (1), must be repeated in every subsequent registration of the ship unless

(a) an alteration is made in the form or capacity of the ship, or
(b) it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be re-measured and her tonnage determined and registered according to the tonnage regulations.

67 Tonnage of foreign ship

(1) When it appears to the Minister that a foreign country has brought in rules or tonnage that are substantially the same as those under the tonnage regulations, the Minister may order that the vessels of that country, without being re-measured in Sierra Leonean, be deemed to be of the tonnage denoted in their certificate of registry or other national papers in the same purposes as the tonnage denoted in the certificate of registry of a Sierra Leonean ship is deemed to be the tonnage of that ship.

(2) Any space shown by the certificate of registry or other national papers of any foreign vessel described in subsection (1) as deducted from tonnage, on account of being occupied by seamen any person to survey and measure ships under and for the purposes of this Act.

Part II

THE CREW

Certificates of Competency

68 Certificated officers

(1) The following classes of ships and vessels, in this part referred to as a "ship", must when going to sea, be provided with officers duly certificated in accordance with this Act, namely:
(a) a Sierra Leonean foreign-going ship
(b) a Sierra Leonean ship carrying passenger
(c) a Sierra Leonean home-trade ship of not less than 200 gross register tons and not carrying passengers and
(d) a foreign ship carrying passengers to or from Sierra Leone that is not provided with certificated officers in accordance with the national laws of the country of registry.

(2) Certificated officers shall be provided for ships in accordance, with the following scale:

(a) in every case, a duly certificated master,
(b) if the ship is over 200 gross register tons but not over 1,600 gross register tons and is engaged on
   (i) home-trade voyages at least two deck officers in addition to the master, one holding a certificate not lower than second mate and the other holding a certificate not lower than third mate;
(c) if the ship is over 1,600 gross register tons and is engaged or
   (i) home-trade voyages at least two deck officers in addition to the Master, one holding a certificate not lower than mate and the other holding a certificate
   (ii) foreign-going voyages at least three deck officers, in addition to the Master, namely a first mate, a second mate and a third mate, all of whom must be duly certified;
(d) if any deck officer is carried in addition to those required by paragraph (b), (c) or (d) for the purpose of keeping a watch at sea, he must hold a certificate not lower than ---
   (i) --- in case of a home-trade ship;
   (ii) third mate in case of a foreign-going ship;
(e) if the ship is a motor ship of over 750 kilowatts but not over 3,000 kW shaft power and is engaged on

(i) home-trade voyages, at least two engineers, one holding a certificate not lower than second class engineer and the other holding a certificate not lower than third class engineer; or

(ii) exceeds 500 nautical miles, at least one a first class engineer, one a second class engineer and one a third class engineer, all of whom must be duly certificated;

(f) if in addition to those required by paragraph (e) any engineers are carried for the purpose of keeping a watch in the engine room at sea, they must hold a certificate not lower than third class engineer.

(3) No person other than a seaman officer or engineer officer holding a certificate or licence under this Act may take charge of a watch on deck or in the engine-room of a Sierra Leonean ship at sea, and no person other than a duly certificated engineer may be left in charge of the boiler room of a Sierra Leonean ship in port if the boilers are under steam.

(4) A person is guilty of an offence who

(a) having been engaged as one of the officers described in subsection (2) or (3) goes to sea as such an officer without being duly certificated, or

(b) employs a person as one of the officers described in subsection (2) or (3) without ascertaining that the person so employed is duly certificated.

(5) An officer is not duly certificated within the meaning of this section unless he is the holder for the time being of

(a) a valid certificate of competency under this Act; or
(b) a licence under section ,
of a grade appropriate to his rank and status in the ship and to the
tonnage or shaft horse-power or the type of engine of the ship or
to the trade in which the ship is engaged or of a higher grade.

(6) Where it appears to the Minister that a ship might be unreasonably
delayed because the owner is unable to provide officers in accordance
with subsection (2) and the Minister is satisfied that

(a) the owner has exercised due diligence to provide officers, and
(b) the ship is properly and efficiently manned for the voyage about to
be undertaken the Minister may, on the written application of the
owner, exempt that ship from any of the provision of this section.

70 Certificates of Competency grades

(i) Certificates may be granted in accordance with this Act in each
of the following grades:

(a) Master of a foreign-going ship;
(b) First mate of a foreign-going ship;
(c) Second mate of a foreign-going ship;
(d) Third mate of a foreign-going ship;
(e) Master of home-trade ship;
(f) First class engineer;
(g) Mate of a home-trade ship;
(h) Second class engineer; and
(i) Third class engineer.

(2) A certificate of competency as master of first mate of a foreign-
going ship is superior to a certificate of competency as master of a
home-trade ship and entitles the holder to go to sea in that capacity;
but a certificate of competency as mate of a home-trade ship does not
entitle the holder to go to sea in any capacity in a foreign-going ship.

71 Examination for Competency and foreign Certificates

(1) For the purpose of granting certificates of competency, the Minister may:

(a) cause examinations to be held at such times and at such places as he directs;

(b) appoint examiners to conduct the examinations;

(c) make regulations for the conduct of the examinations and the qualifications of candidates and do all such acts and things as he thinks expedient for the purpose of the examinations, and fix fees therefor;

(d) cause to be delivered the appropriate certificate of competency to every candidate who is duly reported by the examiners to have passed his examination and to have given satisfactory evidence of his experience, ability and good character; and

(e) prescribe the rights and obligations of holders of certificates of competency and the officers for which certificates are to be forfeited or suspended.

(2) Where the laws of any other country provide for the examination for, and grant of certificates to person intending to act as masters, seaman officers and engineers or board ships and

(a) the Minister is satisfied that all examinations are so conducted as to be equally effective as the examinations for the same purpose in Sierra Leone under this Act, and

(b) the certificates are granted on principles that show the qualifications and competency as those granted under this Act, the Minister may order that they be acceptable certificate in Sierra Leone.

(3) Where persons holding acceptable certificates, desire to go as master, seaman officer or engineer in Sierra Leonean ships, the Minister may direct that,
(a) if the person is a citizen of Sierra Leone, he be issued, with a licence authorising him to go to sea in a Sierra Leonean ship in the same rank or status as if his certificates had been granted under this Act, subject to the payment of the prescribed fee and subject to such conditions as the Minister may impose.

(4) A licence issued under subsection (3)

(a) has during its currency the same force as a certificate of competency granted under this Act and may be cancelled or suspended for like reason, and

(b) is valid for a period of five years from the date of issue, and may be renewed on payment of the prescribed fee.

(5) The Minister shall by notice in the Gazette declare the names of the countries to which subsection (3) has application.

72 Offences

A person is guilty of an offence and liable on summary conviction to a fine of one thousand Leones or to imprisonment for eighteen months or to both, who

(a) makes any false representation for the purpose of obtaining for himself or for any other person any certificate of competency or of service as a deck officer or engineer;

(b) forges or fraudulently alters any certificate mentioned in paragraph (a) or any official copy thereof:

(c) fraudulently makes use of any certificate mentioned in paragraph (a) that is forged, altered, cancelled or suspended or to which he is not justly entitled: or

(d) fraudulently lends such a certificate or licence to or allows the same to be used by any other person.
Certificates of competency records

A record of certificates of competency and of the suspending, cancelling, or altering of those certificates and any other matter affecting them shall be kept by the Director in such manner as the Minister may direct.

Loss of certificate

1. If a master, mate or engineer proves to the satisfaction of a registrar that he has, without fault on his part, lost or been deprived of a certificate of competency already granted to him, the registrar shall, and in any other case, upon payment of the prescribed fee, certify and deliver to him a copy of the certificate to which, by the record kept under this Act, he appears to be entitled.

2. A copy of a certificate of competency certified under subsection(1) has all the effect of the original.

Duty to inform Director

1. Upon the signing of the crew agreement, the master of every Sierra Leonean ship shall forthwith inform the Director in writing of the name, grade and number of the certificate and licence of each officer (including the master himself) employed on the ship.

2. When a certificated officer ceases to be employed on a Sierra Leonean ship, or a new certificated officer becomes employed on the ship, the name, grade and number of the certificate and licence of that officer shall forthwith be despatched in writing to the Director by the master of the ship.

Going to sea undermanned

1. Subject to section 68 (6), if a Sierra Leonean ship goes to sea or attempts to go to sea without carrying by section 68, both the owner
and the master are guilty of an offence and liable on summary conviction to a fine of one thousand leones.

(2) The registrar may suspend the certificate of registry of a ship mentioned in subsection (1) until the ship is properly manned.

76 Production of certificate

(1) Any person serving or engaged to serve in any Sierra Leonean ship who holds any certificate of competency or other document evidencing his qualifications for the purposes of section 68, shall, on demand, produce the certificate or document to any registrar, inspector or proper officer and, if that officer is not himself the master, to the master of the ship.

(2) A person who fails to comply with subsection (1) without reasonable cause is guilty of an offence and liable on summary conviction to a fine of one hundred leones.

76 Use of English language

(1) Except where otherwise provided in this Act, all correspondence, documents, forms or other writings must be in the English language and, in the case of the crew agreement, official log-book and master lists, in a prescribed form.

(2) A foreign language version of any document referred to in subsection (1) may be appended to the English language version thereof.

(3) All written signs displayed on board Sierra Leonean ships must be in the English language with, if it is considered necessary by the master, a foreign language version appended thereto.

77 Crew's knowledge of English

(1) Where in the opinion of a registrar or an inspector the crew of a Sierra Leonean ship consists of or includes persons who might not understand
orders given to them in the course of their duty by reason of their insufficient knowledge of English and the absence of adequate arrangements for transmitting the orders in a language of which they have sufficient knowledge, the registrar or inspector shall so inform the master and the ship shall not be taken to sea.

(2) The registrar or inspector may suspend the certificate of registry of the ship until the situation described in subsection (1) is rectified.

(3) If a ship is taken to sea or an attempt is made to take a ship to sea in contravention of this section both the owner and master are liable on summary conviction to a fine of five hundred Leones.

Apprenticeship to the Sea Services

78 Signature of contracts and indentures

(1) All contracts or indentures of apprenticeship to the sea service intended to be performed on Sierra Leonean ships must be signed by the intended apprentice and the authorised representative of the owner to whom he is to be bound thereby.

(2) The signing must be done in the presence of a registrar, who shall attest the signature if he has, before the contract or indentures is signed, satisfied himself

(a) that the intended apprentice

(i) understands the contents and provisions of the contract or indentures;

(ii) freely consents to be bound thereby;

(iii) has attained the age of sixteen years; and

(iv) is in possession of a certificate by a duly qualified medical practitioner to the effect that the apprentice is physically fit for the sea service; and
(b) that, if the intended apprentice is under the age of eighteen years, his parent's or guardian's consent has been obtained to his being indentured.

(3) This section is in addition to and not in derogation of the provisions of any law of Sierra Leone governing apprenticeship except in so far as it prescribes specifically in respect of any matter dealt with under any such law.

79 Apprenticeship

(1) The Director shall keep a copy of every contract of indenture of apprenticeship in his office, which shall, upon payment of the prescribed fee, be made available for inspection by any member of the public.

(2) When a contract or indenture is assigned or cancelled or when an apprentice dies or deserts, the master of the apprentice shall notify the Director thereof,

(a) within thirty days after the assignment cancellation, death or desertion if it happens in Sierra Leone, or

(b) if it happens elsewhere so soon afterwards as circumstances permit.

Engagement of Seamen

79 Crew agreement

(1) The master of every Sierra Leonean ship shall enter into an agreement in accordance with this Act with every seaman whom he engages and carries to sea as one of his crew.

(2) The master of any vessel shall enter into an agreement in accordance with this Act with every seaman whom he engages in Sierra Leone or carries to sea from Sierra Leone as one of his crew.
Subsection (1) and (2) do not apply in any case where the vessel concerned does not exceed 500 gross register tons.

Contents of agreement

1. A crew agreement must be in a prescribed form and dated at the time of the first signature thereof and must be signed by the master before a seaman signs it.

2. The crew agreement must show the place at which it is made, the surname and other names of the seaman, his birthplace, and his age or the date of his birth, and state clearly the respective rights and obligations of each of the parties.

3. The crew agreement must contain as terms thereof the following particulars:
   (a) the name of the vessels on which the seaman undertakes to serve;
   (b) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, which must not exceed twelve months, and the port at which it is intended to discharge the crew, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;
   (c) the number and description of the crew;
   (d) if possible, the place and date at which each seaman is to be on board or to begin work;
   (e) the capacity in which each seaman is to serve;
   (f) the amount of wages that each seaman is to receive;
   (g) the prescribed scale of the provisions that are to be furnished to the seaman;
   (h) the time that the agreement is to expire after arrival at the port of discharge.
before the seaman is discharged;

(i) any regulations as to conduct on board, fines, short allowance of provision or other lawful punishment for misconduct that have been approved by the Minister as regulations proper to be adopted and that the parties agree to adopt; and

(j) a list of young persons taken on who are under the age of eighteen years, and the date of their births.

(4) The crew agreement must be so framed that it will admit of such stipulations to be adopted at the will of a master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(5) An agreement made to employ a seaman under this section is terminated by

(a) mutual consent of the parties thereto;

(b) the death of the seaman; or

(c) the loss or total unseaworthiness of the vessel.

81 Agreement for foreign-going ship

(1) The following provisions apply to a crew agreement made in case of a Sierra Leonean foreign-going ship or a non Sierra Leonean foreign-going ship:

(a) the agreement must, subject to the provisions of this Act as to substitutes, be signed by each seaman;

(b) the master must give reasonable facilities to the seaman and his adviser, if any, to examine the agreement, and must cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands it before he signs it, and the master must attest each signature;
(c) when the crew is first engaged, the agreement must be signed in duplicate, and one part forwarded to the owner and the other retained by the master, and the agreement must contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship;

(d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within twenty-four hours of the ships putting to sea, lost by death, desertion or other unforeseen cause, the master must, before the ship puts to sea, if practicable, and if not as soon as possible after the ship puts to sea, cause the agreement to be read over and explained to the substitute, and the substitute must thereupon sign the same in the presence of a witness and the witness must attest the signature;

(e) an agreement may be made for a voyage or, if the voyages of the ship average less than six months in duration, may be made to extend over two or more voyages, and an agreement made to extend over two or more voyage is a "running agreement";

(f) a running agreement does not extend beyond the twelve months' period of time next following the date of the making or the first arrival of the ship at her port of destination after the termination of that period;

(g) on every return to the port where the crew was engaged before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law;
(h) the duplicate crew agreement retained by the owner on the first agreement of the crew must be kept by the owner for a period of seven years after the expiration of the agreement and be produced on demand made therefore by a register or other proper officer; and

(i) except as provided in section 108, a crew agreement may not purport to deprive any court of jurisdiction to hear and determine disputes respecting the agreement.

(2) If a master wilfully makes a false statement in any endorsement referred to in paragraph (g) of subsection (1) he is guilty of an offence.

82 Further provisions

(1) The master shall, at the commencement of every foreign voyage or engagement, post up a legible copy of the crew agreement without the signatures in some part of the ship that is accessible to the crew.

(2) Every erasure, interlineation or alteration in any crew agreement, except one made for the purpose of shipping a substitute or person engaged after the first departure of the ship, makes it wholly inoperative unless it is proved to have been made with the consent of all persons interested in the erasure, interlineation or alteration.

(3) In any proceedings, a seaman may bring forward evidence to prove the contents of any crew agreement or otherwise to support his care without being required to produce or give notice to produce the agreement or any copy thereof.

(4) Every person who fraudulently alters, makes any false entry in or delivers or false copy of any crew agreement is guilty of an offence.
Employment of young persons

(1) No person shall employ an individual under the age of sixteen years to work on board any Sierra Leonean or foreign ship unless

(a) he is employed upon work approved by the Director on board or school-ship or training ship; or

(b) the Director certifies that he is satisfied, having due regard to the health any physical condition of the individual and to the prospective and immediate benefit to him of the employment, that the employment will be beneficial to him.

(2) No person shall employ an individual under the age of eighteen years in any capacity in any Sierra Leonean ship unless there is delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that individual is fit to be employed in that capacity.

(3) A medical certificate issued under subsection (2) is valid for one year from the date of issue, unless earlier revoked; but it may at any time be revoked by a duly qualified medical practitioner if he is satisfied that the individual to whom it refers is no longer fit for work on board a ship.

(4) No individual under the age of eighteen years may be employed on work in the engine-room of any vessel unless he is an apprentice working under supervision.

(5) This section does not apply to a vessel in which only members of one family are employed.
84 Certificate of competency

(1) No seaman engaged in a Sierra Leonean ship can be rated as an able seaman unless he holds a certificate of competency as an able seaman.

(2) The Minister may make regulations respecting the grant of certificate of competency as an able seaman and by the regulations may direct that no certificate be granted to any person unless that person
(a) has reached the minimum age prescribed by the regulations, not being less than eighteen years;
(b) has performed at least three years qualifying service at sea; and
(c) has passed the prescribed examinations.

(3) The regulations may authorise the grant of a certificate thereunder to any person, notwithstanding that he has not the prescribed examinations, if he can show that he was serving as an able seaman or equivalent seaman rating immediately before the commencement of this Act.

85 Certificate of discharge

(1) Subject to section 82, the master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in an approved form, specifying the period of his service and the time and place of discharge.

(2) A certificate of discharge under subsection (1) must not contain any statement as to the wages or the quality of work of the discharge seaman.

(3) The master shall, upon the discharge of every certificated officer
whose certificate of competency has been delivered to and retained by him, return the certificate to the officer.

86 Character report

(1) When a seaman is discharged from a Sierra Leonean ship, the master thereof shall make and sign a report in an approved form, in this section called a "character report", in which the master must
(a) report on the conduct, character and qualification of the seaman who is being discharged, or
(b) state that he declines to give any report on the conduct, character and qualification of the seaman who is being discharged.

(2) The master before whom the discharge of a seaman is being made shall, subject to section 81, and if the seaman so desires, give the seaman a copy of the character report on him.

(3) A person is guilty of an offence who:
(a) makes a false report of character knowing the same to be false;
(b) forges or fraudulently alters any certificate of discharge or character report or copy of a character report; or
(c) fraudulently uses any certificate of discharge or character report, or copy of a character report, that is forged or altered or that does not belong to him.

87 Time and manner of payment

The master or owner of a foreign-going Sierra Leonean ship shall pay to each seaman belonging to that ship the wages of the seaman, if demanded, within two days after the arrival of the ship at the port where the crew is to be discharged or upon the seaman's discharge,
whichever first happens.

88 Account of wages

(1) The master of a Sierra Leonean ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act, a full and true account of the seaman's wages and of all deductions to be made therefrom for any reasons whatever.

(2) The account shall be delivered to the seaman not less than twenty-four hours before his payment or discharge.

89 Deductions

(1) No deductions from the wages of a seaman may be made unless the deductions included in the account delivered in pursuance of section 88, except in respect of a matter happening after the delivery of the account.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made with the amount of the respective deductions as they occur in a book kept for the purpose; and the master shall, if required, produce the book at the time of the payment of wages and also upon a hearing before any competent authority of any complaint or question relating to that payment.

90 Settlement of wages

(1) When a seaman is discharged from a Sierra Leonean ship and the settlement of his wages is completed, he shall sign a release, in an approved form, of all claims in respect of the past voyages or engagement; and the release shall be signed also by the master or owner of the ship.

(2) When signed and attested, the release operates as a mutual discharged and settlement of all demands between the parties thereto.
in respect of the past voyage or engagement.

(3) The release shall be delivered to the owner of the ship to which it relates and it shall be retained by him for a period of seven years after the expiration of the agreement.

(4) A release shall be produced by the owner retaining it on demand made therefor by a registrar or other proper officer.

91 Registrar's decision of wages

(1) Where any question between a master or owner of a Sierra Leonean ship and any member of the crew thereof is raised before a registrar and both parties have agreed in writing to submit the question to the registrar, then, regardless of the nature of the question or the amount in dispute, it is the duty of the registrar to hear and decide the question submitted to him.

(2) An award made by a registrar pursuant to a submission under subsection (1) is conclusive as to the rights of the parties.

(3) A document purporting to be the submission or award made this section is admissible in evidence in the manner provided by this Act.

92 Ship's papers

(1) In any proceedings under this Act before a registrar to wages, claims or discharge of a seaman, the registrar

(a) may require the owner or his agent or the master or any mate or other member or any mate or other member of the crew to produce any log-books, papers or other documents in his possession or power relating to the matter in question in the proceeding, and

(b) may require the attendance of and may examine on the matter any of those persons who are then at or near the place.

(2) In any proceeding under this Act before a registrar relating to the
wages, claims or disputes or discharge of seamen, all travelling and other expenses incurred by the registrar shall be met by the owner or master of the ship in dispute.

(3) For the purposes of subsection (1), the registrar may administer oaths.

93 Rate of exchange

(1) Where a seaman has agreed with the master of a Sierra Leonean ship for payment of his wages in a specific currency, any payment of or on account of his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement for the time being current at the place where the payment is made.

(2) The rate of exchange referred to in subsection (1) must be endorsed on the agreement by a consular officer at the place where the payment of wages is made.

Advance and Allotment of wages

94 Conditional agreements

(1) A crew agreement may contain a stipulation for payment to or on behalf of the seaman conditionally on his going to sea in pursuance of the agreement of a sum not exceeding the equivalent of two weeks wages payable to the seaman under the agreement.

(2) Except as provided in subsection (1), an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea is void.

(3) Any money paid in satisfaction or in respect of a void agreement
described in subsection (2) may not be deducted from the seaman's wages; and the person purporting to conclude a void agreement with the seaman has no right of action, suit or set-off against the seaman or his assignee in respect of any money paid or purporting to have been so paid.

94 Allotment note

(1) A stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence must be inserted in the crew agreement, and must state the amounts and times of the payments to be made.

(2) Where a crew agreement is required to be made in a prescribed form, the seaman may require that a stipulation be inserted in the crew agreement for the allotment, by means of an allotment note of one half or any less part of the seaman's wages, in favour either of a near relative or of a bank account in the seaman's name.

(3) When any seaman is engaged under this Act, the master shall, after the seaman has signed the crew agreement, ask the seaman whether he requires a stipulation, the master shall insert the stipulation in the crew agreement; and the stipulation so inserted is presumed to have been agreed to by the master.

(4) An allotment note must be in a prescribed form.

(5) In regard to allotment notes under this Act,

(a) "near relative" means the spouse, father, mother, grand-father, grand-mother, child, grandchild, brother or sister of the seaman for whom an allotment note is made; and

(b) "spouse" has the meaning ascribed thereto under section of the succession Act.
Facilities for remitting wages

(1) Where the balance of wages due to a seaman is more than one hundred and fifty dollars and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to an account in a bank or to a near relative, the master shall provide the seaman with all reasonable facilities for so doing, so far as regards so much of the balance as is in excess of one hundred and fifty United States dollars.

(2) While his ship is in port, the master is under no obligation

(a) to provide the facilities, described in subsection (1) if the excess sum becomes payable before the ship leaves port or

(b) to provide the facilities otherwise than conditionally upon the seaman going to sea in the ship.

Recovery of sums allotted

(1) The person in whose favour an allotment note is made may, unless the seaman is shown in the manner specified in this Act to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted as they are made payable with costs from the owner of the ship with respect to which the engagement was made or from any agent of the owner who has authorised the allotment, in the same count and manner in which wages of seaman are recoverable under this Act.

(2) In any proceedings under subsection (1), it is sufficient for the claimant to prove that

(a) he is the person mentioned on the note, and

(b) the note was given the owner or by the master or some authorised agent.
(3) In any proceedings under subsection (1), the seaman is presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the court

(a) by the official statement of the charge in the crew caused by his absence, which must be made and signed by the master as required by this Act;

(b) by a certified copy of some entry in the official log-book to the same effect; or

(c) by such other evidence as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

(4) A master is guilty of an offence who wilfully and falsely declares, in any credible letter intended for use in any proceedings on an allotment note for the recovery of a seaman's wages, that the seaman has left the ship and has ceased to be entitled to the wages out of which an allotment is to be paid.

Rights of Seaman in respect of wages
A seaman's right to wages and provisions begins at

(a) the time at which he commences work, or

(b) the time specified in the agreement for his commencement of work or presence on board, whichever is the earlier time.

Wages and salvage
(1) A seaman cannot by any agreement

(a) forfeit his lien on a ship;
(b) be deprived of any remedy for the recovery of his wages to which,
in the absence of the agreement, he would be entitled;
(c) abandon his right to wages in case of the loss of the ship; or
(d) abandon any right that he may have or obtain in the nature of salvage.
(2) Any stipulation in any agreement inconsistent with subsection (1) or
any other provision of this Act is void.
(3) Paragraph (d) of subsection (1) does not apply to a stipulation in
an agreement made in respect to another vessel to the seamen who
belong to the vessel that, according to the terms of the agreement,
is to be employed on salvage service.
99 Wages and freight
(1) Subject to subsection (4), the right to wages does not depend on
the earning of freight.
(2) Every seaman who would be entitled to demand and recover any wages
if the vessel in which he has served had earned freight, is subject
to all other rules of law and conditions applicable to the case,
extended to demand and recover his wages, notwithstanding that
freight has not been earned.
(3) In a case of the wreck or loss of the vessel, proof that a seaman has
not exerted himself to the utmost to save the vessel, cargo and
stores has his claim for wages.
(4) Where a seaman who would, but for death, be entitled by virtue of
this section to demand and recover any wages, dies before the
wages are paid, the wages shall be paid and applied by the same
person and in the same way as in the case of a seaman who dies
during a voyage.
Wages when service ends

(1) Where the service of a seaman terminates before the date contemplated in the agreement by reason of his being left on shore at a place abroad under a certificate of his unfitness or inability to proceed on the voyage, the seaman is entitled to wages for time served up to the time of that termination but not for any further period.

(2) Where the service of a seaman terminates before the date contemplated in his agreement by reason of the loss or foundering of the vessel or which he is employed, he is entitled to receive wages in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service at the rate to which he was entitled at that date, except so far as he obtains other suitable employment.

Refusal to work

A seaman is not entitled to

(a) for any time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for him to begin work, to

(b) for any period during which he is lawfully imprisoned for an offence committed by him, unless the court hearing the case otherwise directs.

Illness by default

(1) Where a seaman is by reason of sickness incapable of performing his duty and it is proved that his sickness has been caused by his own wilful act or default, or is a sickness or infirmity wilfully concealed at the time of engagement, he is, by reason of the sickness, incapable of performing his duty.
(2) Subsection (1) does not remove the right of any seaman to any payment or other benefits to which he might be entitled under any law providing for compensation to injured or sick workers.

103 Costs of procuring conviction

When in any proceedings relating to seaman's wages it is shown that a seaman has, in the course of the voyage, been convicted of an offence by a competent authority and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding one month's wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

104 Improper discharge

Where a seaman who has signed an agreement is discharged otherwise than in accordance with the terms of the agreement

(a) before the commencement of the voyage, or

(b) before one month's wages are earned, without fault on his part justifying the discharge and without his consent, he is entitled to receive from the master or owner, in addition to any wages he might have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages; and he may recover that compensation as if it were wages duly earned.

105 Protection of wages

(1) The following provisions apply to wages due or accruing to a seaman:

(a) wages are not subject to attachment by any court;

(b) an assignment or sale of wages before they are due does not bind the person making it;

(c) no power of attorney or authority for the receipt of wages is
inevocable; and

(d) a payment of wages to a seaman is valid in law notwithstanding that the wages have been sold, assigned, attached or encumbered.

(2) Nothing in subsection (1) affects the provisions of this Act with respect to allotment notes.

Provisions, Health and Accommodation

106 Complaint as to provisions

(1) Where three or more of the crew of a Sierra Leone ship consider that the provisions or water provided for the use of the crew are at any time of bad quality or deficient in quantity, they may complain thereof to a registrar, consular officer or inspector, who may either examine the provisions or water complained of or cause them to be examined.

(2) Where the person making an examination under this section finds that the provision or water are of bad quality or deficient in quantity, he shall signify that fact in writing to the master of the ship; and if the master does not thereupon provide proper provisions or water in lien of those that have been condemned he is guilty of an offence.

(3) The person making the examination shall enter a statement of the result of the examination in the official log-book and send a report thereof to the Director; and that report is admissible in evidence in the manner provided by this Act.

(4) If the person making the examination certifies in his statement that there was no reasonable ground for complaint, each of the complainants is liable to forfeit to the owner out of his wages a
sum not exceeding one week's wages.

107 Allowance for provisions

(1) If during the voyage of a Sierra Leonean ship the allowance of provisions provided for a seaman is less than that prescribed or any of those provisions are of bad quality, the seaman shall receive by way of compensation for the deficiency or bad quality, for so long as it lasts, the following amounts to be paid to him in addition to, and to be recoverable as, wages:

(a) if the deficiency is not more than one third of the quantity specified in the agreement, a sum not exceeding three United states dollars a day;

(b) if the deficiency is more than one-third of that quantity, six United states dollars a day; or

(c) in respect of bad quality, a sum not exceeding nine United states dollars a day.

(2) If the deficiency occurred because the provisions could not be procured or supplied in proper quantities and proper and equivalent substitutes were supplied in lieu thereof, those circumstances must be taken into consideration for the purpose of subsection (1) and the compensation reduced or denied accordingly.

108 Weights and measures

(1) The master of a Sierra Leonean ship in which provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out; and the master shall allow the weights and measures to be used in the presence of a witness at the time of serving out the provisions and articles whenever any dispute arises about the quantities.
(2) The master of a ship is guilty of an offence who fails without reasonable cause to comply with subsection (1).

109 Medical examinations and cooking

The Minister may make such regulations as appear to him to be necessary

(a) for the medical examination of all persons seeking employment in any capacity on board vessels and the issue of medical certificates in respect of such persons; and

(b) for the examination and granting of certificates to persons qualifying to be employed as ships' cooks.

110 Crew accommodations

The Minister may make regulations respecting the crew accommodation to be provided in Sierra Leonean ships or foreign flag vessels employing Sierra Leonean crew and in particular way make regulations

(a) respecting the space and equipment to be provided for the sleeping rooms, wash rooms, mess rooms and galleys in a ship;

(b) providing for the protection of the crew against injury, condensation, heat, cold and noise on a ship;

(c) prescribing the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship; and

(d) respecting the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining register tonnage and prescribing the fees to be charged therefor.

Certified cook

(1) Every foreign-going Sierra Leonean ship of 1,000 gross register tons or more must be provided with and carry a duly certificated ship’s cook.
(2) Where in the opinion of the Minister there is an inadequate supply of certificated ship's cooks, he may exempt a particular ship from the requirements of this section.

111 Scales of medical stores

(1) The Minister may make regulations requiring Sierra Leonean ships to carry such medicines, medical stores and appliances, including books containing instructions and advice as may be specified in the regulations; and the regulations may make different provisions for different descriptions of ships or different circumstances.

(2) The owner and master of every ship shall ensure that the ship carries medicines, medical stores and appliances in accordance with the scales laid down under subsection (1).

(3) If an inspector is of the opinion that the medicines, medical stores and appliances on a Sierra Leonean ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or consignee of the ship; and the inspector may suspend the certificate of the registry of the ship until he is satisfied that the default has been remedied.

112 Expenses of medical treatment

(1) If the master of, or a seaman belonging to, a Sierra Leonean ship receives any surgical or medical treatment or such dental or optical treatment, including the repair or replacement of any appliance, as cannot be postponed without impairing the efficiency of the master or seaman, the reasonable expenses thereof shall be borne by the persons who are employing him.

(2) If the master or seaman dies and is burned or cremated outside his country of residence, the expenses of his burial or cremation shall
also be borne by the persons who are employing him.

113 Medical practitioners

(1) Every Sierra Leonean foreign-going ship that proceeds from a port with one hundred persons or more on board must carry on board as part of her complement a duly qualified medical practitioner on board.

(2) The owner of a Sierra Leonean ship is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty Leones of each day of every voyage of the ship on which the ship is in contravention of subsection (1) by not carrying a duly qualified medical practitioner on board.

(3) For the purpose of subsection (1), "duly qualified medical practitioner" means a medical practitioner authorised by law to practise as a legally qualified medical practitioner in any country of the commonwealth or in any other country that is approved by the Minister.

Facilities for making complaints

114 Facilities for complaints

(1) Where a seaman while on board a Sierra Leonean ship tells the master of the ship that he wishes to make a complaint to a magistrate, consular officer, registrar or inspector against the master or any of the crew, the master shall, so soon as the service of the ship will permit, allow the complainant to go ashore, so that he can make his complaint,

(a) if the ship is then at a place where there is a magistrate, consular officer, registrar or inspector, at that place, or

(b) if the ship is not then at such a place, on her arrival at such a place.
(2) A master of a ship who fails, without reasonable cause, to comply with his section, is guilty of an offence and liable on summary conviction to a fine of one thousand leones.

Protection of seamen from Imposition

115 Assignment and sale of salvage

Subject to this Act, an assignment or sale of any salvage payable to a seaman that is made before the salvage accrues does not bind the person making the assignment or sale, and a power of attorney or authority for the receipt of any such salvage may be revoked regardless of its terms.

116 Seaman's debts

A debt exceeding twenty United States dollars incurred by a seaman after he is engaged to serve is not recoverable until the service agreed for is concluded.

Discipline

117 Misconduct endangering life or ship

A master or seaman belonging to a Sierra Leonean ship who, by wilful breach of duty or by neglect of duty or by reason of drunkenness,

(a) does any act tending to cause the immediate loss, destruction or serious damage of the ship, or tending to endanger immediately the life or limb of a person belonging to or on board the ship; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or for preserving any person belonging to or on
board the ship from any immediate danger to life or limb, is
 guilty of an offence and liable on summary conviction to a fine
 of one thousand leones or to imprisonment for twelve months or to
 both.

118 General offences against discipline

(1) A seaman engaged on a Sierra Leonean ship who commits any of the
 following acts is guilty of an offence and liable to be punished
 as follows:

(a) if he quits the ship without leave after her arrival at a port
 and before she is placed in security, he is liable to forfeit out
 of his wages a sum not exceeding one week's pay;

(b) if he is guilty of wilful disobedience to any lawful command, he
 is liable to imprisonment for one month, and also at the discretion
 of the court to forfeit out of his wages a sum not exceeding two
 days' pay;

(c) if he is guilty of continued wilful disobedience to any lawful com-
 mand or commands, or continued wilful neglect of duty he is liable
 to imprisonment for three months, and also at the discretion of the
 court to forfeit for every twenty-four hours of continued disobe-
 dience or neglect either a sum not exceeding two days' pay or any
 expenses properly incurred in hiring a substitute;

(d) if he assaults the master or any mate or officer of the ship, he
 is liable to imprisonment for one year or to a fine of one thousand
 leones or to both;

(e) if he combines either any of the crew to disobey lawful commands or
 to neglect duty or to impede the navigation of the ship or the
 progress of the voyage, he is liable to imprisonment for one year

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or to a fine of one thousand leones or to both;

(f) if he wilfully damages his ship, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of her stores, or cargo, he is liable to imprisonment for one year and also at the discretion of the court to forfeit out of his wages a sum equal to the loss thereby sustained;

(g) if he commits an act of smuggling whereby loss or damage is occasioned to the master or owner of the ship, he is liable to pay to the master or owner a sum sufficient to reimburse the loss or damage, and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability without affecting any further remedy; or

(h) if he aids or procures a person to stow away on his ship, and that person is afterwards convicted of the offence, he is liable to imprisonment for three months, and also to pay to the master or owner of the ship a sum sufficient to reimburse the expenses occasioned to that master or owner in respect of the stowaway; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability without affecting any further remedy.

(2) A seaman is not guilty of an offence under subsection (1) by reason only of his refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master and the Port authority of Freetown.

(3) A forfeit or other payment imposed in respect of an offence under subsection (1) may not exceed one half of one month's salary in any one month, and the seaman must be left a sum that is sufficient for
the maintenance of the seaman and his family.

(4) Offences under this section are triable summarily.

119 Convictions: effect or other remedies

If a seaman lawfully engaged upon a Sierra Leonean ship commits any of the following acts he is guilty of an offence and liable to be punished as follows:

(a) if he deserts from his ship, the offence is desertion and he is liable on summary conviction to imprisonment for three months and

(i) to forfeit all or any part of the effects he leaves on board and the wages that he has then earned, and

(ii) if the master or owner of the ship has engaged a substitute in his place at a higher rate of wages than the rate at which wages had been stipulated to be paid to him, to satisfy that excess;

(b) if he

(i) neglects or refuses without reasonable cause to join his ship or proceed to sea in his ship,

(ii) is absent without leave at any time within the period of twenty-four hours next before the ship's sailing from a port either at the commencement or during the progress of a voyage, or

(iii) is absent at any time without leave and without sufficient reason from his ship or from his duty, and the act or omission does not constitute or is not treated by the master as constituting the offence of desertion, the offence is absence without leave and he is liable on summary conviction to imprisonment for two months and to forfeit out of his wages a sum not exceeding two days' pay and, in addition for every twenty-four hours.
of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.

120 Improper negotiations of advance note

(1) Where a seaman belonging to a Sierra Leonean ship has been lawfully engaged and has received under his agreement an advance note and, after negotiating his advance note, wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he is guilty of an offence and liable on summary conviction to a fine of fifty leones or to imprisonment for two months.

(2) This section does not remove or limit any remedy by suit or otherwise, (a) that a person has in respect of the negotiation of the advance note, or (b) that an owner or master would otherwise have had for breach of contract.

121 Withholding certificate of discharge

(1) Where it is shown to the satisfaction of a registrar outside Sierra Leone that a seaman belonging to a Sierra Leonean ship and lawfully engaged has wilfully or through misconduct failed to join his ship, the registrar shall report the matter to the Director.

(2) The Director may direct that the certificate of discharge of a seaman referred to in subsection (1) be withheld for such period as the Director thinks fit.

(3) While the seaman's certificate of discharge is withheld under subsection (2), the registrar and any other person having the custody of the documents may, notwithstanding anything in this or any other Act, refuse to furnish copies of any of the seaman's certificates of discharge or certified extracts of any particulars of his service or character.
122 False statement: last ship or name

A seaman is guilty of an offence and liable on summary conviction to a fine of fifty leones or to imprisonment for two months or both who, on or before being engaged, wilfully and fraudulently,

(a) makes a false statement of the name of his last ship or alleged last ship, or

(b) makes a false statement of his own name.

123 Deserters from foreign ships

(1) Where it appears to the Minister that due facilities will be given by the government of a foreign country for apprehending and recovering seamen who desert in that country from Sierra Leonean ships, the Minister may, by order, declare that this section shall apply in the case of that foreign country subject to any limitations, conditions and qualifications contained in the order.

(2) Where a seaman deserts in Sierra Leone from a vessel registered in a country to which this section applies, the master of the vessel may apply to a court for aid in apprehending the deserter.

(3) On an application under subsection (2), the court and its officers shall give all aid within their power; and for that purpose the court may, on information given on oath, issue a warrant for the deserter to be conveyed on board the vessel, or delivered to the master or mate of the vessel, or to its owner or his agent, to be so conveyed.

124 Entries in log-book as evidence

(1) This section applies to

(a) an offence committed under section 118 or 119 in or in respect of a Sierra Leonean ship; and

(b) an act of misconduct for which the agreement of the person who commits

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it provides for a fine and it is intended to enforce that fine.

(2) An entry of the offence or act of misconduct to which this section applies must be made in the official log-book and be signed by the master and also by an officer or one of the crew.

(3) If, in respect of an offence to which this section applies, the offender is still in the ship he must,

(a) before the next following arrival of the ship at any port, or

(b) if the ship is at that time in port, before her departure from port, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him; and the offender may thereupon make such reply thereto as he thinks fit.

(4) A statement that a copy of the entry was, as required by subsection (3), furnished to the offender or read over to him and, in either case, the reply, if any, then made by the offender shall likewise be entered and signed in the manner provided in subsection (2).

(5) In any subsequent legal proceedings, the entries made under this section must, if practicable, be produced or proved; and if they are not produced or proved, the court hearing the matter may refuse to receive evidence of the offence to which this section applies.

125 Proof of desertion

(1) When a question arises whether the wages of a seaman are forfeited under this part for desertion from a Sierra Leonean ship, it is sufficient for the person attempting to enforce the forfeiture to show that

(a) the seaman was duly engaged in or belonged to the ship;

(b) the seaman left the ship before the completion of the voyage or engagement; and
(c) An entry of the desertion of the seaman was duly made in the official log-book.

Upon showing the facts mentioned in paragraphs (a) to (c) of subsection (1), the desertion is proved so far as it concerns any forfeiture of wages under this part, unless the seaman can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving the ship.

126 Application of forfeiture

(1) Where any wages or effects are forfeited under this part for desertion from a ship, the effects may be sold and the wages or effects, or the money arising from sale of the effects, applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship; and any balance remaining shall be paid to the government of Sierra Leone.

(2) Where any wages are forfeited under this Part for any cause other than of desertion, the forfeiture is, in the absence of any specific provision to the contrary, in favour of the Master or owner by whom the wages are payable.

127 Question in suit

Any question concerning the forfeit or, or deductions from, the wages of a seaman under this part may be determined in any proceedings that the seaman has not been prosecuted for the offence that gives rise to the question.

128 Deduction of fines

A fine imposed on a seaman for any act of misconduct for which his agreement imposes the fine must be deducted as follows:
(a) when the offender is discharge and the act of misconduct and the
entry in the official log-book required by this Act to be made in
respect thereof are proved to the satisfaction of the registrar or
consular officer, the master or owner shall deduct the fine from
the wages of the offender;
(b) the fine so deducted shall be paid to a registrar, and if the master
or owner of the ship fails without reasonable cause so to pay the
fine he is guilty of an offence; and
(c) an act of misconduct for which a fine has been inflicted and paid
by or deducted from the wages of the seaman shall not be otherwise
punished under this Act.

129 Persuasion to desert

A person is guilty of an offence and liable on summary conviction to
a fine of one hundred leones who by any means persuades a seaman
(a) to neglect or refuse to join or proceed to sea in his ship,
(b) to desert from his ship, or
(c) otherwise to absent himself from his duty.

130 Penalty for stowaways

(1) A person who secretes himself and goes to sea in a ship without the
consent of
(a) the owner or master,
(b) the person in charge of the ship, or
(c) any other person entitled to give that consent,
is guilty of an offence and liable on summary conviction to a fine
of five hundred leones or to imprisonment for three months or to both.
(2) If a person goes to sea in a ship without any consent mentioned in
subsection (1), then, so long as he remains in the ship, that person
(a) belongs to the ship
(b) is subject to the same laws and regulations for preserving discipline, and
(c) is subject to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of the crew and had signed the crew agreement.

Official Log-book


(1) An official log-book in a prescribed form must be kept in every Sierra Leonean ship of over 500 gross registered tons.

(2) The Minister may make regulations prescribing
(a) the form of official log-books,
(b) the particulars to be entered in official log-books,
(c) the persons by whom such entries to be made, signed or witnessed, and
(d) the procedure to be followed in the making of such entries and in their amendment or cancellation.

(3) The official log-book may, at the discretion of the master, be kept distinct from or united with the ordinary ship's log, but in all cases the spaces in the official log-book must be duly filled up.

(4) An entry required to be made in an official log-book
(a) shall be made as soon as possible after the occurrence to which it relates;
(b) if it is not made on the same day as the occurrence it must be made and dated to show the dates of the occurrence and the entry respecting it; and
(c) if it is made in respect of an occurrence happening before the
arrival of the ship at her final port of discharge, it shall not
be made more than twenty-four hours after that arrival.

(5) Every entry in the official log-book must be signed by the master
and by an officer or some other member of the crew, and if it is
and entry of illness, injury or death, it must also be signed by
the medical practitioner on board, if any.

(6) Every entry made in an official log-book in the manner provided
by this Act is admissible in evidence to prove the fact stated
therein.

132 Entries in official log-book

The master of a ship for which an official log-book is kept shall,
subject to any regulations made under section 131, enter or cause
to be entered in the official log-book particulars of

(a) every conviction by a court of a member of his crew and the punish-
ment inflicted;

(b) every offence committed by a member of his crew for which it is
intended to prosecute or to make a forfeiture or to impose a fine,
together with the statement concerning the furnishing of a copy,
or reading over, of the entry and concerning the reply, if any,
made to the charge, as required by this Act;

(c) every offence for which punishment is inflicted on board, and the
punishment inflicted;

(d) the conduct, character and qualifications of each of his crew or
a statement that he declines to give an opinion on these particulars;

(e) every case of illness or injury happening to a member of the crew,
with the nature thereof and the medical treatment given, if any;

(f) every refusal of a member of the crew to take antiscorbutics or
medicines;

(g) every birth and death happening on board his ship;

(h) every marriage taking place on board; with the names and ages of the parties;

(i) the name of every seaman who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;

(j) the wages due to any seaman who dies during the voyages, and the gross amount of all deductions to be made from those wages;

(k) the sale of the effects of any seaman who dies during the voyage, with a statement of each article sold and the sum received for it;

(l) every collision with any other ship and circumstances in which it occurred;

(m) the date and time of posting up in the ship of a notice containing particulars of the ship's draught and freeboard; and

(n) any matter directed by this Act to be entered.

133 Copy of official log-book.

(1) The master of every Sierra Leonean foreign-going ship shall, upon the ship's arrival at her final port of destination or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the Director and deliver a copy thereof to the owner of the ship.

(2) The owner shall retain the copy of the official log-book for a period of seven years after delivery and shall produce it on demand made therefor by a registrar or other proper officer.

(3) The master or the owner of every Sierra Leonean home-trade ship for which an official log-book is required to be kept, shall, within
twenty-one days after the 30th June and the 31st December in each year, deliver the official log-book for the preceding half year to the Director.

(4) A master or owner of a ship who fails without reasonable cause to comply with this section is guilty of an offence.

134 Penalty

(1) The master of a Sierra Leonean ship is guilty of an offence when the official log-book of the ship is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act.

(2) A person is guilty of an offence who in an official log-book makes, in respect of an occurrence that took place before the arrival of the ship at her final port of discharge, an entry thereof more than twenty-four hours after that arrival.

(3) A person is guilty of an offence who wilfully
(a) destroys, omits, alters, or renders illegible any entry in an official log-book, or
(b) makes a false or fraudulent entry in or omission from an official log-book.

Returns and Delivery of Documents

135 List of crew

(1) Every master of a Sierra Leonean ship shall make out and sign a list (in this Act referred to as the "list of the crew") in an approved form containing the following particulars:
(a) the number and date of the ships register and her net register tonnage;
(b) the length and general nature of the voyage or employment;
(c) the names, ages and places of birth of all the crew, their ratings on board, their last ships or other employments and the dates and places of their joining the ship;
(d) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof;
(e) the wages due at the time of death to any of the crew who have died;
(f) particular of the property belonging to any of the crew who have died, with a statement of the manner in which the property has been dealt with, and the money for which any part of it has been sold; and
(g) details of any marriage takes place on board, with the date thereof and the names and ages of the parties.

(2) The list of the crew,
(a) in the case of a foreign-going ship, shall be delivered or transmitted by the master
   (i) within forty-eight hours after the arrival of the ship at her final port of destination in Sierra Leone, or
   (ii) upon the discharge of the crew, whichever first happens, to the owner of the ship who shall retain the list for a period of seven years after receipt and who shall produce the same on demand made therefor by a registrar or other proper officer; and
(b) in the case of a home-trade ship, shall be delivered or transmitted by the master or owner to the Director on or within twenty-one days after the 30th June and the 31th December in each year.

(3) Where a Sierra Leonean ship is lost or abandoned, the ship's master or owner shall, if practicable and as soon as possible deliver a registrar the list of the crew duly made out to the time of the loss or abandonment.
(4) This section does not apply to ships of under 200 gross register tons.

(5) For the avoidance of doubt "crew" in this section includes the master of the ship and any apprentices aboard ship.

136 Documents to be transferred

Where during the progress of a voyage the master of a Sierra Leonean ship is removed or suspended or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registration and the various documents relating to the navigation of the ship and to its crew that are in his custody; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

137 Returns of births and deaths,

(1) The master of a Sierra Leonean ship upon its arrival at a port, or at such other time and place as the Director prescribes, a return of the facts recorded by the master in respect of a birth or death on board the ship,

(a) to the Director if the ship is in Sierra Leone, or

(b) to a registrar or consular officer, if the ship is elsewhere.

(2) When the return is made elsewhere than in Sierra Leone, the registrar or consular officer must send a certified copy of the return to the Director,

(3) The Director shall cause the information contained in the return or copy thereof to be sent to the authority having responsibility for the registration of births and deaths.
Relief and Repatriation

138 Repatriation of seaman

(1) Except as otherwise provided in this Act, it is an implied term of every agreement entered into for the employment of a seaman in a Sierra Leonean ship that, if the agreement terminates at a port other than the port of engagement the seaman will be returned to a proper return port at the expense of the master or owner of the ship.

(2) The master or owner of the ship, whether principal or agent, shall make such arrangements as are necessary and defray all expenses incurred for the return of a seaman pursuant to subsection (1).

(3) The responsibility of the master or owner under this section includes an obligation

(a) to pay the cost of maintenance and medical treatment that is necessary for the seaman until his arrival at his proper return port, and

(b) to ensure that the seaman does not become a charge upon the Government of Sierra Leone.

(4) Subsection (1) applies whether an agreement terminates

(a) by effluxion of time,

(b) by an act of the parties,

(c) by shipwreck,

(d) by sale of the ship,

(e) by the inability of the seaman to proceed in the ship by reason of sickness or injury, or

(f) by any other cause.

139 Exception from liability

(1) A seaman who has been left behind or discharged from his ship as a result of his
(a) desertion,
(b) imprisonment, or
(c) inability to proceed to his ship because of a sickness or infirmity
that was wilfully concealed at the time of his engagement, is not
entitled to be returned under section 138 at the expense of the
master or owner,

(2) Notwithstanding subsection (1) the master of the ship from which a
seaman mentioned in that subsection has been left behind or discharged,
or the owner of the ship whether principal or agent shall make all
arrangements necessary to defray all expenses incurred for the return
of the seaman to a proper return port as if the seaman were entitled
thereto.

(3) The master or owner may be reimbursed any expenses incurred pursuant
to subsection (2) out of any wages owing to the seaman at the time
the seaman left the ship or out of the proceeds from the sale of any
of the seaman's effects left on board the ship, or, if this is not
sufficient, the master or owner may be reimbursed by ordinary process
of law.

(4) Notwithstanding subsection (1) or (3), the master and owner of
the ship are bound to ensure that the seaman does not become a
charge upon the government.

140 Duty of registrar etc.

(1) When a seaman is to be left behind or discharged from his ship at
a port other than his port of engagement, a registrar or consular
officer may demand from the master or the owner, whether principal
or agent, a guarantee for the proper discharge of any obligations
imposed by section 138 or 139.
(2) If a guarantee required under this section is refused the registrar or consular officer may withhold his consent to the discharge of the seaman concerned.

141 Effect of workmen's compensation

When a seaman is eligible to receive and receives medical aid or periodical payments at the expense of his employer under the terms of any enactment providing for compensation to injured or sick workers, the receipt thereof

(a) removes any right of the seaman to receive medical treatment under section 138, to the extent that he receives that medical aid, and

(b) removes any right of the seaman to receive maintenance under section 138, to the extent and for so long as he receives the periodical payments.

142 Application to foreign ships

Section 138 to 141 apply in respect of a foreign ship that engages a seaman in Sierra Leone; and "owner" in such a case includes any person appointed or nominated by the owner, or the charterer if the ship is on demise charter, to act as his agent and who was so acting at the time the seaman was engaged.

143 Wages etc. of seaman left behind

(1) Where a seaman belonging to a Sierra Leonean ship is left at a place other than a proper return port, the master of the ship shall, subject to this section and as soon as practicable, enter in the official log-book a statement of the effects left on board by the seaman and an account of wages due to him at the time when he was left behind.

(2) On the termination of the voyage during which the seaman was left behind, the master shall furnish to a registrar or consular officer,
within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, a delivery account and a retention account.

(3) The master shall, if required by the registrar or consular officer, furnish such vouchers as may be reasonably required to verify the delivery and retention accounts.

(4) The master of a ship shall deliver to a registrar or consular officer, if he will receive them, the effects of a seaman as shown in a delivery account, and subject to any reimbursement allowed under section (5), the amount due an account of wages as shown in that account, and the registrar or consular officer shall give to the master a receipt for any effects or amount so delivered.

(5) The master of a ship is entitled to retain out of the wages any sums shown in a retention account that appear to a registrar or consular officer to be owing or payable to the master of the ship; and for that purpose the registrar or consular officer must allow those sums to be retained by the master out of the amount due on account of wages shown in the delivery account and, so far as that amount is not sufficient, to be raised and paid to the master out of the effects.

(6) Before allowing any sum to be retained or to be raised and paid, a registrar or consular officer may require that evidence be provided by statutory declaration or otherwise that the sums are owing or payable to the master of the ship.

(7) The registrar or consular officer shall deliver the remainder of the wages and effects to such person at such time and in such manner as the Minister requires, and shall render such accounts in respect thereof as the Minister may direct.
(8) In this section

(a) "delivery account" means an account of the effects and wages of a seaman left behind or owing at the time a seaman leaves or is discharged from the ship; and

(b) "retention account" means an account of any expenses caused to the master or owner of a ship due to his desertion, neglect to join his ship or conduct constituting an offence under section 118 or 119, including, in the case of a seaman who is not entitled to be repatriated at the expense of the master or owner of the ship, any provision made for the return of the seaman to a proper return port.

144 Liability of master

The master of a Sierra Leonean ship is not liable for any loss of effects or for any damage to the effects of a seaman left behind or discharged at a port other than his proper return port, if the master proves to a registrar or consular officer that the loss or damage occurred without his neglect or consent after the seaman left his ship.

145 Liability of Government

The Government of Sierra Leone is not liable with respect to anything done under section 143, except that, if after the wages or effects of a seaman have been dealt with under section 143 any legal proceedings are taken in respect of those wages or effects or involving the forfeiture of those wages by the seaman against the master or owner of the ship or by the master or owner of the ship against the seaman, the Minister shall, if notice is given to him of the proceedings and a reasonable opportunity afforded him of appearing, comply with any order of the court made as respects the wages or effects remitted to him in respect of the voyage of the ship.
(2) The Minister is entitled to appear and be heard in any proceedings referred to in subsection (1) or to be represented by any public officer in his Ministry or any public officer of the government.

(3) The Minister may, if and so far as he thinks fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under section 143 although legal proceedings are not actually taken in respect thereof, if the Minister has given notice to the master or owner of the ship and the master or owner of the ship has not given written notice of objection within ten days of the notice being given.

(4) For the purpose of this section, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made are to be treated as proceedings taken or a claim made by the seaman.

146 Payment to government

(1) Any sums remitted under section 143 or arising from the sale of effects under that section, and not disposed of in accordance with that section, shall be paid to the government of Sierra Leone.

(2) The master of a ship who without reasonable cause contravenes section 143 or 146 is guilty of an offence without affecting any other habi-

147 Non application of section 143

Section 143 does not apply in the case of an absent seaman when (a) the master of a ship satisfies a registrar or consular officer that none of the effects of the seaman have to his knowledge been left on board the ship and that he has paid all wages due to the seaman;
(b) the amounts of wages earned by the seaman, after taking into account any deduction made in respect of allotments or advances for which provision is made by the crew agreement, appears from the agreement to be less than one hundred leones;

(c) the master of the ship satisfies a registrar or consular officer that the net amount due to the seaman on account of wages, after taking into account of wages, after taking into account any deductions lawfully made in respect of allotments, advances or otherwise, is less than one hundred leones; or

(d) the question of the forfeiture of the wages and effects of the seaman has been dealt within proceedings lawfully instituted before the termination of the voyage or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

148 Effects of seaman

(1) The effects of a seaman described in section 143 may be sold by a registrar or consular officer in such manner as he thinks fit when they are delivered to him unless the Minister directs to the contrary.

(2) If the effects are not sold pursuant to subsection (1), they may be sold by the Minister as and when he thinks fit unless they are delivered to the seaman.

(3) For the purposes of this section and section 143 to 147, "effects" includes the proceeds of any sale of the effects of a seaman.

149 Certificate of discharge

Where the master of a Sierra Leonean ship discharges a seaman, he shall give to that seaman a certificate of discharge in an approved form.
150 Return from service

(1) Where during the currency of his agreement the service of a seaman belonging to a Sierra Leonean ship terminates otherwise than by the consent of the seaman, the master of the ship, in addition to

(a) giving the seaman a certificate of discharge required by this part, and

(b) paying to the seaman the wages to which he is entitled, make adequate provision in accordance with this Act for maintenance and return of the seaman to a proper return port; and the master shall request a registrar or consular officer to endorse the particulars of any provision so made upon the crew agreement of the ship that the seaman is leaving.

(2) If a master fails without reasonable cause to comply with subsection (1), the expenses of maintenance and of the journey to the proper return port

(a) if defrayed by the seaman, is recoverable as wages due to him; and

(b) if defrayed by a registrar or consular officer or any other person, is a charge upon the ship to which the seaman belonged.

(3) A charge upon a ship under subsection (2) may also be recovered from

(a) the person who is the owner of the ship for the time being,

(b) if the ship has been lost, from the person who was the owner of the ship at the time of the loss,

(c) if the ship has been transferred to some person, from the owner for the time being, or

(d) from the person who was the owner of the ship at the time of the transfer, at the suit of the registrar or consular officer or other
person defraying the expenses, or, if the expenses, have been allowed out of public money, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages are recoverable by a seaman.

151 Discharge on ownership change

(1) Where a Sierra Leonean ship is transferred or disposed of, any seaman belonging to that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seaman is discharged under this section the provisions of this part relating to the certificate of discharge and the return of the seaman to a proper return port apply as if his service had terminated otherwise than by his consent to be discharged during the currency of the agreement.

152 Certificate when seaman left

(1) The master of a Sierra Leonean ship shall not leave a seaman behind at any foreign port or place except when the seaman is discharged in accordance with this Act, unless the master has had the certificate of a registrar or consular officer endorsed on the crew agreement certifying the cause is unfitness or inability to proceed to sea, desertion, disappearance or otherwise.

(2) The registrar or consular officer to whom an application is made for a certificate under this section may examine the grounds on which a seaman is to be left behind; and, for the purpose, may, if he thinks fit, administer oaths and grant or refuse the certificate as he thinks just, but a certificate may not be unreasonably withheld.
153 Offence

(1) If the master of the ship fails to amply with section 151 or 152 he is, without limiting his liability under any other provision of this Act, guilty of an offence and liable on summary conviction to a fine of five hundred leones.

(2) In a prosecution for an offence under section 151 or 152, the onus is upon the master of the ship to prove that the certificate

(a) was obtained, or

(b) could not be obtained without unreasonable delay to the ship, or

(c) was unreasonably withheld.

154 Account of wages

(1) Where a master of a Sierra Leonean ship leaves a seaman behind at any foreign port or place on the ground of his unfitness or inability to proceed to sea the master shall deliver to the person signing the certificate required by section 152 a full and true account of the wages due to the seaman; and, if that person is a consular officer; the master shall deliver the account in duplicate.

(2) A master who fails without reasonable cause to deliver the account required under subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred leones.

155 Payment of wages

(1) The master shall pay to a consular officer the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if the consular officer will receive the wages.

(2) Where a payment is made under this section, the consular officer, if satisfied with the account, shall furnish a receipt for the payment.
(3) A payment under this section shall be made, whenever practicable, in money, and when not so practicable by bills drawn on the owner of the ship.

(4) A master who fails without reasonable cause to pay wages as provided by this section, is guilty of an offence and liable on summary conviction to a fine of five hundred leones.

156 Application of wages

Where the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea are paid to and accepted by a registrar or consular officer, that officer accepts them on condition that he deals with them in the following manner:

(a) if the seaman subsequently obtains employment at or leaves the port at which the payment has been made, the officer will obtain out of the money any expenses such as the owner or master is by this Act required to defray, and pay the remainder to the seaman and deliver to him an account of the money received and expended on his behalf;

(b) if the seaman dies before his ship leaves the port, the officer will deal with the money as part of the property of a deceased seaman; and

(c) if the seaman is sent to a proper return port at the public expense under this Act, the officer will account for the money to the Minister, and after retaining any expenses duly incurred in respect of the seaman except such expenses as the master or owner of the ship is required by this Act to defray, the money will be dealt with as wages of the seaman.
157 Relief of distressed seaman

(1) Where a seaman

(a) is found in any place outside Sierra Leone after having been shipwrecked from a Sierra Leonean ship, or

(b) by reason of having been discharged or left behind from a Sierra Leonean ship in any place outside Sierra Leone is in distress in that place, a registrar or consular officer may provide relief to that seaman in accordance with this Act.

(2) Relief is provided the seaman when provision is made

(a) for the return of the seaman at the expense of the Government of Sierra Leone to a proper return port and also for his necessary clothing and maintenance until his departure for such a port;

(b) in case of death, for burial expenses; and

(c) in addition in the case of a shipwrecked seaman, for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so conveyed.

(3) A seaman for whom relief is provided under paragraph (a) of subsection (1) is included within the expression "distressed seaman" in this Act.

158 Repayment of relief and return

(1) Where any expenses are incurred by a consular officer on behalf of the Government of Sierra Leone under section 157 or are incurred by the government of a foreign country and are repaid to such foreign country by the Government of Sierra Leone, the Minister may pay to the consular officer or foreign government the amount of the expenses out of any moneys available for the purpose or out of any money moneys appropriated for that purpose by parliament.
(2) Any or all money paid by the Minister under subsection (1), togeth­er with the wages, if any, due to a distressed seaman, is a change upon the ship to which the seaman belonged, and is a debt due to the Government of Sierra Leone

(a) from the master or owner of the ship at the time of the loss,

(b) if the ship has been transferred, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer and

(c) if the ship is a foreign ship, also from the person, whether principal or agent, who engaged the seaman for service in the ship.

(3) A debt under this section, in addition to any fines and consular fees incurred, may be recovered by the Minister on behalf of the Government of Sierra Leone either by ordinary process of law or in the court and manner in which wages are recoverable by seaman.

(4) In any proceeding for recovery of a debt under this section, the production of an official account of the expenses furnished in accordance with this Act, and proof of payment of the expenses by or on behalf of the Government of Sierra Leone is prima facie proof that the expenses were incurred or repaid under this Act by or on behalf of that government.

159 Forcing ashore

A person is guilty of an offence who, being the master or crew of a Sierra Leonean ship, wrongfully forces a seaman on to shore and leaves him behind, or otherwise causes a seaman to be wrongfully left behind at any place.

160 Proper return port

For the purposes of this port, either the port at which a seaman was
shipped, or a port in the country to which he belonged, or in
the case of a discharged seaman; some port agreed to by the seaman
at the time of his discharge, is a proper return port; but in the
case of a seaman shipped in Sierra Leone, the return port is Free-
town unless otherwise agreed to by him at the time of his discharge.

161 Manner of return

(1) A seaman may be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of a seaman,
(a) if he is fit for work, by providing him with suitable employment on
board a ship that is proceeding to a proper return port and that is
in want of men to make up its complement, or
(b) if that is not practicable, by providing the seaman with a passage
in any ship or aircraft or in other public transport and by providing
for his maintenance during the journey.

(3) Where the master of a ship is required under this part to provide
for the return of a discharged seaman to a proper return port, the
master may, instead of providing the seaman's passage or the expenses
of his journey, deposit with a consular officer such sum as the
consular officer considers sufficient to defray the expenses of the
return of the seaman to a proper return port.

(4) Where a seaman is repatriated as a member of a crew, he is entitled
to the appropriate remuneration for work done during the voyage.

162 Return of seaman

(1) When any question arises as to what return port a seaman is to be
sent, or as to the route by which he should be sent, the question
shall be decided by a registrar or consular officer.

(2) In deciding the question of a seaman's return port, the registrar
or consular officer must have regard both
(a) to the convenience of the seaman and to the expense involved, and
(b) if it is the case, to the fact that a ship that is in want of men
to make up its complement is about to proceed to a proper return
port or to a port in the vicinity thereof.

(3) Nothing in this section relieves the owner from the obligation and
expense of returning the seaman to his proper return port.

163 Assistance by Minister

(1) The Minister may, whenever he deems it necessary, spend money on
the temporary relief in Sierra Leone, in such manner as he thinks
advisable, of ship-wrecked, destitute or otherwise distressed sea-
men not otherwise entitled to relief under this Act or under the
laws of the country to which their vessel belongs.

(2) Any expenses incurred for ship-wrecked, destitute or otherwise
distressed seamen under this section, must be repaid to the Minister
by the master, owner or agent of the vessel to which the distressed
seaman belonged, and may be recovered by the Minister on behalf of
the Government of Sierra Leone in the same manner as expenses incur-
red outside Sierra Leone for distressed seaman of Sierra Leonean
ships are recovered.
PART III

Passenger Ships

164 Regulations of passenger ships

The Minister may make regulations

(a) respecting accommodation facilities and provisions on board passenger ships that carry passengers from or to Sierra Leone,
(b) requiring the preparation and furnishing of particulars as to all passengers to or from Sierra Leone, and
(c) regulating the number of passengers that a ship may carry from Sierra Leone, whether or not the ship is a passengers ship.

165 Offences on board passenger ships

(1) Any person on board or attempting to board a passenger ship in Sierra Leone is guilty of an offence who,

(a) being drunk or disorderly, is requested by the owner or any person in his employment to leave the ship, and after having the amount of any fare paid by him, returned or tendered to him, does not leave the ship;
(b) after warning by the master or other officer of the ship, molests or continues to molest any passenger;
(c) having gone on board the ship at any place and being requested, because the ship is full, by the owner or any person in his employment, to leave the ship before it has left that place, and having had the amount of any fare paid by him returned or tendered to him does not leave the ship;
(d) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;
(e) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance intending to avoid payment thereof;

(f) on arriving in a ship at a point to which he has paid his fare, knowingly and wilfully refuses or neglects to leave the ship;

(g) fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipts showing the payment of his fare as is usually given to persons travelling by and paying their fare for the ship; or

(h) wilfully does and causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the ship, or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship.

(2) A person is guilty of an offence who,

(a) being drunk and disorderly, has been on that account refused admission to a passenger ship in Sierra Leone by the owner or any person in his employment and, after having the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship; or

(b) after having been refused admission to a passenger ship in Sierra Leone by the owner or person in his employment because the ship is full and having had the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship.

(3) A person who is guilty of an offence under this section is liable
on summary conviction to a fine of five hundred leones or to imprisonment for fourteen days or to both.

166 Ticket for passage

(1) If any person receives money from another person for or in respect of a passage in a ship proceeding from Sierra Leone, he shall give to the person paying the money a contract ticket signed by or on behalf of the owner or charterer of the ship.

(2) A contract ticket required by this section must specify

(a) the amount of the fare paid;

(b) the places between which the passenger is entitled to be carried;

(c) whether the passenger is entitled to food or will purchase or provide his own food for the journey;

(d) whether the passenger is to be berthed or unberthed;

(e) the amount of baggage the passenger is permitted to carry free of charge; and

(f) any other rights or obligations of the parties.

(3) Any question that arises respecting the breach or non-performance of any stipulation in any contract ticket may, at the option of the passenger interested, be tried before a magistrate, and the magistrate may award the complainant such damages and costs as he thinks just, not exceeding three times the amount of the passage money specified in the contract ticket.
PART IV

SAFETY

167 Definitions

In this Act,

(a) "load line certificate" means

(i) in relation to a Sierra Leonean ship, an international load line certificate or a local load line certificate issued, in either case, under section , or

(ii) in the case of a foreign ship, a certificate having the like effect as an international load line certificate issued by a foreign country to which the Load Line Convention applies;

(b) "Load Line Convention" means the international convention on Load Lines of 1966, any amendments or replacements thereto in effect in respect of Sierra Leone;

(c) "load line ship" has the meaning given that phrase by section ;

(d) "Safety Convention" means the International Convention for the safety of Life at Sea, 1974, and any amendments or replacements thereto in effect in respect of Sierra Leone;

(e) "Safety Convention Certificate" means a certificate that is required to be issued to a safety convention ship that complies with the relevant provisions of the safety convention and includes

(i) a safety certificate;

(ii) a safety construction certificate;

(iii) a safety equipment certificate;

(iv) a safety radiotelegraphy certificate;

(v) a safety radiotelephony certificate; and

(vi) any similar certificate that is limited, modified or restricted by an exemption certificate;

(f) "Safety Convention ship" means a ship registered in a country to
which the safety convention applies and "safety convention passenger motor ship" means a passenger motor ship registered in such a country.

168 Appointment of inspectors

(1) The Minister may, either generally or in a particular case appoint at such places as he considers advisable nautical inspectors who must be persons duly qualified to inspect
(a) the boilers and machinery of motor ships;
(b) the equipment of ships, including ships' tackle, furnishing and appurtenances;
(c) the hulls and superstructures of ships;
(d) the life-saving, fire fighting and other safety equipment of ships;
(e) the radiotelegraphy and radiotelephony installations of ships; or
(f) the stowage and manner of loading of ship's cargoes and the stowage of dangerous goods in vessels.

(2) One person may be appointed as a nautical inspector in several capacities.

(3) Unless otherwise started, the survey and inspection of ships for the purposes of this part and the enforcement of the regulations under this part, must be carried out by inspectors.

169 Rights of inspectors

(1) An inspector, in the exercise of his duties, may, at all reasonable times, go on board any ship in Sierra Leone, or any Sierra Leonean ship wherever it may be, and inspect it or any of its machinery or equipment or any certificate of a master, mate or engineer.

(2) When

(a) an inspector considers a ship unsafe or unfit to carry passengers
in the case of a passenger ship, or the machinery or equipment
defective in such a way as to expose persons on board to serious
danger; or

(b) an inspector finds that any provisions of this Act or any regulations
made or deemed to be thereunder have not been complied within
respect of the ship and considers that the ship should not go to
sea for that reason;

the inspector may, in the case of a foreign ship, cause it to be
detained or, in the case of a Sierra Leonean ship, suspend the
certificate of registry of the ship, until he is satisfied that
the ship can properly go to sea.

(3) Where an inspector visits a ship, he may ask the owner or his agent,
the master or chief engineer, or any other person on board and in
charge of the ship, any question concerning any accident that has
happened on the ship, as he thinks fit; and every such person shall
fully and truly answer every such question.

(4) An inspector may require that the machinery of a ship be put in
motion so that he can satisfy himself about its condition.

170 Record of inspection

(1) An inspector shall keep a record of the inspections he makes and
the certificates he issues in such form and with such particulars
respecting them as the Director may require.

(2) An inspector shall furnish copies of his records and certificates
and such other information pertaining to the duties of his office
as the Director may require.
Safety and Load Line Conventions

171 Regulations or safety conventions

The Minister may make such regulations as are necessary to give effect to the safety convention and the Load Line Convention.

172 Notice of countries

When the Minister is satisfied

(a) that the government of any country has ratified, acceded to or denounced the safety convention or the Load Line Convention, or

(b) that the safety convention or the Load Line Convention has been applied or has ceased to apply to any country, the Minister may make a declaration to that effect by notice in the Gazette.

Inspection for Safety

173 Surveys of passenger ships

Every Sierra Leonean passenger ship shall be subjected to the following specified surveys namely:

(a) a survey before the ship is put into service;

(b) periodic surveys at intervals of not more than one year; and

(c) additional surveys as occasion arises.

174 Initial survey

The survey made before a passenger ship is put into service must include a complete inspection of the hull, machinery and equipment.

(2) The survey must be so made as to ensure that the arrangements, material and scantlings of

(a) the hull,

(b) the boilers and other pressure vessels

(c) the main and auxiliary machinery
(d) the electrical installations,
(e) the radio installation,
(f) the radio installation in motor lifeboats,
(g) the portable radio apparatus for survival craft,
(h) the life-saving appliances,
(i) the fire detecting and extinguishing appliances,
(j) the pilot ladder and
(k) the other equipment,

fully comply with the requirements of the safety convention and
with any regulations made under section 171 and

(3) The survey must also be so made as to ensure that
(a) the workmanship of all parts of the hull and machinery and equipment
   is satisfactory, and
(b) the ship is provided with such light and sound signals and distress
   signals as are required by the safety convention and the collision
   regulations.

175 Subsequent surveys

(1) The periodic surveys made of a passenger ship must be of such a
    nature as to ensure that
(a) the hull,
(b) the boilers and other pressure vessels,
(c) the main and auxilliary machinery,
(d) the electrical installation,
(e) the radio installation,
(f) the radio installation in motor life boats,
(g) the portable radio apparatus for survival craft,
(h) the life-saving appliances
(i) the fire detecting and extinguishing apparatus,
(j) the pilot ladders, and
(k) the other equipment,
are in a satisfactory condition and fit for the service for which they are intended and that they comply with the requirements of the safety convention and any regulations made under section 171 and

176 Additional surveys
(1) A survey, which may be either general or partial, as the circumstances require, must be made of a passenger ship every time
(a) an accident occurs on or to the ship,
(b) a defect is discovered that affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, or
(c) important repairs or renewals are made to the ship.
(2) The survey must be so made as to ensure that
(a) the necessary repairs or renewals have been effectively made,
(b) the material and workmanship of the repairs or renewals are in all respects satisfactory, and
(c) the ship complies in all respects with the Safety Convention and the collision regulations and any regulations made under this Act.

177 Sierra Leonean cargo ship survey
(1) The hull, machinery and equipment of a Sierra Leonean cargo ship must be surveyed or completion of the ship and thereafter at intervals of not more than four years.
(2) The survey must be so made as to ensure that the arrangement, material and scantlings of
(a) the hull,
(b) the boilers and other pressure vessels,
(c) the main and auxiliary machinery,
(d) the electrical installation, and
(e) the other equipment,

are in all respects satisfactory for the service for which the ship is intended.

(3) The hull, machinery and equipment referred to in subsection (1) does not include items in respect of which there are issued,

(a) cargo ship safety equipment certificates,
(b) cargo ship safety radiotelegraphy certificates, or
(c) cargo ship radiotelephony certificates.

178 Life-saving appliances; cargo ships

(1) The life-saving appliances and fire-fighting appliances of Sierra Leonean cargo ships must be surveyed before the ship is put into service and thereafter at intervals of not more than two years.

(2) The fire control plans in new Sierra Leonean cargo ships, and the pilot ladders, light and sound signals and distress signals in new and existing Sierra Leonean cargo ships must be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the Safety Convention and, where applicable, the collision regulations.

179 Radio installation

The radio installations of Sierra Leonean cargo ships and any radiotelegraph installation in a motor life-boat or any portable radio apparatus for survival craft that is carried in compliance with any regulation made under section 171 and must be surveyed before the ship may be put into service and thereafter at intervals of not
more than one year.

180 Pleasure yacht

Pleasure yachts are exempt from the inspection required under 173 to 179.

181 Inspectors duty reports

(1) When, after a survey is made in respect of a ship, the inspector who did the inspection is satisfied that he can with property do so, it becomes his duty to forward a report of his survey to the Director.

(2) The report must contain a statement stowing, in respect of the ship inspected,

(a) that the hull and machinery are sufficient for the service intended and in good condition

(b) that the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this part;

(c) that the equipment that is required under any regulations is on board and in good condition;

(d) that the master, mates and engineers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;

(e) the class of voyage for which the ship is fit to ply and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;

(f) if the ship is a passenger ship, the number of passengers that may be carried thereby; and

(g) the steam pressure pressure that may be carried on the boilers.
Safety Regulations

182 Safety regulations

The Minister may make regulations respecting

(a) the construction of hulls, including their subdivision into water-
tight compartments and the fitting of double-bottoms and fire-
resisting doors;

(b) the construction of machinery, with particular reference to the
testing of the main and auxiliary boilers, connections, steam
pipes and high pressure vessels, and the fuel tanks for internal
combustion engines;

(c) the construction of equipment and the class and quantity of various
types of equipment to be carried in any vessel, including the
marking of boats, life boats and buoyant apparatus;

(d) compasses, sounding apparatus and other navigating appliances;

(e) propelling power and the appliances and fitting for steering;

(f) stability, and the data relating thereto to be supplied to the
master of a motor ship;

(g) the marking of subdivision load lines on passenger motor ships;

(h) the provisions to be made for mustering the passengers and crew
for abandoning ship, including the lighting of decks, passage
ways and similar parts of the ship, and the provision of proper means
of escape from the various parts of the ship;

(i) passenger accommodation and the number of passengers allowed to be
carried;

(j) the production of plans and documentary evidence showing the con-
struction of hulls, machinery and equipment, the subdivision of
hulls into water-tight compartments, the arrangement of passenger
accommodation and like information necessary to decide on the fitness of a motor ship for any particular service;

(k) the inspection of the hulls, equipment and machinery of motor ships and the extent to which inspection is to be carried out having due regard to the class of voyage on which a motor ship is to be engaged and the trade on which she is employed, and whether the ship is classed with a society or association, approved by the Minister for the classification and registry of shipping;

(l) the manning of motor ships, the number of certificated life-boat men to be carried and the qualifications for and the granting of certificates to life-boat men;

(m) the carrying of line-throwing apparatus;

(n) precautions against fire and damage control plans;

(o) the holding of periodic boat and fire drills;

(p) the provision of pilot ladders on ships;

(q) the lights to be carried and used;

(r) the signals to be carried and used;

(s) the steering and sailing rules to be observed;

(t) the radio apparatus and the number of radio operations to be carried in various classes of ships and the hours of duty of such radio operators; and

(u) the carrying of such charts, directions or information as the Minister considers necessary or expedient for the safe operation of ships, either at all times or on specified voyages.
Issue of Certificates

183 Certificate to passenger or cargo ship

(1) Where a Sierra Leonean ship, being safety convention ship, is intended to carry more than twelve passengers on an international voyage and the Director, on receipt of the report of inspection provided for under section 181, is satisfied that all relevant provisions of this Act have been complied with, the appropriate safety convention certificate or certificates and an inspection certificate shall be issued under this Act in respect of that ship.

(2) Where a Sierra Leonean ship, being a cargo ship exceeding 500 gross register tons, is intended to be employed on an international voyage and an inspector is satisfied that all relevant provision of this Act have been complied with, the appropriate safety convention certificate or certificates and an inspection certificate shall be issued under this Act in respect of that ship.

184 Local safety certificate

The Minister may make regulations prescribing safety requirements, and providing for the issue of local safety certificates, in respect of

(a) any ship or class of ship to which the Safety Convention does not apply; and

(b) for matters for which the Safety Convention does not expressly provide in respect of any ship or class of ship to which that convention applies.

185 Posting of certificate

(1) On receipt of an inspection certificate or a local safety certificate or a Safety Convention certificate, the owner or master shall
cause the certificate or certificates to be posted up in some conspicuous place on board the ship for the information of all on board; and the certificate or certificates shall be kept so posted while they are in force and the ship is in use.

(2) A certificate is in force for the period specified therein or until notice is given by the Director to the owner or master that the certificate has been cancelled.

186 Certificates by other governments

(1) The Minister may request the government of a country to which the Safety Convention applies to issue in respect of a Sierra Leonean ship any certificate provided by the Safety Convention.

(2) A certificate issued in pursuance of a request under subsection (1) and containing a statement that it has been so issued has effect for the purposes of this Act as if it had been issued here under.

187 Certificates to non Sierra Leonean ships

(1) The Minister, at the request of the government of a country to which the Safety Convention applies, may cause any certificate provided for by the Safety Convention to be issued in respect of that country, if he is satisfied in like manner as in the case of a Sierra Leonean ship that the certificate can properly be issued.

(2) When a certificate is issued on a request under subsection (1) it must contain a statement that it has been so issued.

(3) A valid Safety Convention certificate issued in respect of a ship by the government of a country to which the ship belongs has, subject to any regulations made by the Minister, the same effect in Sierra Leone as a corresponding certificate issued in respect of a Sierra Leonean ship under this Act.
Proceeding to Sea

188 Production of certificate

(1) The master of a Safety Convention ship that is not a Sierra Leonean ship and for which a clearance is demanded in respect of an international voyage shall produce to a customs officer a valid Safety Convention certificate, and if the Safety Convention certificate is qualified the master shall show that the corresponding exemption certificate has been issued.

(2) A clearance shall not be granted, and the ship shall be detained, until the appropriate certificates are produced.

189 Sierra Leonean ship and certificate

The Master of

(a) a Sierra Leonean Safety Convention ship, or

(b) a Sierra Leonean ship that is required to possess a local safety certificate, shall in respect of every international voyage, produce to the customs officer from whom a clearance is demanded a valid Safety Convention certificate or local Safety Certificate, as the case may be.

190 International voyage outside convention

(1) A passenger ship, ship that is registered in a country to which the Safety Convention does not apply, and a cargo ship exceeding 500 register tons that is so registered, shall not proceed or attempt to proceed to sea on an international voyage from Sierra Leone until the ship has complied with such provisions of this Act respecting safety as apply to Sierra Leonean ships.

(2) Notwithstanding subsection (1), the Director may authorise the clearance of any ship to which subsection (1) applies if he is
satisfied that
(a) no passengers are carried;
(b) the amount of cargo carried is not more than allows the ship to make a voyage in safety;
(c) the hull, boilers, machinery and equipment of the ship are in good condition and sufficient for the voyage contemplated.

General Safety Precautions and Responsibilities

191 Qualification of crew

Every Sierra Leonean ship shall be manned with a crew both sufficient and efficient, from the point of view of safety of life, for the purpose of the intended voyage and shall during the voyage be kept so manned.

192 Hazards to navigation

(1) The master of a Sierra Leonean ship on meeting with a dangerous condition, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information of it

(a) by all means of communication at his disposal and

(b) in accordance with any regulations that the Minister may make of adopt therefor, to ships in the vicinity or to such authorities on shore as are prescribed by those regulations.

(2) The person in charge of a radio station in Sierra Leone or on board a Sierra Leonean ship shall, on receiving a signal prescribed in the regulations for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message.

(3) A transmission of messages in pursuance of this section shall be
without charge.

(4) For the purposes of this section,

(a) "tropical storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature; and

(b) a master of a ship shall be deemed to have met with a tropical storm if he has reason to believe there is such a storm in his vicinity.

193 Distress signals

(1) The Minister may make regulations prescribing what signals will be signals of distress and urgency; respectively for the purposes of this Act.

(2) In regulations under this section, the Minister may further prescribe, so far as is necessary and expedient, the circumstances in which and the purposes for which any signals prescribed by the regulations are to be used and the circumstances in which the signals are to be revoked.

194 Abuse of distress signals

A master of a ship is guilty of an offence who uses or displays or causes or permits any person under his authority to use or display

(a) any signal prescribed by regulations under section 193, otherwise than in the circumstances and for the purposes prescribed by the regulations; or

(b) any private signal, whether registered or not, that is liable to be mistaken for any signal so prescribed by the regulations.

(2) In addition to any penalty imposed upon him on conviction he is liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency.
(3) Compensation under subsection (2) is without affecting any other remedy, recoverable in the same manner as salvage is recoverable.

Obligation to assist in distress

The Master of a Sierra Leonean ship at sea or receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress shall proceed with all speed to the assistance of the persons in distress, informing them if possible that he is doing so.

(2) If he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to proceed to the assistance of the persons in distress, he shall enter in the official logbook the reason for failing to proceed to the assistance of those persons.

(3) The Master of any ship in distress may, after consultation so far as possible with the masters of the ship that answer his distress signals, requisition such one or more of those ships as he considers best able to render assistance.

(4) It is the duty of the master of a Sierra Leonean ship that is requisitioned under subsection (3) to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

Prevention of Collisions

196 Giving helm orders

No person in a Sierra Leonean ship shall, when the ship is going ahead,

(a) give a helm or steering order containing the word "starboard" or
"right" unless he intends that the head of the ship more to the right; or
(b) give a helm or steering order containing the word "port" or "left"
    unless he intends that the head of the ship move to the left.
197 Collision regulations
(1) The Minister may make regulations in this Act referred to as "collision regulations"
(a) for the prevention of collision at sea;
(b) respecting the lights to be carried and exhibited;
(c) respecting the other signals to be carried and used; and
(d) respecting the steering and sailing rules to be observed by ships.
(2) All owners and masters of ships, and of seaplanes and other craft
    when on or in close proximity to the water, shall obey the collision regulations and shall not carry or exhibit any lights or use any signal other than those required by regulations made under this part.
(3) When an infringement of the collision regulations is caused by the wilful default of a master or owner, the master or owner is guilty of an offence.
198 Presumption of fault
If any damage to property arises from the non-observance of the collision regulations, the damage is presumed to have been caused by the wilful default of the person in charge of the ship, seaplane or other craft at the time, unless it is shown to the satisfaction of a court that the circumstances of the case made a departure from the collision regulations necessary.
199 Assistance in collision
(1) In every case of collision between two ships, it is the duty of the
master or person in charge of each ship, if and so far as he can
do so without danger to his own ship, crew and passengers, if any,
(a) to render to the other ship, and to her master, crew and passengers,
if any, such assistance as is practicable and necessary to preserve
them from any danger caused by the collision, and to stay by the
other ship until he has ascertained that she has no need of further
assistance; and
(b) to give to the master or person in charge of the other ship the name
of his own ship and the port to which she belongs, and also the names
of the ports from which she comes and to which she is bound.
(2) A master or person in charge of a ship who fails without reasonable
cause to comply with this section is guilty of an offence.

200 Reporting of accidents

When a Sierra Leonean ship has sustained or caused any accident
occasioning loss of life or any serious injury to any person or
has received any material damage affecting her sea-worthiness or
her efficiency either in her hull or any part of her machinery
the owner or master shall, as soon as possible after the happening
of the accident or damage, transmit to the Minister, by letter
signed by the owner or master, a report of the accident or damage
and of its probable occasion, stating the name of the ship, her
official number, if any, the port to which she belongs.

Load Lines and Loading

201 Definitions on Load Line ships

(1) Load Line ships are all ships other than
(a) existing ships of under 150 gross register tons;
(b) new ships of less than 25 metres in length;
(c) ships of war or coast guard ships;
(d) ships solely engaged in fishing; and
(e) pleasure yachts not engaged in trade.

(2) For the purposes of this part, load line ships consist of
(a) international load line ships; that is to say, load line ships that
carry cargo or passengers or international voyages; and
(b) local load line ships; that is to say, ships that are not inter-
national load line ships.

(3) In the following provisions of this Act
(a) "contracting country" means a foreign country to which for the
time being the Load Line Convention applies; and
(b) "Load Line Convention ships" means a ship that belongs to a contrac-
ting country.

(4) In subsection (1)
(a) "new ship" refers to a ship whose keel is laid, or is at an equiva-
lent stage of production, on or after the day this section
comes into operation; and
(b) "existing ship" means a ship that is not a new ship.

202 Load Line regulations

(1) The Minister may by regulations, in this Act called the "Load Line
regulations", make provision, having regard to the Load Line Conven-
tion,
(a) for survey and determination of Load Line, including conditions of
assignment of freeboard, freeboards and timber freeboards;
(b) specifying zones, areas and seasonal periods;

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(c) for the issue of certificates and forms thereof; and
(d) for any other matter relating to Load Line.

(2) In the Load Line regulations different provisions may be made in relation to any matter by reference to different descriptions of ships, different areas, different seasons of the year or any other different circumstances.

203 Compliance with regulations

(1) Subject to any exemption conferred by or under this Act, it is unlawful for a Sierra Leonean Load Line ship to proceed or attempt to proceed to sea unless

(a) the ship has been surveyed in accordance with the Load Line regulations

(i) by a surveyor in the case of an international Load Line ship; or
(ii) in the case of a local Load Line ship, by an inspector;

(b) the ship complies with the conditions of assignment contained in the Load Line regulations;

(c) the ship is marked on each side with

(i) a deck mark; that is to say, a mark indicating the position of the uppermost complete deck as defined by the Load Line regulations, and

(ii) Load Lines, that is to say, lines indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the Load Line regulations;

(d) the deck mark and the Load Lines are of the description required by the Load Line regulations, the deck mark is in the position required by those regulations, and the local lines are of the number required by such of those regulations as are applicable to the ship;
and
(e) the Load Lines are in the position required by such of the Load Line regulations as are applicable to the ship.

(2) Where any ship proceeds or attempts to proceed to sea in contravention of this section
(a) the master of the ship,
(b) the owner or charterer of the ship, and
(c) the agent of the ship, if he is privy to the contravention,
    are each guilty of an offence.

204 Submersion of Load Lines

(1) A Sierra Leonean Load Line ship shall not be so loaded as to submerge the appropriate load line on each side of the ship in sea water when the ship has no list.

(2) Where a ship is loaded in contravention of subsection (1),
(a) the master of the ship,
(b) the owner or charterer of the ship, and
(c) the agent of the ship, if he is privy to the contravention,
    are each guilty of an offence.

(3) In addition to any penalty that may otherwise be imposed upon a person convicted of an offence under subsection (2), he is liable to a fine of eight hundred leones for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship had been floating in sea water and had no list.

(4) A registrar or an inspector may suspend the certificate of registry of a ship loaded in contravention of this section until the ship ceases to be so loaded.
205 'Alteration or defacement of marks
   A person is guilty of an offence
   (a) who, being the owner or master of a Sierra Leonean Load Line ship
       that has been marked in accordance with the requirements of this
       part, fails without reasonable cause to keep the ship so marked; or
   (b) who conceals, removes, alters, defaces, obliterates, or permits
       any person under his control to conceal, remove, alter, deface or
       obliterate, any mark placed on a Sierra Leonean ship in accordance
       with the requirements of this part, except where he does so under
       the authority of a person empowered under the load line regulations
       to authorise him in that behalf.

206 Load Line certificate
   (1) Where a Sierra Leonean Load Line ship has been surveyed and marked
       in accordance with the requirements of this part and the load line
       regulations and complies with the conditions of assignment to the
       extent required in her case by the load line regulations the owner
       of the ship is entitled on his application to have issued to him
       (a) in the case of an international load line ship, a certificate to
           be known as an international load line certificate; or
       (b) in the case of a local load line ship, a certificate to be known
           as a local load line certificate.

   (2) Load Line certificates must be in the prescribed form and issued
       (a) in the case of an international load line certificate, by the Mini-
           ster or by a classification society; and
       (b) in the case of a local load line certificate, by the Minister.

   (3) The Minister may request the government of a contracting country
       to issue a load line certificate to a Sierra Leonean load line
ship; and a certificate issued in pursuance of such request and containing a statement that it was so issued has effect, for all purposes, as if it had been issued under subsection (1).

(4) Where a valid load line certificate issued under subsection (3) is produced in respect of a Sierra Leonean ship, the ship shall be deemed, for the purposes of this part,

(a) to have been surveyed under the load line regulations, and

(b) to be marked as required by section 197, if the deck mark and load lines correspond with the positions specified in the certificate.

207 Renewal of certificates

(1) After a survey that is not less thorough than the survey required by the load line regulations before the issue of the certificate, a load line certificate may be renewed from time to time and by an authority authorised to issue such a certificate for such period, not exceeding five years on any occasion, as the authority that is renewing the certificate thinks fit.

(2) Every load line certificate that is not renewed in accordance with subsection (1) expires at the end of such period, not exceeding five years from the date of its issue, as specified therein.

208 Cancellation of certificate

The Minister shall cancel a load line certificate in force in respect of a ship, if he has reason to believe that

(a) material alterations have taken place in the hull or superstructure of the ship that affect the position of the load line; or

(b) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crew's quar-
ters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

209 Periodic Load Line surveys

(1) For the purpose of determining whether the load line certificate should be cancelled under section 208, the owner of a ship in respect of which a load line certificate is in force shall cause the ship to be surveyed in the manner prescribed by the load line regulations once at least each year, or within any extended period under section (2), after the issue of the certificate.

(2) If the ship is not surveyed as required by subsection (1), the Minister shall cancel the certificate; but the Minister may, if he thinks fit in any particular case, extend the period of one year mentioned in subsection (1).

210 Certificate to be surrendered

(1) Where a load line certificate has expired or been cancelled, the Minister may require the owner or master of the ship to which the certificate relates to deliver up the certificate as the Minister directs.

(2) The Minister may suspend the certificate of registry of the ship until such requirement has been complied with.

(3) The owner or master who fails without reasonable cause to comply with a requirement under subsection (1) is guilty of an offence.

211 Ship without certificate

(1) Subject to any exemption conferred by or under this Act, a Sierra Leonean load line ship shall not proceed or attempt to proceed to sea unless the appropriate load line certificate is in force in respect of the ship.
(2) The master of a Sierra Leonean load line ship shall produce to
the customs officer from whom a clearance of the ship is demanded
the load line certificate that is required by this Act to be in
force when the ship proceeds to sea.

(3) A clearance may not be granted, and the ship shall be detained
until the certificate is produced as required under subsection (2).

212 Certificate display and entry

(1) Where a load line certificate has been issued in respect of a
Sierra Leonean load line ship,

(a) the owner or master of the ship shall, forthwith or the receipt
of the certificate, cause it to be framed and posted up in some
conspicuous place on board the ship and to be kept so framed and
posted up and legible so long as the certificate remains in force
and the ship in; and

(b) the master of the ship, before making any other entry in any offi-
cial log-book, shall enter in any therein the particulars as to the
position of the deck mark and load lines specified in the certificate.

(2) Before a Sierra Leonean load line ship leaves any dock, harbour or
other place for the purpose of proceeding to sea, the master there-
of shall

(a) enter into the official log-book such particulars, relating to the
depth to which the ship is for the time being loaded, as the local
line regulations require to be entered; and

(b) cause a notice, in such form and containing such particulars as
the load line regulations require, to be posted up in a conspicuous
place on board the ship and to be kept so posted up and legible
until the ship arrives at some other dock, harbour or place.
(3) The Minister may exempt any local load line ship, or class of such ships, from the requirement of subsection 2 (b).

213 Particulars in crew agreement

Before a crew agreement of a Sierra Leonean load line ship is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck mark and load lines specified in the certificate.

Load Line Convention ships not Registered in Sierra Leone

214 Certificate of foreign ships

(1) The Minister may, at the request of the government of a country, issue a load line certificate in respect of an international load line ship of that country, if he is satisfied in like manner as in the case of a Sierra Leonean ship, that the certificate can properly be issued.

(2) Where a certificate is issued on a request under this section it must contain a statement that it has been so issued.

215 Validity of certificates

(1) With a view to determining the validity in Sierra Leone of certificates purporting to have been issued in accordance with the Load Line Convention ships, the Minister may make such regulations as are necessary for the purpose of giving effect to Article 17 of the Load Line Convention.

(2) For the purposes of the provisions of this part relating to foreign Load Line Convention ships a "valid Load Line certificate" means a certificate complying with such of those regulations made under subsection (1) as are applicable in the circumstances.
216 Inspection of foreign ships

(1) For the purpose of demanding production of its load line certificate, an inspector may go on board any foreign Load Line Convention ship that is in Sierra Leone.

(2) Where a valid Load Line certificate is produced to an inspector, the inspector's powers of inspecting the ship with respect to load line are limited to ensuring:

(a) that the ship is not loaded beyond the limits allowed by the certificate;

(b) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(c) that no material alterations have taken place in the hull or superstructure of the ship that affect the position of the load lines; and

(d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crews quarters have been maintained on the ship in as effective a condition as they were when the certificate was issued.

(3) Where it is found on any inspection under this section that a ship is loaded beyond the limits allowed by the certificate, the ship may be detained and subsections 204 (2) and (3) apply in respect thereof.

(4) Where it is found on any inspection under this section that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the inspector.

(5) Where a valid load line certificate is not produced to an inspector
on demand, the inspector may for the purpose of seeing that this part has been complied with, inspect the ship as if the ship were a Sierra Leonean ship.

(6) For the purposes of this section a ship is loaded beyond the limits allowed by the certificate if she is so loaded as to submerge the appropriate load line on each side of the ship in salt water when the ship has no list; that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded under the Load Line Convention.

217 Production of certificate

(1) The master of a foreign Load Line Convention ship shall produce a valid load line certificate to the customs officer from whom a clearance for the ship from Sierra Leone is demanded.

(2) A clearance may not be granted and the ship may be detained, until the certificate required by subsection (1) is so produced.

218 Deck cargo regulations

(1) The Minister may make regulations, in this section called the "deck cargo regulations", prescribing the requirements to be complied with when cargo is carried in any uncovered space on the deck of a load line ship.

(2) Different requirements may be prescribed in the deck cargo regulations in relation to different descriptions of cargo, different voyages or classes of voyage, different seasons of the year or any other different circumstances.

(3) If the load line regulations provide, either generally or in particular cases or classes of cases, for assigning special freeboards to ships that are to have effect only where timber is carried as a
deck cargo, then without affecting the generality of subsection (1), the deck cargo regulations may prescribe special requirements to be complied within circumstances where any such special freeboard has effect; and in prescribing such special circumstances the Minister must have regard in particular to chapter IV of the Load Line Convention.

219 Offence against regulations

(1) If any of the provisions of the deck cargo regulations are contravened

(a) in the case of a Sierra Leonean ship; or

(b) in the case of any othership while the ship is in port in Sierra Leone, then subject to section 220, the master of the ship is guilty of an offence and liable on summary conviction to a fine of two thousand leones.

(2) A ship described in subsection (1) is presumed for the purposes of section 231 to be unsafe by reason of improper loading.

220 Defence to contravention

Where a person is charged with an offence under 219, it is a defence for him to prove that the contravention was due solely to deviation or delay caused solely by stress of weather or other circumstances that neither the master nor the owner nor the charterer, if any could have prevented or forestalled.

221 Securing compliance

For the purposes of securing compliance with the deck cargo regulations, an inspector may go on board any Sierra Leonean ship, or any foreign ship that is in port in Sierra Leone, and inspect cargo in any uncovered space on her deck.
Carriage of Grain

222 Carriage of grain

(1) Where grain is loaded on board any Sierra Leonean ship is loaded in Sierra Leone on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain shifting...

(2) If the precautions required under subsection (1) are not taken, the owner, the master of the ship and any agent of the owner who was charged with the local or with sending the ship to sea laden with the grain, are each guilty of an offence.

(3) When the precautions required under subsection (1) are not taken in respect of a ship, the ship is presumed, for the purposes of section 231 to be unsafe by reason of improper loading.

(4) When any ship that has been loaded with grain outside Sierra Leone without the taking of all necessary and reasonable precautions to prevent the grain from shifting enters Sierra Leone so laden, the owner and master of the ship are each guilty of an offence.

(5) A ship described in subsection (4) is presumed, for the purposes of section 231, to be unsafe because of improper loading.

(6) Subsection (1) to (5) do not apply if the ship would not have entered Sierra Leone but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(7) Without limiting the generality of subsections (1) to (5), a particular precaution prescribed in regulations which the Minister may make

(a) in relation to the loading of ships generally or of ships of any class, and
(b) as being a precaution to be treated for the purposes of those subsections as a necessary or reasonable precautions shall be treated as necessary or reasonable precautions in the case of ships generally or of ships of that class, as the circumstances requires.

(8) Subsection (7) does not apply to a ship when the ship is loaded in all respects in accordance with any provisions approved by the Minister for the loading in question other than regulations made under subsection (7).

(9) Any person who commits an offence under this section is liable on summary conviction to a fine of two thousand leones.

(10) For the purpose of securing the observance of this section, an inspector may go on board any Sierra Leonean ship, or any foreign ship that is in port in Sierra Leone and inspect any grain loaded in the ship and the manner in which it is stowed.

(11) In this section "grain" includes wheat, maize, oats, rye, barley, rice, pulses and seeds.

**Dangerous Goods**

223 Meaning of "Dangerous goods"

For the purposes of sections 224 to 228, "dangerous goods" means, in respect of any ship,

(a) any goods of an explosive highly inflammable or toxic nature, or that are otherwise by their nature or quantity, either singly or collectively, liable to endanger life or imperil the ship, and

(b) without limiting the generality of paragraph (a), any goods that are declared by regulations under section 227 to be dangerous in their nature.
224 Carriage of dangerous goods

(1) Any person who sends or attempts to send by any ship, or not being the owner or master of the ship, carries or attempt to carry in any ship, any dangerous goods

(a) without distinctly marking their nature on the outside of the package containing the goods, or

(b) without, at or before the time of sending the goods to be shipped or taking them on board the ship, giving written notice to the master or owner of the ship of the nature of the goods and the name and address of the sender or carrier of the goods, is guilty of an offence and liable on summary conviction to a fine of five hundred leones.

(2) Any person who knowingly sends or attempts to send by, or carries or attempts to carry in any ship any dangerous goods under a false description, or falsely describes the sender or carrier of any such goods, is guilty of an offence and liable on summary conviction to a fine of one thousand leones.

225 Disposing of dangerous goods

(1) The Master or owner of any ship may refuse to take on board any package or parcel that he suspects might contain any dangerous goods; and he may require the package to be opened to ascertain its nature.

(2) When any dangerous goods, or any goods that, in the opinion of the master or owner of the ship, are dangerous goods have been sent on board any ship without the marking or the notice described in subsection 224 (1), the master or owner of the ship may cause the goods together with any packaging or container thereof to be thrown over-
board; and neither the master nor the owner of the ship is liable civilly or criminally, in any court in respect thereof.

226 Forfeiture of dangerous goods

(1) Where any dangerous goods have been sent or carried, on board any ship in circumstances that would be an offence under section 224, any court having admiralty jurisdiction may declare those goods, and any packaging or container thereof to be forfeited and thereafter they shall be disposed of as the court directs.

(2) A court may exercise the powers conferred by subsection (1) notwithstanding

(a) that the owner of the goods concerned has not committed any offence in respect of the goods, or is not before the court, or has had no notice of the proceedings, and

(b) that there is no evidence to show to whom the goods belong; but the court may, in its direction, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

227 Regulations on dangerous goods

(1) The Minister may in the interest of safety make regulations for the carriage of dangerous goods in ships.

(2) If any regulations referred to in subsection (1) are contravened in relation to any ship, the master and the owner of the ship are each guilty of an offence and liable on summary conviction to a fine of two thousand leones.

(3) A ship in respect of which a contravention of regulations under subsection (1) has occurred is presumed for the purposes of section 231 to be unsafe by reason of improper loading.
228 Application of sections 224 - 227

(1) Sections 224 to 227 and any regulations made thereunder apply
(a) to Sierra Leonean ships; and
(b) to other ships within Sierra Leonean waters whether they are embarking or disembarking passengers, or loading or discharging cargo or fuel.

Unseaworthy ships

229 Sending unseaworthy ship to sea

(1) Any person who sends or attempts to send or is party to sending or attempting to send, a Sierra Leonean foreign-going ship to sea in such an unseaworthy state that the life of any person is likely to be endangered thereby, is guilty of an offence, unless he proves either
(a) that he used all reasonable means to ensure that the ship was sent to sea in a seaworthy state, or
(b) that sending the ship to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable.

(2) The master of a Sierra Leonean foreign-going ship who knowingly takes the ship to sea in such an unseaworthy state that the life of any person is likely to be endangered thereby is guilty of an offence, unless he proves that taking the ship to sea in such an unseaworthy state was under the circumstances reasonable and justifiable.

230 Duty to ensure seaworthiness

(1) Notwithstanding any agreement to the contrary, it is an implied term of every contract of service, express or implied, between the owner
of a ship and the master or any seaman thereof, and of every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship that

(a) the owner of the ship,
(b) the master, and
(c) every agent charged with the loading of the ship or with the preparing of the ship for sea, or the sending of the ship to sea, are bound to use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section makes the owner of a ship liable by reason of the ship's being sent to sea in an unseaworthy state when, owing to special circumstances, the sending of the ship to sea in that state was reasonable and justifiable.

231 Detention of unseaworthy ship

(1) Where, whether on complaint or representation made to him or otherwise, a registrar or an inspector has reason to believe that any Sierra Leonean foreign-going ship, or any foreign ship in Sierra Leonean, is an unsafe ship, he may

(a) in the case of a Sierra Leonean ship, suspend her certificate of registry, or
(b) in the case of a foreign ship, cause the ship to be detained, until he is satisfied that the ship is fit to proceed to sea.

(2) When a registrar or inspector detains a ship pursuant to subsection (1), whether by suspension of her certificate of registry or otherwise, he may adopt any measures or means he thinks suitable or neces-
sery to prevent the ship from sailing while it is an unsafe ship.

(3) Where a foreign ship has been detained under this section, a consular officer for the country to which the ship belongs shall be informed forthwith.

(4) Where a ship has been dealt with under this section, the ship may be inspected or surveyed by a registrar or inspector to investigate any defects believed to exist.

(5) The owner or master of a ship or a consular officer referred to in subsection (2) may require that a person of his choice accompany any person making an inspection or survey under this section.

(6) A registrar or inspector acting under this section shall as soon as practicable after action is completed therein, forward a full report thereof to the Director together with copies of any reports made upon inspection or survey.

(7) Any complaint in respect of the seaworthiness of a ship must be in writing, stating the name and address of the complainant, and a copy of the complainant, must be given to the owner or master of the ship if action is taken under this section.

(8) Before any action is taken under this section as a result of a complaint, the registrar or inspector must assure himself, by all means at his disposal, that the complainant is not merely of a trivial or vexatious nature.

(9) In this section, "unsafe ship" means a ship

(a) that is presumed to be an unsafe ship for the purposes of this section by any provision of this part, and

(b) any ship that is, by reason of the defective condition of her hull, equipment or machinery, or by reason of undermanning, overloading
or improper loading, unfit to proceed to sea without serious
danger to human life, having regard to the nature of the service
for which the ship is intended.

232 Liability for costs, damages

(1) If it is proved that there was not reasonable and probable cause,
by reason of the condition of the ship or the act or default of
the owner, for the detention of a ship as an unsafe ship, the
Minister is liable to pay to the owner of the ship
(a) the owner's costs of and incidental to the detention and survey
of the ship and
(b) compensation for any loss or damage sustained by the owner by
reason of the detention or survey.

(2) If a ship is detained under this Act, and the ship was, at the
time of detention, an unsafe ship within the meaning of section
231, the owner of the ship is liable to pay to the Minister any
costs of and incidental to the detention and survey of the ship; and
those costs are, without affecting any other remedy, recoverable
as salvage is recoverable.

233 Security for costs

(1) Where a complaint is made to the Minister, registrar or an inspector
that a Sierra Leonean ship is unsafe, require that security to his
satisfaction be given by the complainant for the costs and compensa-
tion that the complainant may become liable to pay under section 234.

(2) The security may not be required when the complaint
(a) is made by one-fourth, being not less than three, of the seamen
belonging to the ship, and
(b) is not, frivolous or vexatious in the opinion of the Minister,
registrar or inspector, as the case may be.

(3) The Minister, registrar or inspector shall, if a complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

234 Complainants liability

Where a ship is detained in consequence of any complaint and the circumstances are such that the Minister becomes liable under this part to pay to the owner of the ship any costs or compensation, the complainant is liable to pay to the Minister all such costs and compensation as the Minister incurs or is liable to pay in respect of the detention and survey of the ship.
Miscellaneous

235 Protection of longshoremen

The Minister may by regulations provide for the protection against accidents of workers employed in Sierra Leone in loading or unloading ships and provide in particular for

(a) the strength of machinery, tackle and gear and their fitness for the purpose for which they are intended;
(b) the provision of proper safe gangways, stagings and the like;
(c) protection by way if rails or other sufficient protection at openings through decks and round wharves and docks;
(d) illumination of holds and decks of ships and docks or wharves at which ships are loading or unloading; and
(e) means for attending to persons injured.

236 Marking of heavy packages

No person shall, in Sierra Leone, consign to be loaded in any ship, and no master, owner or agent of any ship shall, any package or object of a gross weight of 3,000 kilos or over without causing its approximate weight to be plainly and durably marked on the outside of the package or object.

237 Ministerial exemption

Notwithstanding anything in this part, the Minister may, by order in the gazette, exempt any home-trade ship, or owner of any such ship, from compliance with any of the provisions of this part or with any of the regulations made under this part.
CHAPTER IV
CHAPTER IV

PROPOSED ORGANISATIONAL STRUCTURE FOR THE DEVELOPMENT OF MARITIME TRANSPORT IN SIERRA LEONE

Hon Minister of Transport and Communications
  ↓
Board of Review of Maritime Matters
  ↓
Permanent Secretary
  ↓
Ministry of Transport and Communications
  ↓
Director of Maritime Affairs
  ↓
Shipping Master
  Registrar of Ships
  ↓
Principal Surveyor for inspections, certifications of ships and certification of seafarers
  ↓
Surveyor and Examiner
  ↓
Secretary and Head of the administrative staff
The proposed organisational structure is drawn with the following in view:

(1) **The Honourable Minister of Transport and Communications**

The Minister shall be given powers by an act of parliament enabling him to make regulations as and when needed based on the advice of the Director of Maritime Affairs and his professionals taking into consideration current international rule of law, i.e. prevailing international conventions and any customary laws which do not conflict with the international rule of law governing specific aspects of developments in the world.

(2) **Board of Review of Maritime Matters**

This Board shall comprise of the permanent secretary of the Ministry of Transport and Communications who, based on the advice of the Director of Maritime Affairs shall summon meetings of review and he or his representative shall equally so be taken to chair all such meetings. The Director of Maritime Affairs and head of the professionals shall be the Secretary to all review of Maritime Matters meetings and shall be taken as the professional adviser to the Board.

Other members of the Review Board shall comprise of the General Manager Sierra Leone Ports Authority (S.L.P.A.) who shall advise the Director of Maritime Affairs on matters pertaining to port operations and submitting any written requests for the consideration of the Sierra Leone National Shipping Company (S.L.N.S.Co.) members will like the General Manager of the Sierra Leone Ports Authority submit any written requests for the consideration of the Board through the Director of Maritime Matters of all shipping matters affecting shipping development in the country.

The Director of government Fisheries shall be a member of the
Board so as to avail the Board of his professional advice on all fisheries matters affecting maritime development.

The joint chiefs of the police and the armed forces shall also be members who shall advise the Board on all defence matters pertaining to Maritime Affairs. Permanent Secretary Ministry of Defence shall be a member to advice on the administrative aspects of all defence matters.

The Board as a whole shall through their chairman be accountable to the honourable Minister of Transport and Communications for necessary legislative and on the spot decisions on Marine matters.

(3) **Permanent Secretary - Ministry of Transport and Communications**

As the administrative head of the Ministry and chairman of the Board, this officer shall depend on advice mainly from the Director of Maritime Affairs and decisions reached at all review meetings of the Board.

(4) **Director of Maritime Affairs**

The Director who shall be taken to have had wither a sound general maritime administrative background or maritime safety administrative background and served in a transport institution for not less than eight years shall coordinate the activities of the professionals of the organisation and be the professional head.

He shall be responsible directly to the permanent secretary and Minister of Transport and Communications. The Director shall also act as the Secretary to all Board of Review meetings and submitting the proceedings of such meetings to the permanent secretary and the Minister of Transport and Communications.

The Director of Maritime Affairs shall ensure that all professionals within the organisation submit written fortnightly reports on activities.
within their divisions and such written reports shall constitute the major papers for discussion during the Board of Review meetings.

(5) **Shipping Master**

This officer shall be considered to have sailed and trained at any professional institution on Maritime Matters or must have had experience in labour matters in the capacity of a labour officer. Such an officer would otherwise have been considered to have gone through university and be responsible for all crew matters pertaining to offshore personnel.

(6) **Registrar of Ships**

Registration of ships currently in Sierra Leone is carried out by the Customs divisions of the Ministry of Finance. Thus one can conclude that the reason for leaving the registration of ships to the Customs division of the Ministry of Finance is based on easy methods of revenue collection by the Ministry of Finance and may not be safety related.

The government of Sierra Leone on one or two occasions has been contacted on the opening up of her ship registration. If the government is going to open up the registry, until the United Nations Conference on Trade and Development (UNCTAD) convention in the making on the closure of such registries is made law then the registrar of ships shall be a master mariner trained in any recognized Maritime Transport Institution or a professional lawyer who must have equally so been trained in any maritime transport institution or had been handling shipping matters in the Ministry of Justice for a period not less than five years.

The ships registra shall be responsible for all registration of ships and shall investigate matters like ship mortgages, ownership titles, nationality of owner, registration of company etc. Before finally registering a ship, he would be considered to have sought written approval.
from the Director of Maritime Affairs.

(7) **Principal Surveyor for inspections and certification of ships**

The principal surveyor shall be considered to have completed a post graduate course in nautical safety matters from a recognized maritime university and would have at least acted for not less than six months in his capacity as harbour master in the Port of Freetown or any Port for that matter.

The officer shall carry out all surveys of ships before ship registration, do ship inspections for appropriateness of certificates, approve ship building plans together with the appointed surveyors from any recognized classification society and shall carry out physical inspections of all ships not found to be seaworthy according to the certificates they hold.

(8) **Surveyor and Examiner**

The surveyor and Examiner shall assist the principal surveyor who shall have similar qualifications like the principal surveyor but should preferably be a Marine engineer by qualification.

(9) The Secretary shall be any administrative officer and shall be head of the administrative staff of the organization and shall be responsible for all general administrative day to day duties of the organization and shall on the advice of the Ministry of Justice receive wrecks.

By all means when the proposed structure is accepted and implemented by government it is expected that the Marine traffic policies would not only be regulatory in nature but would equally so be developmental and with spin over effects to the fisheries and mining sectors (i.e. oil drilling) as the role of each would have been clearly defined and lag by any sector could be easily discernible and corrected immediately.
Taking the maritime transport sector itself unless there is an introduction of such an organisation, it would be difficult for the Marine personnel involved in that service sector of the Sierra Leone economy to be able to assess what percentage contribution they are supposed to make in order to achieve the set targets for Sierra Leone's external and internal trades and the expected gross domestic product (GDP) contribution to the economy of Sierra Leone.

Such gross domestic product (GDP) contribution may not appear apparent per say when assessed. For instance if there are no regulatory policies governing navigation in internal and territorial waters, an instance of oil spill can result to the loss of thousands of United States dollars which could have accrued to the tourist industry by the mere pollution of the beaches and loss of millions of United States dollars if the living resources of fishes etc. are affected by the oil killing species of living organisms and destroying breeding grounds.

**Reasons for proposing a Maritime safety administration**

Apart from the normal port operations duties carried out by the Sierra Leone Ports Authority in the running of the ports, the management of the authority is also adviser to the government of Sierra Leone on all Maritime traffic matters.

Other matters pertaining to ocean development are spread out between the Ministries of Transport and Communications, Justice, Defence, Mines and Natural Resources.

There is no maritime safety traffic coordinating body which can appropriately advice on measures to adopt so that other sectors using the Sierra Leone ocean bodies do not suffer.

Such an unclarified and unharmonized system for ocean development
has left the country behind in even building the necessary regulatory framework extremely necessary for the development of Marine traffic, Fisheries and Mining policies.

**Financial Implications of the proposed Organizational structure**

If the government of Sierra Leone had gone in a few years before 1983 when the World Maritime University was established then she would have had to rely on external sources for expertise to start an organization like the one proposed and to budget equally so to train the replacement counterparts to the experts in these days of expensive overseas labour.

Today, government can only utilise a few more technical assistance fellowships to train the additional personnel at the World Maritime University as the first crop of graduates would be available by June 1985. These graduates have not less than between 5 to 10 years working experience.

On the issue of personnel emoluments for the officers in the proposed organization structure, the following shall be the least in terms of basic annual salaries:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Amounts in local currency (Leones)</th>
<th>Equivalence in United States Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Maritime Affairs</td>
<td>10,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Principal Surveyor</td>
<td>8,000</td>
<td>3,200</td>
</tr>
<tr>
<td>Registrar of Ships</td>
<td>8,000</td>
<td>3,200</td>
</tr>
<tr>
<td>Shipping Master</td>
<td>8,000</td>
<td>3,200</td>
</tr>
<tr>
<td>Surveyor and Examiner</td>
<td>8,000</td>
<td>3,200</td>
</tr>
<tr>
<td>Secretary and head of administration</td>
<td>5,000</td>
<td>2,000</td>
</tr>
</tbody>
</table>

x (The exchange rate from Leones to the United States dollars is as used in official transactions by Sierra Leone's banking system as at the time of writing).
These proposed personal emoluments though by no means worked out on prevailing conditions in Sierra Leone by 1984 when the writer was in Malmö, Sweden are based in general on past experiences of paying Directors of professional organizations by Sierra Leonean standards so as to maintain their services.

As it is difficult for the writer to propose salary structures to meet the 1984 conditions, a further 15% increase to the proposed salaries is advocated as basic trial salaries of the Organization which could be subjected to further negotiations in the future.

With regards housing of the professional group, government shall within its present housing schemes endeavour to house the officers in appropriate government quarters.

In order to minimise the strain on government’s tight budgetary position at the moment, would be advisable that the payment of the personal emoluments be taken up by the Sierra Leone Ports Authority until the financial or income structures of the organization are fully established.

The Ports Authority and the government Road Transport Department shall within them agree upon what percentage of the vehicular responsibility each would contribute to make the officers mobile.

Other charges in the running of the organization can be met by contacting international organizations and friendly governments sympathetic to the course of Maritime development in the third world to assume any proportion of the total cost of the other charges.
CHAPTER V

CONCLUDING REMARKS AND RECOMMENDATIONS

Like several other developing countries, Sierra Leone's maritime transport has suffered developmental set backs predominantly because the appropriate legislative framework within which shipping, port and other complementary activities of maritime transport has not been created and given the necessary importance it deserves.

Shipping and Port, two of the major activities in the maritime transport industry because of their international characteristics are bound to be regulated by international administrative laws which have their derivations from international conventions.

Since attaining independence in 1961, Sierra Leone has only gained membership of the International Maritime Organization but has failed to update her maritime legislation even though the International Maritime Organization has produced quite a good number of conventions which have been useful for the purpose of updating Sierra Leone's maritime legislations.

Having being non legislative responsive, Sierra Leone has failed to establish an effective national maritime administration which could have influenced the legislative framework development.

In the light of the foregoing concluding remarks it is recommended that the draft maritime legislation at 3.4 of chapter 3 be submitted to the legal draftsmen of the Ministry of Justice for vetting and for eventual adoption as the replacing legislation of the present part one of the 1894 British Merchant Shipping Act as the umbrella Maritime Laws of Sierra Leone.
The foregoing is thus recommended because the draft maritime legislation at 3.4. of chapter 3 embraces quite a good number of the international conventions already produced by the International Maritime Organization (IMO) and should therefore be adequate.

However, it is further recommended that the International Maritime Organization conventions mentioned in previous chapters should be immediately ratified whilst the draft legislation is going through the legal process of Sierra Leone.

It is here also recommended that if the change in maritime laws advocated by this work is to be anything meaningful, the government of Sierra Leone is urged to establish a maritime safety administration if not based on the structure proposed by this thesis at chapter 4 or based on something similar, so as to have an effective implementation of the laws and regulations advocated throughout this thesis.

With maritime personnel generally hard to come by in the developing countries but Sierra Leone being fortunate to have had some members of her maritime transport trained at the World Maritime University, in Malmö Sweden, it is recommended that such trained personnel be fully utilised in the new maritime development process.

Training of maritime personnel both for onshore and offshore duties at all levels should continue through the existing institutions i.e. using the Regional Academies and overseas sources where extremely necessary.

In this respect therefore the government of Sierra Leone should increase her support for these regional institutions and make maximum use of the training facilities provided by those institutions.

Annex 2 is a comprehensive list of conventions having to do with maritime transport not yet ratified by Sierra Leone and ratification of all
those conventions is once more recommended within the shortest possible
time.

Figure I depicts the world tanker movements and the potential danger
of coastal states not taking adequate measures to safeguard against any
major oilspills either through legislative measures or establishing contin-
gency planning at both national and regional levels.

The Civil Liability and Fund conventions are recommended for imme-
diate ratification by the government of Sierra Leone because of the possible
vulnerability of the coastline of Sierra Leone considering the tanker
traffic from the Latin American oil producing areas to Europe sometimes
via the coast of West Africa and another flow of tanker traffic from
Europe through the adjacent high seas or the exclusive economic zones of
West African states to the newly industrialized countries of Korea, India,
Singapore and Japan.
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