

**SMALL VESSEL REGULATIONS**  
(Section 403 of the National Maritime Act, 1997)

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**SMALL VESSEL REGULATIONS**  
(Section 403 of the National Maritime Act, 1997)

**PART 1 GENERAL PROVISIONS**

**1.1 Authority** - These Regulations are promulgated by the Secretary of Transportation, Communications and Infrastructure, pursuant to the provisions of section 403 of Title 19 of the Code of the Federated States of Micronesia and provide for the safety and control of the operations of small vessels as required by Chapter 4.

**1.2 Short Title** - These Regulations may be cited as the Small Vessel Regulations.

**1.3 Application** - These Regulations shall apply to all commercial vessels less than 12 meters in length that are owned by persons resident in the Federated States of Micronesia and all vessels less than 12 meters in length in the Inland Waters, Territorial Sea or Exclusive Economic Zone of the Federated States of Micronesia.

**1.4 Definitions** - In these Regulations, unless the contrary intention appears:

“approved” means approved by the Principal Surveyor;

“commercial vessel” means a vessel that is trading for reward or hire;

“licensed operator” means the operator of a vessel who is in possession of a current license or permit issued under section 5.1;

“operator” in relation to a vessel means the person who is, for the time being, in charge or control of the vessel;

“small vessel” means a vessel that is less than 12 meters in length and is not:

- (a) a fishing vessel;
- (b) a pleasure craft;
- (c) an air-cushioned vehicle; or
- (d) an outrigger vessel; and

“volatile fuel” means fuel having a flashpoint of less than 141 degrees Fahrenheit.

## **PART 2 IDENTIFICATION OF VESSEL, MARKING AND RECORDING**

### **2.1 Recording of Small Vessel Information**

- (a) Small vessels shall be licensed by the appropriate authority as designated by the Principal Surveyor and the details shall be recorded in a central database.
- (b) The Principal Surveyor shall cause to be maintained in the database, in respect of each vessel, the following information:
  - (i) name and identification number of a vessel to which section 2.2 applies;
  - (ii) length and type;
  - (iii) capacity as determined under section 3.2;
  - (iv) name of the owner;
  - (v) name of the licensed operator; and
  - (vi) date of the last inspection carried out under section 3.1.

### **2.2 Identification and Marking of Vessel**

- (a) The identification number allocated by the Principal Surveyor to each vessel shall be painted on or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible, and in figures of not less than three inches in height and of proportionate breadth.
- (b) The identification number of a vessel shall also be painted in a conspicuous manner on the deck or on the top of a deckhouse or other such structure where it would be visible to aircraft, in figures of not less than six inches in height and of proportionate breadth.

## **PART 3 INSPECTIONS OF VESSELS**

### **3.1 Initial and Periodical Inspections**

- (a) A surveyor shall, under the powers conferred under section 405 of the Act, carry out, in respect of each vessel:
  - (i) an initial inspection on the coming into force of these

- Regulations or on the occasion of the vessel commencing operations in the Federated States of Micronesia; and
    - (ii) a periodical inspection at least once in every period of twelve months thereafter.
  - (b) The inspections referred to in subsection (a) shall include inspections of:
    - (i) hull, fittings, superstructure, deck houses and reserve buoyancy,
    - (ii) machinery;
    - (iii) equipment and appliances referred to in section 4.1; and
    - (iv) accommodation and spaces allocated for the use of passengers and crew,

to ensure the continued seaworthiness of the vessel and the safety and well-being of all persons carried.
  - (c) During the initial inspection referred to in paragraph (a)(i) the surveyor shall determine the capacity of the vessel for carriage of persons under section 3.2.

### **3.2 Determination of Capacity of Vessel**

- (a) Subject to subsection (b), the capacity of a vessel shall be the number of persons that may be carried in the vessel, as determined by the surveyor, having regard to the:
  - (i) loading conditions and freeboard of the vessel;
  - (ii) accommodation available for the berthing of passengers and crew;
  - (iii) deck space or seating accommodation available for passengers; and
  - (iv) life-saving appliances provided in the vessel.
- (b) Subject to section 6.1, in the case of a vessel which is operating outside of harbors or reefs, the capacity shall be limited to one adult person for each one square meter of unobstructed deck space, or 0.5 meters of seating space, whichever number is the lesser.
- (c) In calculating the capacity under subsection (b):
  - (i) all areas shall be measured in multiples of one square meter, and fractions of such areas shall be discounted;
  - (ii) all seating spaces shall be measured in multiples of 0.5 meters,

- and fractions of such spaces shall be discounted; and
- (iii) an adult person shall be a person over the age of 12 years and any two children of less than 12 years of age may be counted as one adult.

**3.3 Examination of Underwater Portion of Vessel** - For the purpose of an inspection of the underwater portion of a vessel, the Principal Surveyor may, if he thinks fit, direct the owner of the vessel to have the vessel slipped, beached, or taken into dock or otherwise dealt with.

#### **PART 4 SAFETY EQUIPMENT**

**4.1 Safety Equipment to be Carried in Vessels** - Subject to section 6.1, every vessel shall carry the safety equipment and appliances set out in the Schedule 1 of these Regulations.

#### **PART 5 OPERATIONAL REQUIREMENTS**

##### **5.1 Licensing of Operator**

- (a) A person may apply to the Principal Surveyor for a license as operator of a specified vessel or class of vessel.
- (b) the Principal Surveyor shall satisfy himself, by oral examination if necessary, of the character, experience, fitness and competence of the applicant and, if satisfied, shall issue to him a license as operator of a small vessel, in the form prescribed in Schedule 2.
- (c) A license issued under subsection (b) may be issued in respect of a specified vessel or class of vessel, subject to such conditions as the Principal Surveyor thinks fit and its period of validity shall not exceed five years.
- (d) A license issued under subsection (b) may be suspended or cancelled at any time by the Principal Surveyor, where evidence is received of negligence, incompetence, misconduct, unfitness or intemperance on the part of the operator;
- (e) An operator of a vessel carrying passengers shall require a Restricted Class 6 Master/Engineer Certificate of Competency, if operating in excess of 5 miles from the coast.

## **5.2 Control of Vessels**

- (a) A vessel shall not be operated by any person who is under the influence of intoxicating liquor, any narcotic drug or of any other drug to such an extent as to be incapable of having proper control of the vessel.
- (b) A surveyor or person authorized by the Principal Surveyor may at any time inspect a vessel and, if he is of the opinion that the safety of persons on board is likely to be endangered because the vessel is:
  - (i) being operated in waters which are not safe for the vessel at that time;
  - (ii) being operated in a reckless or negligent manner;
  - (iii) not seaworthy;
  - (iv) overloaded or carrying too many persons; or
  - (v) not being operated or equipped in compliance with these Regulations,

he may require the operator to take the vessel to shore and discontinue all operations until the condition has been rectified.

## **5.3 Duties of Owners and Operators**

- (a) It shall be the duty of every owner or operator to ensure that the vessel is not operated unless it has been properly constructed and equipped and is being operated in accordance with the provisions of these Regulations.
- (b) It shall be the duty of every owner or operator to ensure that any equipment required by these Regulations:
  - (i) which is lost or rendered unfit during operations, is replaced or repaired at the first opportunity; and
  - (ii) is at all times kept properly stowed, ready and fit for use.

## **5.4 Fueling of Vessels**

- (a) A mechanically propelled vessel shall not be fuelled while there are passengers on board.
- (b) Smoking shall not be permitted on board a vessel while it is being fuelled with any volatile fuel.

**5.5 Measures to Prevent Fire and Explosion** - A vessel that is fitted with an engine using volatile fuel, other than an outboard motor:

- (a) shall have the carburetors of the engine equipped with an efficient flame arrestor, backfire trap or other similar approved device; and
- (b) shall be provided with satisfactory means for ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or flammable gases.

**5.6 Freeboard of Undecked Vessel** - An undecked vessel shall not be operated outside of harbors or reefs with a mean freeboard of less than 12 inches, unless specific permission for such operation is granted by the Principal Surveyor, provided that:

- (a) adequate safety standards are being maintained, taking into account the age, type and condition of the vessel, the material of its hull and the area of operations in which the vessel is employed; and
- (b) to give this permission will not:
  - (i) adversely affect safety of life at sea; or
  - (ii) harm the public interest.

## **PART 6 EXEMPTIONS**

**6.1 Exemptions from Specific Requirements of Regulations** – Subject to subsections (a), (b) and (c), the Principal Surveyor may, subject to such conditions (if any), as he thinks fit, exempt a particular vessel or class of vessels from any specific requirement of these regulations, provided that:

- (a) adequate safety standards are being maintained, taking into account the age, type and condition of the vessel, the material of its hull and the area of operations in which the vessel is employed; and
- (b) to give the exemption will not:
  - (i) adversely affect safety of life at sea; or
  - (ii) harm the public interest;
- (c) an exemption granted under this section may be made in respect of:
  - (i) a particular period; or
  - (ii) one or more particular voyages.

## **PART 7      OFFENSES**

### **7.1      Offenses by Owner or Operator of Vessel**

- (a)    An owner of a who:
  - (i)    causes or allows the vessel to be operated by an unlicensed operator; or
  - (ii)   fails to ensure, without reasonable cause, that the vessel is available for a initial or periodical inspection as required by section 3.1; or
  - (iii)  causes or allows the vessel to be taken to sea with more persons on board than the capacity determined under section 3.2.

commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000.

- (b)    An operator of a vessel who:
  - (i)    operates the vessel in a reckless or negligent manner so as to endanger the life, limb or property of any person; or
  - (ii)   fails to ensure, without reasonable cause, that the safety equipment required by section 4.1 is carried in the vessel; or
  - (iii)  takes the vessel to sea with more persons on board than the capacity determined under section 3.2; or
  - (iv)  operates the vessel while under the influence of intoxicating liquor or of any drug to such an extent as to be incapable of having proper control of the vessel;

commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000.

- (c)    An owner or operator who commits on offence under subsections (a) and (b) commits an offence for each and every day that the conditions described in subsections (a) and (b) persist, and every day constitutes a different offence and the penalties shall be cumulative.

## **PART 8      FEES**

**8.1      Fees for Inspections of Small Vessels** - An annual fee of \$50.00 shall be charged for the inspection of a small vessel. Any additional inspections required due to unforeseen circumstances shall each be charged an additional \$50.00 fee.



**SAFETY EQUIPMENT FOR SMALL VESSELS**

(Section 4.1)

Vessels to which these Regulations apply shall carry the safety equipment and appliances specified in this Schedule.

**1. Lifesaving Appliances**

- (a) One approved life jacket or buoyancy vest for every person on board;
- (b) One ring lifebuoy with 30 meters of 2-centimeter line attached;
- (c) 12 self-igniting red hand flares;
- (d) Cargo vessels engaged in inter-island trade - an approved buoyant apparatus, equipped with a sea-painter, paddles and five gallon container of fresh water and to be painted a bright orange color;
- (e) Passenger vessels engaged in inter-island trade – an approved inflatable life-rafts of sufficient capacity to accommodate all passengers and crew aboard;
- (f) Vessels operated outside of harbors and lagoons, beyond 20 nautical miles from the nearest land shall each be equipped with:
  - (i) an approved EPIRB; and
  - (ii) an approved radar transponder.

**2. Navigational and Miscellaneous Equipment**

- (a) Chart or charts of the waters in which the vessel is navigating;
- (b) Liquid-damped compass;
- (c) Manual pump or other efficient bilge pump;
- (d) Waterproof flashlight or hand lamp;
- (e) Signalling mirror;
- (f) Anchor with not less than 30 meters of cable;

- (g) Vessels engaged in inter-island trade - a spare tiller or other alternative means of steering/propulsion.

**3. Fire-Fighting Appliances**

All vessels to which these Regulations apply - two approved portable fire extinguishers, the type to be determined by the Principal Surveyor.

**4. Lights and Signals**

The lights, shapes and signals for a vessel of the particular type and size as prescribed in the Prevention of Collisions at Sea Regulations.

**5. Requirement and/or Exception**

The Principal Surveyor may require additional safety equipment, or exempt the carriage of any of the safety equipment above, if in his opinion extenuating circumstances warrant special consideration, provided that to give an exemption will not:

- (i) adversely affect safety of life at sea; or
- (ii) harm the public interest.

**SMALL VESSEL OPERATOR LICENSE**  
(Section 5.1(b))

I hereby certify that \_\_\_\_\_, after having been examined, is found to possess the qualifications necessary to serve as \_\_\_\_\_ operator of vessels of not more than \_\_\_\_\_, under the Small Vessel Regulations, with the following limitations or restrictions:

.....

Unless otherwise revoked, cancelled or suspended, this license shall be valid for a period of five years from the date of issue.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Principal Surveyor

**APPROVALS**

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by section 403 of Title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Small Vessel Regulations. These Regulations shall become effective upon approval by the President and compliance with Title 17 of the Code of the Federated States of Micronesia.

Date: \_\_\_\_\_

\_\_\_\_\_  
Akillino H. Susaia, Secretary  
Department of Transportation,  
Communications & Infrastructure

These Small Vessel Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: \_\_\_\_\_

\_\_\_\_\_  
Paul E. McIlrath, Secretary  
Department of Justice

I approve the adoption of these Regulations.

Date: \_\_\_\_\_

\_\_\_\_\_  
Leo A. Falcam, President  
Federated States of Micronesia

**EFFECTIVE DATE**

The President having approved these Regulations, and the requirements of Title 17, section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Small Vessel Regulations became effective on \_\_\_\_\_, 2002.

\_\_\_\_\_  
Akillino H. Susaia, Secretary  
Department of Transportation,  
Communications & Infrastructure