



**REPUBLIC OF MAURITIUS**

Ministry of Blue Economy, Marine Resources, Fisheries and Shipping  
3<sup>rd</sup> Floor, Ken Lee Building  
20 Edith Cavell Street  
Port-Louis

**MERCHANT SHIPPING NOTICE Ref: 1 of 2024**

**Title: Amendments to the Merchant Shipping Act**

Notice to: **Ship Owners/Operators/Masters/Skippers/Ship's Agents/Law Enforcement Agencies and the Maritime Community**

***The objective of this Merchant Shipping Notice is to inform all those concerned of important amendments made in the Merchant Shipping Act through the Finance (Misc. Provisions.) Act 2023.***

1. The number of maritime casualties and other occurrences involving the safety of navigation in Mauritius' waters have risen during the past few years. Being a coastal nation, the local population and the Mauritian economy rely heavily on the ocean. It is our responsibility to make sure that all necessary systems and legal foundations are in place. The recent ship-related accidents, including those involving fishing vessels, have highlighted the need to reinforce the laws that are already in place, particularly with regard to the severity of fines and punishments.
2. Drastic measures are being taken by the Ministry of Blue Economy, Marine Resources, Fisheries & Shipping for safety and security at sea.
3. One of the immediate actions taken has been amendments to the Merchant Shipping Act to cater for all irresponsible and careless Owners, operators and masters.
4. Henceforth ship owners/operators/agents who fail to salvage contract within 48 hours of the incident will constitute a serious offence and may be subject to a fine of five million rupees and/or to imprisonment for a term of not less than 2 years.
5. On the other hand, to deter abandonment of ships in our waters, a fine of Rs 50 million and/or imprisonment for a term of not less than five years will be imposed.

6. The Ministry of Blue Economy, Marine Resources, Fisheries & Shipping has also introduced a new provision to enable the prosecution of those masters, owners, operators or agents of ships which cause any serious damage to the territory of Mauritius or threatens the national security of our country. Those found guilty risk a fine of up to Rs 100 million and (or) a prison term not exceeding sixty years.
7. The Ministry intends to strengthen measures to ensure that ship owners meet their obligations to have insurance in place for the removal of wrecks. It is worth pointing out that these amendments to the Merchant Shipping Act will aim to prevent any environmental and ecological impact, especially taking into account the recent grounding of a very large bulk carrier off Pointe D'Esny, in July 2020, and the subsequent oil spill in the lagoon. The grounding of three fishing vessels near the port area and the running aground of another fishing vessel on the reefs of Saint Brandon are all sharp reminders of the impact of maritime casualties on Mauritius.
8. Presently, the Merchant Shipping Act provides for a 15-day period before the role of the Receiver of Wreck is activated. This 15-day period of delay provided to master, owner, operator or agent to remove the wreck has been eliminated to allow for the Director of Shipping to take actions after a delay determined by the Director, in the event where the wreck represents a significant danger to the interest and security of Mauritius. Hence, the Director would be able to determine the delay for wreck removal based on the particular circumstances of the wreck.
9. The provisions on preliminary inquiry has also been reviewed so that the Director or a surveyor designated by him will be required to hold a preliminary inquiry into the casualty when there is a loss of life, presumed loss of life, or serious injury to any person as a result of a shipping casualty.
10. Lastly, the owner of a vessel will be legally obliged to reimburse the Government's expenses for costs incurred in respect of measures taken to prevent any ecological and environmental damage or for safety of navigation involving a ship.
11. All those concerned are required to familiarise themselves with the new provisions of the Act and participate in the safeguarding of the safety of navigation, security of ships and the protection of the Marine environment.
12. At **ANNEX 1** is a summary of all the recent amendments brought.

**Director of Shipping**

**Shipping Division**

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**12 November 2023**

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## ANNEX 1

SN	Amended	Previous Provisions
1	<p>Section 217 is amended by inserting a new subsection (9):</p> <p>“(9) Where a person abandons a ship or wreck in Mauritius, he shall commit an offence and shall, on conviction, be liable to a fine of fifty million rupees and to imprisonment for a term of not less than 5 years.”</p>	No provision
2	<p>Section 217 is amended by inserting a new subsection (10):</p> <p>“(10) Where the owner, operator, master or agent of a ship fails to comply with section 146 (1A), he shall commit an offence and shall, on conviction, be liable to a fine of five million rupees and to imprisonment for a term of not less than 2 years.”</p>	<p>No provision</p> <p>(New Section 146 (1A) added on salvage contract – refer to item No 2 of this table)</p>
3	<p>Section 217 is amended by inserting a new subsection (11):</p> <p>“(11) Any master, owner, operator or agent* of a ship which causes any serious damage to the territory of Mauritius or threatens the national security of Mauritius may be subject to criminal penalties, if they have acted recklessly, with intent or with serious negligence and shall, on conviction, be liable to a fine of hundred million rupees and be liable to penal servitude for a term not exceeding 60 years.”</p>	No provision

<p>4</p>	<p>Subsection 8 of section 217 is amended by deleting:</p> <p>“n) being a seafarer, refuses to obey the master’s order, neglects this duty or assaults any member of the crew;”</p> <p>and inserting a new paragraph (n) as follows:</p> <p>“n) being a seafarer, fails to comply with the master’s instructions for the safety of the ship, neglects his duty and assaults any member of the crew;”</p> <p>shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not less than 1 million rupees and to imprisonment for a term not exceeding 2 years.</p>	<p>Section 217 (8) Other offences</p> <p>Any person who -</p> <p>(n) being a seafarer, refuses to obey the master’s order, neglects this duty or assaults any member of the crew;</p> <p>shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.</p>
<p>5</p>	<p>Subsection 8 of section 217 is amended by deleting:</p> <p>“shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.”</p> <p>and replacing by:</p> <p><b>“shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not less than 1 million rupees and to imprisonment for a term not exceeding 2 years.”</b></p>	<p>Section 217 (8) Other offences</p> <p>Any person who –</p> <p>(a) .. to (p)...</p> <p>shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.</p>

6	<p>Section 217 (2), (3), (4) and (5): quantum of fines to be amended:</p> <p>(2) non-compliance to section 25(1) <b>and 25(2)</b>: to carry insurance for wreck: not less than 50 million rupees</p> <p>(3) non-compliance to section 130: safe operation of ship: not less than Rs 5 million rupees</p> <p>(4) non-compliance to section 217 (1): non-compliance to the Act: not less than Rs 1 million rupees</p> <p>(5) non-compliance to section 140 Wreck in territorial sea: not exceeding Rs 50 million rupees</p>	<p>Section 217 (2), (3), (4) and (5): existing offences</p> <p>(2) non-compliance to section 25(1): to carry insurance for wreck: not exceeding 1 million rupees</p> <p>(3) non-compliance to section 130: Safe operation of ship: not exceeding Rs 100,000</p> <p>(4) non-compliance to section on-compliance to the Act: not exceeding Rs 50,000</p> <p>(5) non-compliance to section 140: Wreck in territorial sea: not exceeding Rs 500,000</p>
7.	<p>Section 146 is amended by adding a new subsection (1A).</p> <p>“(1A) The owner, operator, master or agent of a ship shall, within 48 hours from the occurrence of the maritime casualty, conclude a contract with salvors to undertake necessary and adequate salvage operations in compliance with the provisions of this Act.”</p>	<p>Section 146 of MSA 2007 – No present provision</p>

<p>8.</p>	<p>Section 140 is amended by deleting subsection (1) (a) and (b) and inserting the following new subsection (1) (a) and (b):</p> <p>“(a) Where any vessel is sunk, wrecked or stranded within the territorial sea of Mauritius but outside the limits of any Port in such manner as to be or be likely to become an obstruction or danger to navigation, the master, owner, operator or agent shall raise, remove or destroy the vessel within a delay determined by the Director.</p> <p>(b) Except for wrecks found within the limits of any Port, where the master, owner, operator or agent of the ship fails to remove the ship from the territorial sea of Mauritius within a delay determined by the Director or where the wreck is deemed to have been abandoned, the Receiver may exercise any of the powers conferred by subsection (2).”</p>	<p>Section 140 (1) (a) and (b) of MSA 2007 - Wreck in territorial sea:</p> <p>(1) (a) Where any vessel is sunk, wrecked or stranded within the territorial sea of Mauritius but outside the limits of any Port in such manner as to be or be likely to become an obstruction or danger to navigation, the master, owner or agent shall raise, remove or destroy the vessel within 15 days of the occurrence of the event.</p> <p>(b) After the 15-day period, on failure of the master, owner or agent to act, the Receiver may exercise any of the powers conferred by subsection (2).</p>
<p>8.</p>	<p>Subsection 1 of Section 10 of the Merchant Shipping Act is amended by deleting:</p> <p>“(b) a loss of life or serious injury to any person, caused by fire on board, or by any accident to a ship or ship’s boat, or by any accident occurring on board a ship or ship’s boat; or;”</p> <p>and adding a new sub-section 2 to section 10 of the Merchant Shipping Act:</p> <p><b>“(2) Where there is a loss or life, presumed loss of life or serious injury to any person as a result of a shipping casualty, the Director or a surveyor designated by him shall</b></p>	<p>Section 10 (b) of MSA 2007 – Shipping Casualties</p> <p>10. Shipping casualties</p> <p>(1) Where a shipping casualty occurs, such as –</p> <p>(a) the loss or presumed loss, stranding, grounding, abandonment of, or damage to, a ship;</p> <p>(b) a loss of life or serious injury to any person, caused by fire on board, or by any accident to a ship or ship’s boat, or by any accident occurring on board a ship or ship’s boat; or</p>

	<p>hold a preliminary inquiry into the casualty and may, for that purpose, exercise any power conferred by section 8(1) and such additional power as the Minister may confer on them for the particular inquiry.”</p>	<p>(c) any damage caused by a ship, and, at the time it occurs, the ship was registered under this Act or under the law of another country, the Director or a surveyor designated by him <u>may</u> hold a preliminary inquiry into the casualty and may, for that purpose, exercise any power conferred by section 8(1) and such additional power as the Minister may confer on them for the particular inquiry.</p> <p>(2) Whether or not a preliminary inquiry into a casualty has been held under subsection (1), the Minister may cause a formal investigation to be held by a Court of Investigation appointed by the Minister for that purpose which shall submit to the Minister a report of its findings and recommendations, if any, upon completion of the investigation.</p>
10.	<p>Section 222 is amended by:</p> <p>(a) amending the title to <b>“Recovery of Government expenses, fines and judgement debts from shipowners”</b></p> <p>(b) inserting a new subsection (1A) as follows:</p> <p>“Where a ship is involved in any maritime casualty or any other incident which may be reasonably be expected to result in damage to environment or to represent a hazard to safety of navigation and where the Government of Mauritius has taken preventive measures to protect the environment or mitigate such hazards, all expenses incurred by the Government of Mauritius shall be borne by the owner of such ship.”</p>	<p>Section 222 – Recovery of fines and judgement debts from shipowners</p> <p>New provision being included</p>