



Tonga

SHIPPING AND NAVIGATION REGULATIONS

1988 Revised Edition



SHIPPING AND NAVIGATION REGULATIONS

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Tonga

SHIPPING AND NAVIGATION REGULATIONS

Made by the Minister of Marine

G.S. 61/73, G. 142/74, G.S. 28/84

1 Short title.

These Regulations may be cited as the Shipping and Navigation Regulations.

2 Fees.

The fees set out in the Fifth Schedule shall be charged for the purposes therein set out.

3 Survey certificate.

For the purposes of section 13 of the Act, the Survey Certificate issued by the following Classification Societies will be normally accepted:

Lloyd's Register of Shipping

American Bureau of Shipping

Bureau Veritas

Germanischer Lloyd

Japanese Marine Corporation

Norske Veritas

Registro Itaiiano

However, the Minister reserves the right to have the ship surveyed by its own officers or another person or body nominated by him in individual case.

4 Evidence of ownership.

If an instrument of sale is not available immediately in connection with the evidence of ownership, an agreement for sale or some other evidence shall be produced by the intending owner. If the Minister is satisfied upon production of such evidence, a certificate of registry provisional or otherwise will be issued.

5 Instrument of mortgage.

The instrument of mortgage shall contain the official number, name of ship, year and port of registry, kind of ship (whether steam or motor), engine horsepower, length and breadth of ship, tonnage, names of the mortgagor and mortgagee, the amount of mortgage, conditions of mortgage, date and signatures of parties and witnesses. A mortgage form is placed at Fourth Schedule which is recommenced for adoption as far as possible.

6 Tonnage of ships.

The tonnage of a ship shall be ascertained according to the regulations prescribed in Annex I & II of the International Convention on Tonnage Measurement of Ships, 1969.

MASTER, MATES AND ENGINEERS EXAMINATION

7 Definitions.

In these Regulations—

“**Sheltered waters**” means in Tonga, Nuku'alofa and Vava'u harbours only;

“**Master Unlimited**” means the master of a vessel who shall be entitled to a certificate entitling him to command a Tongan foreign going and home trade vessel;

“**mate unlimited**” means the first mate of a Tongan vessel who shall be entitled to a certificate entitling him to act as first mate of a Tongan foreign going or home trade vessel and he may be the master of a home trade vessel;

“**master home trade**” means a master who shall be entitled to a certificate entitling him to act as the master of a home trade vessel;

“**mate home trade**” means a person who shall be entitled to act as the first mate of a home trade vessel or to act as the master of a vessel engaged in trade within the Tongan Group of Islands except 'Ata and Niuafu'ou and Keppels;

“**master restricted**” means a person who shall be entitled to act as a master of a vessel engaged in trade within the Tongan Group of Islands except 'Ata and Niuafu'ou and Keppels;

“**engineer**” means any person who shall qualify as such under these regulations.

8 Certificates and endorsements.

All certificates and endorsements shall be under the hand of the Minister of Marine and shall be in the form prescribed in the First Schedule hereto.

9 Copy of certificate.

Any person who has lost or been deprived of a certificate and desires a copy thereof to be delivered to him shall apply for the same in writing addressed to the Minister and supply a declaration of the circumstances in which the certificate was lost or in which the applicant came to be deprived thereof. If the Minister is satisfied that the application is bona fide he may issue a copy of the said certificate upon payment of a fee.

10 Surrendering of certificate.

When the holder of a certificate becomes entitled to any other class of certificate then before the last mentioned certificate is issued the first certificate shall be surrendered to the Minister.

EXAMINATIONS

11 Applicant for examination.

An applicant for examination for a certificate shall complete the application form prescribed in the Second Schedule hereto and shall lodge the same together with his testimonials and one copy thereof his discharges, birth and watch keeping certificates and the examination fee not less than 14 days prior to the date of the commencement of the examinations.

12 Medical certificate.

At the time when the candidate lodges the documents prescribed by regulation 11 he shall also produce a certificate or certificates signed by a Medical Officer that he possesses normal eyesight without colour blindness and that he does not suffer from deafness or an impediment of speech which would in the opinion of the person signing the certificate render him unfitted to hold a certificate.

13 Examinations and pass mark.

Examinations shall be arranged in written oral and practical and signals sections, the syllabus for which is detailed in the Third Schedule hereto and to obtain a pass in any section the candidate shall be required to obtain 70 per cent of the total marks allotted to that section and not less than 50 per cent in any subject of the examination paper.

14 Re-taking examination

Should a candidate obtain a pass in any one section or more but not in others he may present himself for examination upon application as prescribed in regulation 11 at those next succeeding when he will not be required to submit to examination in any section in respect of which he obtained a pass at the immediately preceding examination and he will be required to pay half the prescribed fee when entering for the examination at the next succeeding examination; unless for a good cause to the satisfaction of the Minister he shall forfeit any fees paid by him and at any subsequent examination will not be credited with any subject already passed.

15 Sea service.

A candidate's eligibility for examination depends amongst other things, upon the amount of sea service which he has performed. By sea service is meant service as boy, ordinary seaman and able seaman on a seagoing vessel; Tongan, British or foreign but does not include service as cook, steward, wireless operator or except in the case of candidates for certificates as engineers, greaser or engineer: provided that if a candidate has performed those duties part time, only half the total time so served shall be accepted as sea service. Sea service does not include service in dredgers, lighters, launches, or light-ships or service performed on any vessel plying in sheltered waters. Should any question arise as to whether or not any service is sea service, the matter shall be referred to the Minister whose decision shall be final.

16 Certificates of discharge.

Certificates of discharge issued by masters of foreign and home trade vessels and testimonials signed by the masters of vessels not on articles such as pleasure yachts and similar vessels will be accepted as evidence of the sea service therein described provided that a candidate must lodge a testimonial signed by a master or masters certifying as to the ability, sobriety and good conduct of the candidate during the 12 months immediately preceding the lodging of the candidate's application for examination.

17 Convicted candidate.

The application for examination of any candidate who has been convicted of a breach of discipline or of drunkenness or of any criminal offences shall be rejected unless he can show that since his last conviction he has performed a further 2 years sea service in addition to any other qualifying service prescribed by these regulations provided that in his sole discretion the Minister may reduce such further service.

FIRST SCHEDULE

(Rule 8)

KINGDOM OF TONGA

CERTIFICATE OF COMPETENCY AS

NO.....

CERTIFICATE OF COMPETENCY AS

To

Whereas it has been reported to me that you have passed the examination as set out in the Shipping Act and the Regulations thereunder you are hereby certified to act as on vessels registered in Tonga in the Home (Foreign Trade).

Dated at Nuku'alofa this day of 19

.....

Minister of Marine

Name:

Place of birth:

Date of birth:

Nationality:

Colour of eyes:

Colour of hair:

Special marks:

.....

Signature of holder.

SECOND SCHEDULE

(Rule 11)

GOVERNMENT OF TONGA

**APPLICATION TO BE EXAMINED FOR A CERTIFICATE OF COMPETENCY
AS MASTER OR MATE OR ENGINEER**

(a) Name of Applicant

Surname		Christian Name		Permanent address	
Date of Birth			Place of Birth		
Day	Month	Year	Town	Country	

(b) Particulars of all Previous Certificates

No.	Grade	Where Issued	Date Issued	If ever Suspended Date and Cause

(c) Certificate now Required

Grade	Trade	Subject to be Examined in		
		Signals	Written	Oral

(d) If Applicant has been Previously Examined for the Certificate now required he must state the Subjects in which he Passed, Failed or was not Examined

Date	Month	Year	Signals	Written	Oral

(e) Declaration by Applicant

I do hereby declare that the particulars in Division (a), (b), (c), (d) and (g) of this form are correct and true to the best of my knowledge and belief, and that the papers enumerated in Division (g) and sent with this form are true and genuine documents, given and signed by the persons whose names appear on them. I do further declare that the statement (g) contains a true and correct account of the whole of my service without exception. I make this declaration conscientiously believing the same to be true.

Dated at Nuku'alofa this day of 19

Signature of Applicant.....

Present Address.....

(f) Collector of Customs to Examiner

The declaration (e) above was signed in my presence and the fee of
T\$ received by me and accounted for on receipt No
Nuku'alofa this day of 19

.....

Collector of Customs

(g) List of Testimonials and Statement of Sea Service

Name of Ship:
Port of Registry and Official No. of Ship:
Capacity:
Date of Commencement:
Date of Termination:
Years:
Months:
Days:
Trade in which Employed:

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Initials of Verifier:		
Years	Months	Days
Total Sea Service		
Time for which Certificates are produced		
Time serviced for which Certificates are not produced		

(h) Personal Description of Applicant

Height		Complexion Personal marks	Colour	
Feet	Inches		Hair	Eyes

(i) Certificate of Examiner

Date	Signals	Written	Oral	Further Sea Service	Certificate for which passed

I hereby declare that the particulars contained in Division (h) and (i) are correct.

Nuku'alofa this day of 19

.....

Examiner

THIRD SCHEDULE

(RULE 13)

MASTER HOME TRADE

Minimum age of candidate: 23

Sea Service: 6 years of which one year shall have been in the capacity not lower than First Mate of a vessel employed in the Home Trade or Third Mate of a vessel employed in the Foreign Trade while holding a Mate Home Trade Certificate issued after the 1st day of January 1953.

SYLLABUS

Paper 1

Chart work and Pilotage

In addition to the syllabus for Mate (home trade), questions on the following may be asked either in the written or oral parts of this paper:

- (a) Distance of sighting lights. Distance of a point of land of known height.
- (b) The use of bearings obtained by ship's wireless direction finder. The use of wireless beacons.
- (c) Candidates will be examined orally on the selection of suitable points for beatings, approaching an anchorage and entering narrow waters. The reliability of charts.

Paper 2

Practical Navigation

This paper may include questions in the syllabus for Mate (home trade).

- (a) To find the true bearing of any heavenly body and the deviation for the direction of the ship's head;
- (b) to find the approximate time (to the nearest minute) of the Meridian passage of a star. To find the latitude by Meridian altitude of a star;
- (c) from an observation of a star near the Meridian to find the position line and the latitude through which it passes corresponding to a given longitude;

- (d) to determine the position line and a position through which it passes from an observation of a star out of the Meridian;
- (e) recognition of star of the 1st Magnitude by reference to the principal constellations.

Paper 3

Stability and Seaworthiness

- (a) The meaning of Metacentre, Metacentric height.
Initial stability, Righting level, Centre of flotation, Moment to change trim;
- (b) determination of the centre of gravity of a ship in a new condition, the centre of gravity in the old condition being given. The effect on the position of the centre of gravity of adding, removing or shifting weights. Stiff and tender ships. Effect of a shift of cargo or solid ballast. Cargoes liable to shift and precautions to be taken. Deck cargoes. Ballasting. The danger of “free surface” of liquids (without proof or calculations);
- (c) the use of stability curves and the data supplied to a ship;
- (d) simple trim problems;
- (e) damage affecting seaworthiness. Temporary repairs at sea or in port.
Certificates of seaworthiness;
- (f) a knowledge of the stowage required and precautions to be taken when carrying certain cargoes coastwise. (See Board of Trade M. Notices.)

Paper 4

Compass Deviation

- (a) A simple knowledge of the meaning of hard and soft iron. Simple ideas of the effect of hard iron, vertical soft iron and horizontal soft iron on the deviations of the compass. The means used to compensate for these effects with special reference to home trade ships;
- (b) care and maintenance of magnetic compasses. Siting of compasses with particular reference to the proximity of magnetic material and electrical appliances;
- (c) to find the magnetic bearing of a distant object from compass bearings taken on equidistant points and to construct a table of deviations.

Paper 5

Composition

This paper will be designed to test the candidate's ability to write clear and grammatical English or Tongan with due attention to spelling, legibility and neatness. It will in no sense be a test of technical knowledge. This paper may consist of an essay or an exercise in writing a letter or report.

Oral

1. Collisions Regulations.
2.
 - (a) Handling a ship in bad weather and when she is disabled;
 - (b) Preservation of crew and passengers in the event of wreck. Abandoning a wrecked ship. Rockets and rocket apparatus. Communications with the shore;
 - (c) Assisting a vessel in distress. Rescuing the crew of a disabled ship;
 - (d) Effect of crews on the steering of a ship. Manoeuvring a ship in rivers and harbours.
3.
 - (a) General knowledge of the requirements of the Tongan Shipping Act relating to strandings, collisions or other casualties, reports to be made out in cases of death or injury, return of crew list, agreements and certificates of discharge. Avoidance of pollution of the sea by oil;
 - (b) A shipmaster's knowledge of the law relating to loadline marks and entries and reports to be made respecting them;
 - (c) Entering and clearing a home trade ship.
4. Meteorology sufficient to understand the meaning of Weather Bulletins for Shipping. Visual and broadcast storm warnings.
5. The practical use of Radar.

Signals

1. To send and receive signals in:
 - (a) British semaphore up to eight words per minute;
 - (b) Morse code by flash lamp up to six words per minute;
 - (c) International code of signals.
2. The practical use of shipborne W/T/D/F.

MATE HOME TRADE

Minimum age of candidate: 21

Sea Service: 5 years, of which one year shall have been in the capacity not lower than 3rd Mate Home Trade or Master Restricted of a Local Trade vessel while holding a Master Restricted Certificate of Competency.

SYLLABUS

Paper 1

Chart work and Pilotage

- (a) Given the variation and a table of deviations to convert true courses into magnetic and compass courses and vice versa. To find the compass course and distance between two positions. The effect of current on speed. Allowance for leeway. To find the compass course to steer allowing for a current. Given compass course steered, the speed of the ship and the direction and rate of the current, to find the true course made good;
- (b) To fix the ship's position by bearings, applying the necessary corrections. To fix the ship's position by bearings of one or more objects which the ship will pass at a given point. The construction of a line of soundings;
- (c) The use of clearing marks and horizontal and vertical danger angles;
- (d) To find the time and height of high and low water at a standard port (Admiralty Tide Tables). The use of tables or diagram to find the height of tide at any given time and hence the approximate correction to soundings to the charted heights of shore objects;
- (e) Candidates will be examined orally on the information given on a chart or plan, particularly about buoys, lights, depths and nature of bottom, contour lines, tides and tidal streams. Recognition of the coast. The intelligent use of sailing directions. Chart corrections.

Paper 2

Practical Navigation

- (a) To find the true bearing of the sun and the deviation of the compass for the direction of the ship's head;
- (b) To find the latitude by Meridian altitude of the sun;

- (c) From an observation of the sun near the Meridian to find the position line and the latitude through which it passes corresponding to a given longitude;
- (d) To determine the position line and a position through which it passes from an observation of the sun out of the Meridian.

Paper 3

Elementary Ship Knowledge

- (a) Elementary ideas on ship construction. The candidate will be expected to show his practical acquaintance with framing, shell plating, decks, watertight bulkheads, sounding pipes and air pipes;
- (b) The meaning of the terms Displacement and Deadweight. Use of displacement and tons per inch scales to determine weights of cargo, etc., from draughts. Effect of density of water on draught. Fresh water allowance;
- (c) A general understanding of centre of gravity and centre of buoyancy and the effect of adding or removing weights. The danger of slack ballast tanks;
- (d) A knowledge of the Factories Act in so far as it applies to ship's requirements.

Paper 4

English Essay

This paper will be designed to test the candidate's ability to write clear and grammatical English or Tongan with due attention to spelling, legibility and neatness. It will in no sense be a test of technical knowledge.

Oral

1.
 - (a) A full knowledge of the content and application of Collision Regulations;
 - (b) Distress and pilot signals; penalties for misuse;
 - (c) The use of the rocket apparatus;
 - (d) A knowledge of the contents of the Book of Merchant Shipping Notices and the use of the Admiralty Notices to Mariners.
2.
 - (a) Marking of ordinary lead line and taking a cast;
 - (b) The use of upkeep of sounding appliances and logs;
 - (c) Use and care of engine room telegraphs;

- (d) Coming to anchor, the use of two anchors. Mooring to buoys. Coming alongside and leaving a wharf. Entering and leaving a dock;
 - (e) Keeping an anchor watch. Dragging anchor;
 - (f) Care, maintenance and use of the life-saving appliances and fire appliances carried by a home trade ship;
 - (g) Management of boats under oars or sail and in heavy weather. Beaching or landing. Coming alongside.
3. The strength of ropes, including wire ropes. Power gained by purchases.
4. Use and maintenance of cargo working gear and the organisation of cargo work. General principles of cargo stowage and handling, e.g. damaging ventilation and slinging. The carriage of special cargoes such as refrigerated cargoes, steel rails, liquids in bulk, deck cargoes and timber deck cargoes, bulk stowage. The use of shifting boards, separation. Precautions to be taken with solid ballast. Ventilation of different types of cargoes. Sweat-its cause and prevention.

MASTER RESTRICTED

Minimum age of candidate: 20

Sea Service: 4 years, of which one year shall have been in the capacity of AB in a Foreign Trade vessel or 18 months in a similar capacity in a Home Trade vessel.

SYLLABUS

Written Examination: Taking down dictation in either the English or Tongan language at the discretion of the candidate. Finding course and distance between two given points; finding a ship's position by dead reckoning, after steering several courses; finding ship's position by cross bearings.

Oral Examination: Rules of the Road at Sea being the abbreviated rules contained in the Law of Tonga from time to time.

Chart Abbreviations.

Lead Line.

Lighthouses and Harbour Lights.

The Compass.

Local current in the Ha'apai group of islands.

Seamanship generally including but not exclusively ship handling, anchoring and like matters.

ENGINEER

Minimum age: 21

Practical Service: 2 years in either the Marine Workshop or the Public Works Department Workshop followed by 12 months sea service in the engine room.

SYLLABUS

ENGINE DRIVER

Grade A

1. Engineering Knowledge — Oral
 - The working of internal combustion and compression ignition engines
 - Maintenance and operation of these engines
 - Two stroke and four stroke cycles
 - Lubrication systems
 - Circulatory systems
 - Injectors — care and changing
 - Governors
 - Electric starting
 - Air starting
 - Fuel pumps and carburettors
 - Fuel systems
 - Gear boxes
2. Marine Engineering Knowledge — Oral
 - Shaft couplings and bearings
 - Stem glands and bushes
 - Propellers
 - Circulating systems
 - Water strainers

- Bilge pumps and pumping systems
- Stern gear lubrication
- Methods of attaching propellers to shafts
- Rudder system
- Steering gear.
- 3. Fire Precautions-Oral
 - Precautions to be taken against outbreaks of fire (of petrol, oil or electrical origin)
 - Use of fire extinguishers
 - Refilling of fire extinguishers
 - Types of extinguishers and their use for different types of fires.
- 4. Mathematics-Written 1 hour
 - Tank capacities
 - Consumption per mile per hour
- 5. Drawing-1 hour
 - Freehand sketches with measurements
- 6. Electrical Knowledge-Written 1 hour
 - Battery care and maintenance
 - Simple circuits
 - Fuses

Grade B

Present holders of Tongan Engineers Certificates of Competency

General: Grade A Certificate will cover engine power from 200-565 B.H.B.

Grade B Certificate will cover engine power up to 200 B.H.B.

For power in excess of 565 B.H.B. an overseas certificate is required.

FOURTH SCHEDULE

MORTGAGE

(1) To Secure Principal Sum and Interest

Official No	Name of Ship	No	Date, and Port of Registry
Whether a Sailing, Steam or Motor Ship	HORSE-POWER ENGINES (if any)		
	Feet	Tenths	
Length from forepart of stem, to the aft side of the head of the stern post		
Main breadth to outside of plank		
Depth from top of deck at side amidships to bottom of keel		
NUMBER OF TONS			
Gross		Register	
and as described in more detail in the certificate of the Surveyor and the register book.			

..... the undersigned, in consideration of
 this day lent to by do hereby for and
 heirs, covenant with the said, firstly, that
 or heirs, executors, or administrators, will pay to the
 said the said sum of together with interest
 thereon at the rate of per cent per annum on the
 day ofnext; and, secondly, that if the said principal
 sum is not paid on the said day or
 heirs, executors, or administrators, will during such time as the same or any part
 thereof remains unpaid, pay to the said

interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of per cent per annum, by equal half-yearly payments on the day of and day of in every year; and for better securing to the saidthe repayment in manner aforesaid of the said principal sum and interest hereby mortgages to the said,, shares, of which the owner in the ship above particularly described, and in her boats and other equipments. Lastly for and heirs, covenants with the said and assigns that have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from encumbrances

In witness whereof have hereto subscribed name this day of one thousand nine hundred and

Executed by the above-named in the) presence of

.....

FIFTH SCHEDULE

(Substituted by G.S. 28/84)

FEES

(i)	Registration of ship	T\$ 2.00	per Gross Registered Tonnage
(ii)	Annual fee	T\$ 0.30	per Gross Registered Tonnage
(iii)	Issue of a Permanent Certificate of Registry	T\$300.00	
(iv)	Issue of Provisional Certificate of Registry	T\$150.00	
(v)	Re-issue or duplicate Certificate of Registry .	T\$100.00	
(vi)	For extension of Provisional Certificate of Registry	T\$100.00	
(vii)	For recording a Bill of Sale of a ship.	T\$100.00	
(viii)	For the recording of a Mortgage on a ship or ships or of any instrument whether designated an Amendment, Supplement, or otherwise, relating thereto that either involves the addition of new security or the coverage of an obligation unrelated to that described in the original mortgage.	T\$600.00	
(ix)	For the recording of a Mortgage Assignment, Assumption, Amendment, or Supplement other than above	T\$200.00	
(x)	For the recording of a Mortgage Satisfaction or Release	T\$100.00	
(xi)	For the issuance, amendment or renewal of a Permanent Ship's Radio Station Licence	T\$100.00	
(xii)	For the issuance, amendment or renewal of a Temporary Authority to operate a ship Radio Station	T\$50.00	
(xiii)	For providing Certified copies of documents other than Certificate of Registry for each document provided and certified (plus costs, if any, of reproduction or duplication).	T\$ 80.00	
(xiv)	For issuing the following:		
	(i) For issuing or renewing a Licence of ship's officer	T\$ 40.00	
	(ii) For issuing a Certificate for a member of a ship's crew	T\$ 30.00	

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(xv)	For giving an examination to an applicant for any Licence or Certificate and the issuance of such Licence or Certificate upon satisfactory completion of each examination, as follows:	
	(i) Masters, Officers, Engineers, Radio Operators	T\$ 50.00
	Unsuccessful applicants can be re-examined once within six months for an additional	T\$ 20.00
	(ii) Radar Observers	T\$ 20.00
	(iii) Certified Lifeboatmen	T\$ 15.00
	(iv) Certified Transcript of Licence Examination Results	T\$ 6.00
(xvi)	For the issuance of each Certificate of Ownership and Encumbrance, in duplicate, when the issuance of such Certificate is not directly related to and being an integral part of the recording of a mortgage instrument including, but not limited to mortgage satisfaction, assignment, amendment, etc.	T\$ 60.00
(xvii)	For any otherwise unspecified recording or filing	T\$ 30.00
(xviii)	For authentication of any document not otherwise specified	T\$ 20.00
(xix)	For the issuance of a Marriage, Birth, Death or Burial at Sea Certificate	T\$ 50.00
(xx)	For the approval of grain loading arrangements required under law or regulations	T\$100.00
(xxi)	For the issuance of a Certificate of permission for transfer if required or a Certificate of Cancellation of Registry, each	T\$100.00
(xxii)	For Certification of Articles of Agreement	T\$ 10.00
(xxiii)	For signing on or off Articles of Agreement, each seaman	T\$ 10.00
(xxiv)	For certification of extract from log book, per page or less	T\$ 10.00
(xxv)	For certification of extract from log book, each additional copy	T\$ 5.00
(xxvi)	For noting or receiving Note of Protest in duplicate, and certifying two copies thereof	T\$ 20.00
(xxvii)	For each additional certified copy of a Note of Protest	T\$ 5.00
(xxviii)	For authentication of proof of sea service	T\$ 5.00