

NORTHERN TERRITORY OF AUSTRALIA

MARINE (PASSENGER) REGULATIONS

As in force at 7 July 2003

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 7 July 2003. Any amendments that commence after that date are not included.

MARINE (PASSENGER) REGULATIONS

Regulations under the *Marine Act*

Part I **Introductory**

1 Citation

These Regulations may be cited as the *Marine (Passenger) Regulations*.

2 Commencement

These Regulations shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

3 Interpretation

In these Regulations, unless the contrary intention appears:

acceptable means acceptable to the Director.

berthed passenger means a passenger on a vessel for whose use acceptable enclosed accommodation is provided in the vessel.

Code means the Uniform Code and includes appendices thereto.

section and clause mean section and clause of the Code.

unberthed passenger means a passenger on a vessel other than a passenger who is a berthed passenger.

vessel means a vessel other than a vessel that is:

- (a) an air-cushioned vehicle;
- (b) a pleasure craft;
- (c) a commercial vessel that is proceeding on an interstate or overseas voyage;
- (d) a fishing vessel that is proceeding on an overseas voyage;

- (e) an off-shore industry mobile unit; or
- (f) an off-shore industry vessel in respect of which a declaration under section 8A(5) of the *Navigation Act* is in force.

Part II Requirements for carriage of passengers

4 Construction of Code

In construing section 5E:

- (a) the definitions in section 1 shall be read subject to the Act and these Regulations; and
- (b) references to ***the Authority*** shall be read as references to the Director.

5 Application of Code to vessels

Subject to these Regulations, section 5E shall apply to all vessels, whether Class 1 vessels or not, carrying a passenger or passengers.

6 Passengers not to exceed number on certificate of survey

The owner or master of a vessel shall not carry on that vessel a number of passengers exceeding the number endorsed on the certificate of survey of that vessel.

Penalty: 100 penalty units.

7 Restriction on carriage of passengers

- (1) Notwithstanding regulation 6, the Director may, after having regard to:
 - (a) the nature of a particular voyage;
 - (b) the weather conditions;
 - (c) the cargo carried on the vessel; or
 - (d) any other matter including, in particular, the considerations set out in clause 5E 2.4 of the Code,

require in writing that, in respect of a particular voyage, a lesser number of passengers than the number endorsed on the certificate of survey be carried in the vessel.

- (2) The owner or master of a vessel in respect of which a requirement has been issued by the Director under subregulation (1) shall not carry on that vessel a number of passengers exceeding that specified in the requirement.

Penalty: 100 penalty units.

Part III Offences

8 Use of vessel by passengers

The master of a vessel shall not permit passengers to be carried on or in a part of a vessel which has not been designated by the Director as a space for the accommodation of and use by passengers.

Penalty: 100 penalty units plus 5 penalty units in respect of each passenger so carried.

9 Offences by passengers

A passenger on a vessel shall not:

- (a) having been lawfully refused admission to the vessel, attempt to board the vessel;
- (b) being drunk, under the influence of drugs or disorderly, having been requested to leave the vessel at any port or place at which he can conveniently do so, refuse to leave the vessel;
- (c) after having been warned by the master of the vessel or by a person authorized by the master, molest any other person on the vessel;
- (d) having gone on board a vessel at any place and having been requested by the owner or by the master or by a person authorized by the master or by a shipping officer or shipping inspector to leave the vessel because there is insufficient room in the vessel, fail to do so; or
- (e) be found in or on a part of the vessel other than a space designated as a space for the accommodation and use of passengers;
- (f) fail to immediately move to some other part of the vessel when requested to leave a part of the vessel prohibited to passengers by the master or by a surveyor or shipping officer.

Penalty: 50 penalty units.

10 Regulatory offences

An offence of contravening or failing to comply with regulation 6, 7(2) or 9(f) is a regulatory offence.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Marine (Passenger) Regulations (SL No. 13, 1982)***

Notified	12 March 1982
Commenced	31 March 1982 (<i>Gaz</i> G12, 26 March 1982, p 4)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983) and <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Amendments of Marine (Passenger) Regulations (SL No. 10, 2001)

Notified	2 April 2001
Commenced	2 April 2001

Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)

Assent date	7 July 2003
Commenced	7 July 2003

3**LIST OF AMENDMENTS**

r 6	amd No. 10, 2001, r 1
r 7	amd No. 10, 2001, r 2; Act No. 44, 2003, s 6
r 8	amd No. 10, 2001, r 3
r 9	amd No. 10, 2001, r 4
r 10	ins Act No. 68, 1983, s 80