

MERCHANT SHIPPING ACT, 2013

MERCHANT SHIPPING (WRECK AND SALVAGE) REGULATIONS, 2014

IN EXERCISE of the powers conferred on the Minister under section 383 of the Merchant Shipping Act 2013, these Regulations are made.

1. Citation

These Regulations may be cited as Merchant Shipping (wreck and salvage) Regulations, 2014

2. Interpretation

In these Regulations, unless the context otherwise requires -

“Act” means the Merchant Shipping Act 2013;

“Administration” means the Gambia Maritime Administration;

“Consular officer” has the meaning assigned to it by section 3 of the Act; and

“Receiver” has the meaning assigned to it by section 355 of the Act.

2. Manner in which notice of wreck found or taken possession of

Whenever a wreck is found or taken possession of, the person who found it or takes possession shall give notice to the Receiver in the form contained in Schedule 1 to these Regulations.

3. Receiver to give Notice of Possession of Wreck

Where the Receiver has taken possession of a wreck, he or she shall give notice of such possession in the form in contained in Schedule II to these Regulations.

4. Report of Derelict Vessel or Floating Wreckage or Sunken Wreck

(1) A report of a derelict vessel, a floating wreckage or a sunken wreck to the Receiver shall be in the form contained in Schedule III to these Regulations.

(2) Notice of claim to a wreck or any other property in the custody of the Receiver shall be in the form contained in Schedule IV to these Regulations.

(3) Any declaration of title to a wreck in the custody of the Receiver which the Receiver disputes the title of the claimant shall be in the form contained in Schedule V to these Regulations.

(4) The particulars of a wreck taken possession of by the Receiver shall

be in the form contained in Schedule VI to these Regulations.

(5) The warrant of a salvor who has salvaged any property in the custody of the Receiver shall be in the form contained in Schedule VII to these Regulations.

SCHEDULE I
GAMBIA MARITIME ADMINISTRATION

**For official use
only:**

The information sought on this form is required for the purposes of the Merchant Shipping Act 2014.

The finder(s) should complete all sections of the form:

I do/do not* wish the following information to be treated in confidence. <i>*Delete as applicable</i>	
Full Name	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Occupation	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>

Date Found				
Description of Property. <i>Including identifying marks, weight, colour, condition, age, etc. (Continue on a separate sheet if necessary).</i>				
	Quantity	Description	Estimated Value D	
Was the object removed from a wreck site?				Yes <input type="checkbox"/>
				No <input type="checkbox"/>
	If Yes , please give Name and Approximate Age of Wreck			

			Age	Years		

Please give exact position where the wreck was found. *Give coordinates and state whether found on seabed, afloat, ashore or bumping.*

In as much detail as possible, please give nature, duration and estimated cost of any services rendered on behalf of the owner of the property. (Use a continuation sheet if necessary)

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Do you wish to claim salvage in respect of expenses

Yes
☐

No
☐

incurred during the performance of these services?

Declaration by Finder(s):

I/we hereby declare that the particulars in this report are correct and true and that the property described is all that has been recovered. I/we understand that failure to comply with any part of the Merchant Shipping Act 2013 and the Wreck & Salvage Regulations made thereunder will lead to the forfeiting of any claim I/we may have, now or in the future, to the items declared on this form.

Indemnity For Items Held By the Finder(s):

I/we hereby confirm that I/we hold in my/our possession the items detailed on this form. I/we agree to:

- ! Take all reasonable care of the property and to indemnify *the Gambia Maritime Administration* against any loss or damage to the property whilst in my/our possession;
- ! Allow the Receiver of Wreck, or any other person appointed by the Receiver, free access to the property at all reasonable times and to inform the Receiver of all changes in its whereabouts.
- ! Not to remove any of the property from [The Gambia];
- ! Surrender the property to the Receiver of Wreck at any time I/we are requested to do so;
- ! Not hold the *Gambia Maritime Administration* liable for any costs incurred during the storage and care of that property.

N.B: You may assume no title to any of the declared items until so advised by The Receiver of Wreck.

I/we understand that this undertaking will have no influence on any decision the Receiver of Wreck may take in respect of claims to ownership of this property.

Signature(s) of
finder(s)

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Date

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Signature of Witness		Date	
Address of Witness			

SCHEDULE II

Part 1 - Wreck in custody of a Receiver

RECORD OF WRECK IN THE CUSTODY OF A RECEIVER

Description of
articles and marks
thereon, (if any)...

Where found

When found

Supposed value

Where lying

Remarks

Proof of ownership of these items should be sent to: *xxxx at yyyy[Receiver holding items]*

Dated this day of 20

SCHEDULE III

OBSTRUCTION TO NAVIGATION

REPORT OF DERELICT VESSEL, OR FLOATING WRECKAGE, OR SUNKEN WRECK

1.	Name and address of informant	
2.	Name of vessel and Port Registry of informants vessel	
3.	Voyage	
4(a)	Nature and size of obstruction	
4(b)	Nature of danger to navigation	
5.	Name and port of registry of derelict or sunken wreck if known. If not known, any particulars which might lead to its identification.	
6.	Description of the wreckage and any marks which might lead to its identification.	
7.	Date and time when the derelict, wreckage, wreck was last seen and date and time of report made by radio, where fitted.	
8.	Where sunken wreck, the position in which lying and the bearings of any fixed objects that can be given (Tracing from chart showing exact spot).	
9.	Where a derelict or floating wreckage, the place where last seen, and the direction in which drifting.	
10.	Whether the derelict was boarded by the informant or any of the crew.	
11.	Whether she was dismasted	
12.	Whether she was waterlogged	
13.	Whether she had capsized	
14.	Did she appear to have been in collision	
15.	If laden, the nature of her cargo	
16.	Was any attempt made to take her in tow or to destroy her, and if not, why not.	
17.	Any other particulars which the Receiver may think relevant.	

18.	Date of making this report	
19.	Date of informing underwriters or their agents.	

Note - The questions which do not apply should be struck out.

Forwarded to the Receiver of Wreck, Gambia Maritime Administration.

Dated, this day of 20.....

Signature of Receiver

SCHEDULE IV

CLAIM TO WRECK OR OTHER PROPERTY IN THE CUSTODY OF A RECEIVER OF WRECK

PART I

Receiver

Name, Port of Registry, and Official No. of Ship 1	Name and Address of Owner and Master 2	Title of Claim* 3

*In any case of doubt as to title the declaration in Part II is required to be made.

PART II
SCHEDULE V

Declaration to be made by Claimant when Receiver has any doubt as to his Title

Description of Documents produced in support of Claim 8

I, do solemnly and sincerely declare-

1. That the particulars contained in Columns 1, 2, 3, 4, 5 and 7 at Part I of the Form hereof are correct and true.

2. That I am entitled to possession of the property, described therein, and that I hereby claim possession of the said property, subject to the payment of all just expenses.

3. That the document produced herewith, as evidence of ownership, agency or assignation of interests and described in column 8 of the said Form are true and genuine documents, and that the said mentioned in such documents is the said above named.

And I make this solemn declaration conscientiously believing the same to be true.

.....
Signature of Claimant

Declared before me at this day of 20.....

Signature of Receiver

SCHEDULE V

FORM OF REPORT BOOK

PARTICULARS OF WRECK

Taken possession of by the Receiver of Wreck named below

Reg. No.

Name of Officer	Title of office	Where stationed

PARTICULARS OF SALVAGE

1	2	3	4	5	6	7	8	9	10
Date of Receipt	Estimated Value	Description of property	Name and Address of owners (if known)	Name, Official No. And Port of Registry of vessel (if known)	Date found	Exact Spot where found	Service rendered	Name of Salvor	Address of Salvor

Reference No.

Further Particulars

Note - This book is to contain full particulars of Wreck or other articles taken into custody by the Receiver, or seized by or reported to him, and of all transactions in respect thereof. Cases in which the Receiver renders service to a Vessel in distress but does not take it into his custody, are also to be entered therein. All the entries are to be made legibly and in ink.

The Report Book should, in fact be kept in such a manner as to enable to Receiver to ascertain at once, and without reference to any other documents, the value of each article bearing a separate reference number (or if the article has been sold, of the gross proceeds of sale), and all sums received and paid on account thereof, and the disposal of the property or proceeds of sale.

SCHEDULE VI

Reference No.....

SALVOR'S WARRANT

I ,of am prepared to accept the sum of D..... Dalasis in full satisfaction of all demands for salvages in respect of the property, herein described.

D.....
Salvor

Signature of Witness

Address

Received on the day of from the undermentioned Salvor, the property described below.

Name of Salvor

Description of Property

.....

.....
.....
.....

Receiver

Transaction in respect of Wreck						Particulars of wreck sold			
Charges on the wreck		Account of money received from owners		Date of sale	To whom sold	Amount realized by sale		Net proceeds to be paid to owners or held in deposit under section 330 of the Act	
11		12		13	14	15		16	
1. Travelling	\$	As deposit for salvage etc.	\$	Gross proceeds			\$		\$
2. Incidental expenses such as warehouse rent, cartage, etc.		Of which was disposed of in payment of charges as per contract		Deduct Expenses per column 11.					
3. Fees, payable to Receiver									
4. Fees, if any, payable to the valuer		Balance of deposit returned to owners							
5. Customs duties									
6. Salvage Total Charges		As payment of charges as per contract							
7. Total Expenses		Total received							

MADE THIS DAY OF2014

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BALLA GARBA JAHUMPA
MINISTER OF WORKS, CONSTRUCTION AND INFRASTRUCTURE