

CHAPTER 2.**PORTS OF ENTRY**

ARRANGEMENT OF SECTIONS

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An Act regulating entry into the Republic, and for matters related thereto. [Section numbering style modified to conform to new Code format (Rev.2003)]

Source: TTC 1966
 53 TTC 1970
 COM P.L. 5-25 (1973)
 COM P.L. 5-35 (1973)
 COM P.L. 5-98 (1974)
 COM P.L. 6-14 (1975)
 COM P.L. 6-53 (1975)
 COM P.L. 7-3 (1977)
 COM P.L. 7-109 (1978)
 53 TTC 1980
 P.L. 2013 - 10

§201. Short title.

This Chapter may be cited as the “Ports of Entry Act”.

§202. Entry of vessels at ports required; enumerated.

(1) All vessels and aircraft authorized to enter the Republic must enter and obtain clearance from an official port of entry, and no vessel or aircraft shall call at any other port in the Republic without first entering and obtaining clearance from an official port of entry unless the Cabinet or its designated representative determines that the public interest or an emergency requires the vessel or aircraft to enter another port without first entering and obtaining clearance from an official port of entry, and grants permission to do so. A vessel or aircraft in distress may anchor or land at any port in the Republic but shall immediately thereafter notify the nearest government representative of the Government of the Marshall Islands or Local Government. The official ports of entry in the Republic shall be:

- (a) Kwajalein:
 - (i) Kwajalein Anchorage;
 - (ii) Kwajalein Airstrip;
 - (iii) Ebeye Anchorage;
- (b) Majuro:
 - (i) Darrit Anchorage;
 - (ii) the Majuro International Airport;
- (c) Jaluit Anchorage:
 - (i) Jabor Island;
 - (ii) Jaluit Atoll.

(2) Subject to approval by resolution of the Nitijela, foreign fishing vessels shall be granted

permission to enter the following ports for the purpose of purchasing supplies and provisions including food, fuel and water and for the purpose of granting shore leave to crew members: Darrit Anchorage, Majuro; and Jabor Anchorage, Jaluit.

(3) Native varieties of live bait fish may only be sold to foreign fishing vessels if such sales are authorized by law. The Cabinet shall prescribe rules and regulations to control the opening of ports to foreign fishing vessels, including regulations for the conservation of native stocks of live bait fish. The Cabinet may also grant access to additional ports, not designated in this Section to foreign fishing vessels subject to approval of the Nitijela.

(4) Any foreign fishing vessel entering a Marshall Islands port under authority of this Section may only purchase supplies and provisions through an agent licensed under rules and regulations established by the Secretary of Transportation and Communications or may purchase supplies and provisions through the fishing authority.

(5) The fishing authority shall be the exclusive agent for the sale of all supplies and provisions to foreign fishing vessels. Nothing herein shall be construed to prohibit crew members from purchasing goods and services from local merchants for their personal use. In the sale of provisions and supplies to foreign fishing vessels, the fishing authority shall purchase such supplies and provisions from local merchants wherever feasible.

(6) Any person who violates any of the provisions of this Section, or any of the rules and regulations issued pursuant hereto, shall be guilty of an offense and shall upon conviction be liable to a fine of not less than \$10,000 or to a term of imprisonment not exceeding two (2) years, or both. [TTC 1966, §872(a); 53 TTC 1970, §101; COM P.L. 5-25, §1 (1973); COM P.L. 5-35, §1(1973); COM P.L. 5-98, §3, 4(1974); COM P.L. 6-14, §1(1975); COM P.L. 6-53, §1, 2 (1975); COM P.L. 7-3, §1, 2 (1978); 53 TTC 1980, §101, modified.]

§203. Ports authorized to issue entry permits.

The Secretary of Transportation and Communications is hereby authorized to issue entry permits as prescribed by the Cabinet, at the following ports of entry: Darrit Anchorage, Majuro; and Ebeye Anchorage, Ebeye. [TTC 1966, §879; 53 TTC 1970, §102; 53 TTC 1980, §102, modified.]

§204. Manifest required for unlicensed vessels.

The master or other person having the command or charge of any unlicensed vessel, shall, on entry of such vessel into any of the ports designated in Section 203 of this Chapter, file a manifest in the form prescribed by the Cabinet and signed by such master or other person having the command or charge of said vessel under oath as to the truth of the statements therein contained. Such manifest shall contain:

- (a) the name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs and the name of the master of such vessel;
- (b) a detailed account of all merchandise, if any, on board such vessel;
- (c) an account of the sea stores and ship's stores on board the vessel;
- (d) the names of all crew members and passengers aboard such vessel; and
- (e) a statement by the master or other person having the command or charge of said vessel as to the purpose of entry and approximate duration of stay in the territorial or inland waters of the Republic. [TTC 1966, §880; 53 TTC 1970, §103; 53 TTC 1980, §103, modified.]

§205. Inspection 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 convention 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 the immigration inspection, customs inspection, agricultural inspection and quarantines, public health inspection and quarantines, port State control inspections, and other inspections authorized by law or by international convention to which the Republic is a party. If any vessel or aircraft not being

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

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

(d) The Secretary of Transportation and Communications may promulgate Rules and Regulations to carry out the provisions of this section. TTC 1966, § 872(b); 53 TTC 1970, §104; 53 TTC 1980, §104, modified][Amended by P.L.2013-10].

§206. Pilots.

(1) The Cabinet shall designate and by proclamation announce those waters of the Republic in which foreign registered vessels shall be required to have in their service a Marshallese registered pilot for the waters concerned, who shall be subject to the customary authority of the master and direct the navigation of the vessel in those waters. These designations shall be made with due regard to the public interest, the effective utilization of navigable waters, and marine safety.

(2) The registration of the Marshallese pilots shall be carried out by the Secretary of Transportation and Communications under such regulations as to qualifications, terms and conditions which will assure adequate and efficient pilot service. The qualifications, terms and conditions to be met by each pilot shall include, but not be limited to, availability for service when required and agreement to comply with all applicable regulations issued by the Secretary of Transportation and Communications pursuant to this Section.

(3) The Secretary of Transportation and Communications shall issue documentary evidence of registration to Marshallese registered pilots and such evidence shall be in their possession at all times when in service of a vessel. This evidence of registration shall describe the part or parts of the waters of the Republic within which the holder is authorized to perform pilotage.

(4) The Secretary of Transportation and Communications shall establish by regulation the period of validity of registration for Marshallese registered pilots. When the Secretary of Transportation and Communications determines on record, after notice and opportunity for a hearing, that a registered pilot has violated any regulation pursuant to this Section, he may revoke or suspend the registration of such pilot.

(5) The Secretary of Transportation and Communications shall establish by regulation the rates, charges and any other conditions or terms for services performed by registered pilots to meet the provisions of this Section.

(6) The rates, charges and other conditions or terms for pilotage services by registered pilots established by the Secretary of Transportation and Communications in accordance with Subsection (5) of this Section shall be fair and equitable, giving due consideration to the public interest and the reasonable cost and expense of providing and maintaining such facilities and arrangements as are required for the efficient performance of pilotage services in accordance with provisions of this Section.

(7) Any owner, master, or person in charge of a vessel subject to this Section who permits the navigation of the vessel by a person not a registered pilot in waters designated by the Cabinet pursuant to Subsection(1) of this Section or who permits the navigation of the vessel without having on board a registered pilot shall be liable to the Government of the Marshall Islands in a civil penalty not exceeding \$1,000 for each violation, for which sum the vessel shall be liable and may be seized

and proceeded against by way of libel in the High Court. Each day the vessel shall be so navigated shall constitute a separate violation.

(8) Notwithstanding any other provision of this Section, a vessel may be navigated in waters of the Republic without a Marshallese registered pilot when:

- (a) the Secretary of Transportation and Communications, or his designee, notifies the master that a registered pilot is not available;
- (b) the vessel or its cargo is in distress or jeopardy; or
- (c) the vessel is a foreign fishing vessel or military vessel. [COM P.L. 7-109, §1 (1978); 53 TTC 1980, §105, modified.]