

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

34th CONSTITUTIONAL REGULAR SESSION, 2013

BILL NO.:26

P.L. 2013-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN
ACT

to amend section 205 of the Republic of the Marshall Islands (the “Republic”) Ports of Entry Act (the “Act”) to clarify the Minister of Transportation and Communications overall authority for port State control operations in the Republic.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:

Section 1. **Short Title**

This Act may be cited as the Ports of Entry (Amendment) Act, 2013

Section 2. **Amendments**

(1) Section 205 of the Principal Act is amended by revising the existing language, adding new clauses, and renumbering the section to include subsections (a) - (d) as follows:

§205. Inspections at ports of entry.

(a) The Minister of Transportation and Communications, or as herein delegated to the Secretary of Transportation and Communications, shall have the authority and responsibility for the conduct of inspections and port State control operations pursuant to this Act and any applicable international conventions to which the Republic is a party.

(b) All vessels and aircraft when entering and departing a port of entry, or at any other time as deemed necessary by the Secretary of Transportation and Communications, shall be subject to immigration inspection, customs inspection, agricultural inspection and quarantines, public health inspection and quarantines, port State control inspections, and other inspections authorized by law or international convention to which the Republic is a party. If any vessel or aircraft not being in

1 distress enters or attempts to enter a port of the Republic in violation of the
2 provisions of this Section, such information shall be communicated by the fastest
3 available means to the Marshall Islands Police or the Secretary of Transportation and
4 Communications.

5 (c) The term "port State control operations" shall mean the boarding and inspection of
6 vessels to determine the validity of required international convention certificates and
7 other required documents or certificates; to assess the overall condition of the vessel,
8 its equipment, and its crew; to verify that the condition of the vessel and its
9 equipment comply with international requirements; to verify that the vessel is
10 manned in accordance with international requirements; to identify and make note of
11 any deficiencies in the condition of a vessel, its equipment, or its crew; and to apply
12 appropriate control action and/or corrective measures as necessary. All port State
13 control operations shall be conducted pursuant to this Act, any other applicable laws
14 and regulations of the Republic, and the applicable port State control provisions of
15 any international convention concerning maritime safety, security, or environmental
16 protection to which the Republic is a party.

17 (d) The Secretary of Transportation and Communications may promulgate Rules and
18 Regulations to carry out the provisions of this section.

19 Section 3. **Effective Date**

20 This Act shall take effect in accordance with the Constitution and the Rules of Procedures
21 of the Nitijela.

22

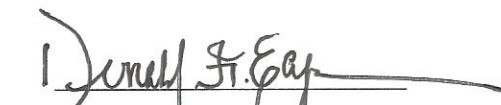
CERTIFICATE

I hereby certify:

1. That Nitijela Bill No.26 was passed by the Nitijela of the Republic of the Marshall Islands on the 5th day of March, 2013; and
2. That I am satisfied that Nitijela Bill No.26 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 5th day of April 2013.

Attest:


Hon. Donald F. Cabelle

Speaker

Nitijela of the Marshall Island



Tadashi Lomoto

Clerk

Nitijela of the Marshall Islands

