

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

**Decree-Law No. 4/2003
Of 10 March**

**ON THE ESTABLISHMENT OF THE MINIMUM SAFETY AND
REGULATION REQUIREMENTS APPLICABLE TO CARGO SHIPS
NOT COVERED BY THE 1974 SOLAS CONVENTION**

The 1974 Convention for the Safety of Life at Sea establishes a set of internationally common principles and rules within the scope of maritime safety.

Accordingly, the East Timorese State should, at the earliest occasion upon independence, sign and ratify such Convention, as an active and responsible member of the international maritime community.

Meanwhile, there is an urgent need to regulate certain maritime traffics of goods that are not covered by the 1974 SOLAS Convention but are, however, of great economic importance to Timor-Leste.

The present Decree-Law envisages establishing minimum safety and regulation requirements for cargo ships with a gross tonnage of less than 500 tons carrying out national and international maritime traffics from or to a port of Timor-Leste.

Under the provision of section 116(d) of the Constitution, the Government enacts the following that shall have the force of law:

Section 1

1. The present decree-law shall apply to cargo ships with a gross tonnage of less than 500 tons carrying out maritime traffic between ports of Timor-Leste.
2. The present decree-law shall also apply to cargo ships with a gross tonnage of less than 500 tons carrying out international maritime traffic from and to a port of Timor-Leste.

Section 2

For the purposes of the international traffics referred to in section 1.2 above, the Port of Dili is the mandatory port of entry and exit in Timor-Leste.

Section 3

1. Ships to which this decree-law applies shall comply with the minimum safety requirements established in Schedule I.
2. Crews are obligated to be familiar with the use of fire-fighting equipment and life-saving devices as indicated in Schedule I.

Section 4

Ships to which this decree-law applies shall comply with the minimum requirements for documentation as established in Schedule II.

Section 5

1. Where, upon inspection, a Harbour Master verifies that a ship does not meet the minimum requirements as established in sections 3 and 4, such authority shall prohibit that ship from carrying out any loading or offloading operations.
2. In addition to the penalty provided for in section 5.1 above, the Harbour Master shall impose on the ship owner or charterer a fine of US\$ 100,00 minimum and US\$ 3,000.00 maximum, taking into account the seriousness of the breach and the existence or non-existence of precedents.
3. The fines provided for in section 5.2 above shall accrue, as revenue of its own, to the Port Authority.

Section 6

1. Where a ship is detected carrying excess cargo, the Harbour Master shall prohibit its offloading or prevent its exit from the port, as the case may be.
2. In addition to the penalty provided for in section 6.1 above, the Harbour Master shall impose on the ship owner or charterer a fine of US\$ 500 minimum and US\$ 3,000.00 maximum, taking into account the seriousness of the breach and the existence or non-existence of precedents.

3. The fines provided for in section 6.2 above shall accrue, as revenue of its own, to the Port Authority.

Section 7

The present decree-law shall enter into force on the day following its publication.

Seen and approved by the Council of Ministers on 18 July, 2002.

The Prime Minister

[Signed]

(Mari Bim Amude Alkatiri)

The Minister of Transport, Communications and Public Works

[Signed]

(Ovídio de Jesus Amaral)

Promulgated on 15 October, 2002

To be published.

The President of the Republic

[Signed]

José Alexandre Gusmão, Kay Rala Xanana Gusmão)

SCHEDULE I
Minimum safety requirements (section 3)

Ships referred to in section 1 of the present decree-law shall comply with the following minimum safety requirements:

1. Navigation equipment:
 - a) Certified magnetic needle;
 - b) Updated navigation maps of the area where the ship is operating;
 - c) Navigation lights clearly visible on the horizon from a distance of at least 1 nautical mile, at night.
2. Approved and endorsed fire-fighting devices:
 - a) Three portable fire extinguishers, certified and within the validity period, of 13.5 litres x 23 kilograms each, two of them being of carbon dioxide and one of chemical foam.
 - b) Three hydrants painted in red and with the word "FIRE" written thereon, equipped with a sufficiently long hose, taking into account the length of the ship.
3. Life-saving equipment:
 - a) Two lifebuoys with a self-ignition lighting device, safety rope, reflecting band, and the name and registration number of the ship painted in clearly visible characters;
 - b) Life jackets in a sufficient number for crew members, with a self-ignition lighting device, whistle, reflecting band, and the name and registration number of the ship;
 - c) A parachute flare, of a model approved by the Port Authority of the ship's country of registration, shall be stored in the ship's bridge.
4. Radio communications:
 - a) A VHF maritime radio and/or a set with the international emergency channel (16) capable of transmitting and receiving messages at a distance of 5 to 10 miles (with inspection certificate).
5. Crew qualification and life safety:
 - a) The captain and the chief engine driver shall have a certificate of competency for international coastal transport;
 - b) All crew members must be aged over 18 years and have a certificate of competency (maritime license) or a national passport;
 - c) A ship may not, under any circumstances, carry passengers.
6. Identification of a ship's name on both sides, near the prow and stern, together with the port of registration name.

SCHEDULE II
Minimum requirements for documentation (section 4)

1. Ships referred to in section 1 of the present decree-law shall comply with the following minimum requirements for documentation available on board;
 - a) Certificate of ownership or a certified copy thereof;
 - b) Ship registration certificate;
 - c) Ship nationality certificate;
 - d) Clearance certificate, issued by the competent national Authority, in case of international traffics;
 - e) Machinery, hull and P&I insurance, as well as supporting documentation relating to the payment thereof;
 - f) Crew list;
 - g) Cargo manifest.

2. Ships carrying out international traffics shall have the certificates referred to in item 1 above written in English, or shall have a Portuguese or English translation thereof available on board, authenticated by an official authority.

