





# THE LAWS OF THE GILBERT ISLANDS

*containing the  
Ordinances and Subsidiary Legislation  
thereunder*

*enacted before  
THE 1st DAY OF JANUARY 1977*

together with certain Orders in Council and  
other Provisions relating to the Gilbert Islands

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REVISED EDITION 1977

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*Prepared under Statutory Authority by*

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IN 3 VOLUMES  
VOLUME II

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1979

*To be obtained in Kiribati  
from the Office of the Attorney-General,  
Bairiki, Tarawa, Kiribati  
and outside Kiribati from  
Sweet and Maxwell Ltd., 11 New Fetter Lane  
London EC4 England*

Printed in Great Britain by  
Eyre and Spottiswoode Ltd, 2 Serjeants' Inn, London EC4Y 1LU  
(Authorised by the Governor to print this Revised Edition of the Laws)

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REVISED EDITION 1977**

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5 of 1957  
 8 of 1968  
 8 of 1971  
 3 of 1972  
 (Cap. 88 of  
 1973)  
 14 of 1974

## **An Ordinance relating to pilots, harbours and shipping therein**

*Commencement: 5th June 1957*

### **PART I**

#### **PRELIMINARY**

- Short title      **1. This Ordinance may be cited as the Harbours Ordinance.**
- Interpretation      **2. In this Ordinance, unless the context otherwise requires—**  
     “ballast” includes any material or thing used for the ballasting of ships;  
     “boat” means every description of vessel propelled by oars only;  
     “buoys” and “beacons” include all marks and signs in aid of navigation;  
     “goods” means all kinds of movable personal property including animals;  
     “harbour dues” and “dues” means any due, rate, fee, toll, tax, pilotage rate, light due, port charge, or payment in the nature thereof payable or leviable under this Ordinance;  
     “harbour works” include generally any works for the improvement, protection, management or utilization of a harbour, and in particular without limiting the general import of the term every basin, graving dock, slip, dock, pier, quay, wharf, jetty, bridge, viaduct, breakwater, embankment or dam, or a reclamation of land from the sea or from any navigable river, and any excavation, deepening, dredging or widening of any channel, basin or other part of a harbour whether complete or incomplete, in the sea or any bay or arm thereof or of any navigable river flowing thereinto, and all buildings thereon and machinery used in connection with such harbour works;  
     “master” means the person in command or charge of any vessel not being a pilot;  
     “owner” when used in relation to goods includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person possessed of or beneficially interested in or having any control of or power of disposition over the goods;  
     “owner” in respect of a ship includes every person acting as agent for the owner, or authorised to receive freights or other charges payable in respect of the ship;

“pilot” means any person not belonging to a ship who has the conduct thereof;

“ship” includes every description of vessel whether used in navigation or in any way kept or used as a hulk or store-ship or for any other purpose and not propelled exclusively by oars;

“tidal lands” or “foreshore” means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;

“tidal water” means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides;

“vessel” means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever;

“warehouse” includes all warehouses, buildings or premises in which goods landed from or to be carried in vessels may be lawfully placed;

“wharves” includes all wharves, quays, piers, jetties and premises in or on or from which passengers or goods may be taken on board of or landed from vessels.

## PART II

### HARBOURS

3. The Minister may by notice declare any such place as may be expedient to be a harbour for the purposes of this Ordinance, and may by notice revoke any such declaration. Minister may declare harbours

4. The Minister shall by notice define, and may by notice vary, the limits of any harbour. Minister to define limits of harbours

## PART III

### HARBOUR MASTERS AND PORT OFFICERS

5. The Minister may from time to time appoint a fit and proper person to be the harbour master of any port and such other officers as he may deem necessary, and may remove such harbour master or other officers, and such harbour master shall be the port officer of the port of which he is harbour master. Minister to appoint harbour masters and port officers

Minister  
may also  
appoint har-  
bour master  
for particular  
occasions

6. The Minister may appoint any person temporarily to act with a harbour master or in the place of a harbour master either generally or for some occasion only, and such person shall for the purposes of this Ordinance have the same powers as a harbour master duly appointed under authority of the preceding section.

Harbour  
master to fly  
flag when on  
duty

7. (1) The harbour master when on duty in any boat or vessel as harbour master shall fly on such boat or vessel such flag as may be prescribed.

(2) If any person not being a harbour master uses a flag of the prescribed description he shall be guilty of an offence against this Ordinance.

Powers of  
harbour mas-  
ter

8. Any harbour master or other officer appointed under this Ordinance shall be entitled at any time while in the execution of his duty to enter and remain on any ship; and the harbour master may give directions regulating the time and the manner in which any vessel shall enter into, go out of or lie in the port, and the position, mooring, unmooring, placing or removing of any vessel within the same:

Provided that no harbour master shall direct that any vessel shall lie or be within any part of the port where any law directs that no vessel shall lie or be or moor, or remove from any part of the port duly appointed as a boarding, landing or quarantine station any vessel moored or placed there under the authority of any other law for the time being in force, or to moor or place any vessel alongside any wharf, quay, custom-house, station or other place appropriated to the service of the Customs.

Masters to  
comply with  
harbour mas-  
ter's direc-  
tions

9. The master of every vessel within the port shall regulate such vessel according to the direction of the harbour master made in conformity with this Ordinance, and any master of any vessel who does not forthwith regulate such vessel according to such directions shall be liable to a fine of \$10 and in default of payment thereof to imprisonment for 1 month.

Penalty for  
non-  
compliance

Powers of  
harbour mas-  
ter to move  
vessels

10. If the master of any vessel within the port does not moor, unmoor, place or remove such vessel according to the directions of the harbour master, it shall be lawful for the harbour master to cause such vessel to be moored, unmoored, placed or removed according to the directions aforesaid, and to employ a sufficient number of persons and appliances for that purpose, and the expenses attending such mooring, unmooring, placing or removing shall be paid by the master or owner of the vessel and the vessel shall not be cleared at the Customs until such expenses have been paid.

**11.** If any person hinders or causes to be hindered the harbour master or any person employed by him in mooring or unmooring, placing or removing such vessel in the manner aforesaid, such person shall for every such offence be liable to a fine of \$40 and in default of payment thereof to imprisonment for 3 months.

Penalty for hindering harbour master

**12.** (1) The harbour master may issue such orders as to the striking of masts, yards and booms, veering and shortening of cable and other things which in his discretion he may deem fit for the security of any vessel or vessels in the harbour, and may cause to be received on board a vessel and made fast or cast off any line, warp, chain or hawser from any other vessel entering, leaving or shifting position in the harbour; and when any such line, warp, chain or hawser is received and made fast on any vessel as hereinbefore provided, no person shall let go, cut or unfasten the same unless authorised to do so by the harbour master.

Harbour master may order masts to be struck

(2) Any person who is guilty of a breach of this section shall be liable to a fine of \$40 and in default of payment thereof to imprisonment for 3 months.

## PART IV

### PILOTS

**13.** The master of any vessel approaching any harbour and requiring the services of a pilot shall make such signals as are prescribed by regulations.

Signals as prescribed to be made for pilot

**14.** The master of any vessel shall not, except under circumstances of unavoidable necessity, without the consent of the harbour master or pilot take such harbour master or pilot to sea or beyond the limits of the Gilbert Islands, and if the harbour master or pilot is so taken the master shall be liable to a fine of \$200 and the owner shall be liable to the payment of salary, subsistence and passage money of such harbour master or pilot until his return to the port.

Harbour master or pilot not to be taken to sea except under unavoidable necessity

**15.** The Marine Superintendent may grant certificates of competency to persons duly qualified and license pilots for the purpose of taking ships within such of the waters of the Gilbert Islands as may be specified in the licence:

Licensing of pilots

Provided that no person shall be granted a certificate of competency or be licensed as a pilot unless he has satisfied the Marine Superintendent that he is capable of performing such duties.

Employment  
of pilots not  
compulsory

**16.** Nothing in this Ordinance will be held to make the employment of pilots by masters and owners of ships compulsory.

Fee for  
licence

**17.** The Minister may by regulation prescribe rates of fees to be paid by pilots for licenses under this Ordinance.

No civil  
action to lie  
against pilot,  
harbour mas-  
ter or Gov-  
ernment

**18.** Notwithstanding anything contained in this Ordinance no civil action for damages or otherwise shall lie against any harbour master or licensed pilot in respect of any damage occasioned by negligence or want of skill in the performance of his duties and no civil action for damages or otherwise shall lie against the Government or against any member thereof in respect of any such damage as aforesaid.

Power to  
cancel pilot's  
licence

**19.** Whenever the Marine Superintendent is satisfied that any licensed pilot is unfit to be licensed as such on the grounds of advanced age, physical disability, want of skill or neglect of duty, he may forthwith cancel the licence of such licensed pilot.

Pilotage how  
recoverable

**20.** Such sums as may be prescribed by regulations may be demanded by licensed pilots and shall be recoverable by proceedings against the master for the service of which the dues became payable, and on adjudication the sum declared to be due shall be leviable by distraint on the ship, her tackle and furniture.

Pilot shall not  
demand or  
accept either  
more or less  
than author-  
ised

**21.** A licensed pilot shall not demand or receive and a master of a ship shall not offer or pay to any pilot any other rate in respect of pilotage services, whether greater or less, than the rate which is authorised by or under this Ordinance, and if a pilot or a master acts in contravention of this enactment he shall for each offence be liable to a fine of \$20 and the Marine Superintendent may, if he shall deem fit, cancel or suspend the licence of the pilot.

## PART V

### EXPLOSIVES

As to vessels  
carrying  
explosives or  
other  
dangerous  
materials

**22.** Any vessel arriving in any harbour having on board gunpowder or any other explosive material or any cargo or material of a dangerous or inflammable nature shall not berth at any wharf without the permission of the harbour master and, if so required, shall remain moored at a place apart from the main harbour traffic until such gunpowder or other explosive material or inflammable material has been removed from such vessel or, in

the opinion of the harbour master, shall have ceased to be dangerous, and from time of entering the harbour until such goods have been unloaded shall fly during the day time a red flag of not less than 6 feet by 4 feet from the mainmast head and during the night shall show a red light to be visible all round the horizon for a distance of at least 2 miles.

**23.** Any person using any explosive or discharging any firearm within the limits of a harbour without the permission of the harbour master shall be guilty of an offence against this Ordinance.

Use of explosives and firearms prohibited

## PART VI

### WRECKS, OBSTRUCTIONS, MOORINGS

**24.** Should any vessel or part thereof, raft, timber or other thing be sunk or stranded in any harbour, the master or owner thereof shall upon the receipt of an order to that effect from the harbour master, and within such time fixed in such order, clear the harbour of such vessel, raft, timber or other thing, and all parts of the same, and of the cargo or ballast of such vessel, and should the master or owner aforesaid fail to comply with such order the harbour master may direct the removal of such vessel or part of the same and cargo or ballast thereof or raft, timber or other thing at the expense of the owner thereof.

Obstructions to be removed

**25.** No person other than the owner shall destroy or demolish or interfere with any wrecked or stranded vessel or any part thereof within the limits of a harbour without the permission of the owner thereof or of the harbour master.

No person other than owner may destroy wreck without permission

**26.** No person shall lay down in the harbour any private buoy, mooring or anchor without the permission of the harbour master and under such conditions as may be prescribed; and any such permission may be at any time withdrawn whereupon any such buoy, mooring or anchor shall immediately be removed by the owner thereof and, failing such removal by such owner, it may be effected at the expense of the owner aforesaid.

Harbour master's permission required to lay down buoy or mooring

**27.** No person shall remove any stone, shingle or earth or other material from within the limits of any harbour without the authority given in writing of the harbour master.

Removal of ballast forbidden without permission

## PART VII

## ERECTION OF WHARVES, SLIPS, ETC.

Minister may  
license occu-  
pation of  
foreshore for  
certain pur-  
poses

**28.** (1) The Minister may, subject to such conditions as he may deem fit and on payment of such fee or annual fee as may be prescribed, license and permit any part of the tidal lands and waters of a harbour to be used or occupied for all or any of the following purposes—

- (i) the building or repairing of ships or vessels of any kind;
- (ii) the erection of and use of any boat-shed, landing-place or wharf;
- (iii) the erection of baths and bath houses and any enclosure or fence necessary for the protection or privacy of the same;
- (iv) any other purpose relating to the convenience of shipping or of the public as he may approve:

Provided that no such licence shall be granted for any period exceeding 21 years, and every such licence shall be subject to the condition that the Minister may at any time revoke such licence without payment of compensation or liability to any action or claim for damage in respect of such revocation except in the case where a licence has been granted for the purpose of constructing a dock or slip.

(2) The revocation of any such licence shall not take effect until the expiration of 6 months after service on the licensee of a written notice of the revocation of the licence.

(3) No such licence or permit shall be granted which will interfere with the free navigation of the harbour.

Fees which  
may be  
charged by  
licensee

(4) The Minister may authorise the licensee to make such charges to the public for the use of a wharf as may be prescribed by the Minister; and such charges when incurred may be recovered as a simple contract debt.

Licensed part  
of foreshore  
to be lighted

**29.** There shall be exhibited such lights as may be required by the Marine Superintendent upon any such part of the tidal lands and tidal waters licensed as above provided for.

## PART VIII

## ANCHORAGES

Prohibited  
anchorage

**30.** The Minister may by notice define any area within the Gilbert Islands as a prohibited anchorage, and the master of a



vessel, except under circumstances of unavoidable necessity, shall not anchor a vessel within the limits of such area.

**31.** The Minister may by notice set apart any area within the Gilbert Islands where any class or classes of vessels only may anchor, and may restrict the navigation of such area to such vessels and times as he may deem fit.

Minister may set apart portion of harbour for particular purposes

## PART IX

### HARBOUR MASTER'S POWERS OF ENTRY

**32.** The harbour master or any person acting under authority of the Marine Superintendent may at any time pass and repass without hindrance over any land in the Gilbert Islands where-soever situated in the execution of his duty in relation to lights, lighthouses, buoys and beacons, and may enter into and upon any lands and remove and take away any earth, clay, stones, sand or other material required in the building or repair of any light-house, beacons or other work in connection with the navigation of the waters of the Islands on payment of reasonable compensation, and may deposit sand, earth, stones and other material or thing thereon, and carry on any work required in this connection on any of the lands as entered into and upon.

Powers of entry of harbour master in connection with lights

## PART X

### LIGHTS AND LIGHT DUES

**33.** When in the opinion of the Marine Superintendent any light exhibited or shown from any building or other place on shore is such as may be mistaken for or taken to be a harbour or navigation light, the Marine Superintendent may order the discontinuance of such light or the effective screening of the same.

Screening of lights

**34.** There shall be levied and paid on vessels such rates of light dues as may be prescribed:

Light dues

Provided that the Minister may exempt any vessel from the payment of these dues generally or in respect of any particular harbour.