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Part A BRIDGETOWN, BARBADOS, 29TH APRIL, 2024

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Bill re Shipping (Domestic Vessels) Act, 2024.
Bill re Storm Water Management Act, 2024.
Bill re Criminal Procedure (Amendment) Act, 2024.
Bill re ICC Cricket World Cup West Indies Act, 2024.
Bill re Visiting Police Forces (ICC Cricket World Cup 2024) Act, 2024.

S.I. 2024 No. 15: Land Acquisition Notice re Land situate at Work Hall, St. Philip.

SHIPPING (DOMESTIC VESSELS) ACT, 2024

OBJECTS AND REASONS

This Bill would provide for

(a) the registration of small vessels and water sports devices;

(b) the regulation of maritime activities of domestic vessels, water sports craft, water sports devices and small vessels operating in Barbados' waters;

(c) the training, certification and licensing of persons operating small vessels and water sports craft in Barbados waters;

(d) the inspection, surveys and safe operation of vessels, moorings and marine facilities;

(e) regulation of vessel related activities; and

(f) related matters.

SHIPPING (DOMESTIC VESSELS) ACT, 2024

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BARBADOS

A Bill entitled

An Act to provide for the regulation of maritime activities of domestic vessels, water sports devices and small vessels operating in Barbados' waters and related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Shipping (Domestic Vessels) Act, 2024*.

Interpretation

2. In this Act,

"Administration" means the Barbados Maritime Transport Administration;

"approved marine surveyor" or "surveyor" means a person who is duly authorized to act on behalf of the Administration for the purpose of conducting inspections, surveys or examinations of marine facilities, moorings or vessels, their machinery, equipment and appliances, in order to ensure that marine facilities, moorings or vessels are fit for the intended purpose and comply with general safety standards and the requirements of the Act and its statutory instruments;

"authorised person" means

(a) the Director of Ocean Affairs;

(b) the Marine Safety Regulator;

(c) a maritime law enforcement officer;

(d) a marine safety officer; or

(e) any other person authorised in writing by the Minister or the Administration;

"Barbados Accreditation Council" means the Council established under section 2 of the *Barbados Accreditation Council Act*, Cap. 38A;

"Barbados-registered pleasure vessel" means a pleasure vessel that is registered in Barbados;

"Barbados-registered pleasure vessel for temporary commercial use" means a Barbados-registered pleasure vessel on a voyage or excursion that is used to transport passengers or cargo and the vessel owner or operator receives profit or financial gain;

"Barbados-registered small commercial vessel" means a small commercial vessel that is registered in Barbados;

"Barbados Maritime Transport Administration" means the division within the Ministry responsible for Shipping that manages maritime transport and related affairs;

"Barbados Small Commercial Vessel Licence" means the licence issued in respect of a Barbados-registered small commercial vessel;

"Barbados Small Vessel Operators' Licence" means the licence issued to a person who has satisfied all the requirements to operate a vessel under the Act;

"Barbados Small Vessel Operators' Permit" means the provisional licence issued to a person who

(a) is learning to operate a vessel under the Act; and

(b) has not satisfied all the requirements to obtain a Barbados Small Vessel Operators' Licence;

"Barbados' waters" includes the following:

(a) internal waters;

(b) territorial sea;

(c) contiguous zone;

(d) exclusive economic zone; and

(e) continental shelf;

"bareboat charter" means a small vessel that is leased under a bareboat charter party agreement;

"bareboat charterer" means a person who hires a bareboat charter;

“bareboat charter-in” means a foreign-registered bareboat charter that is permitted to fly the Barbados flag for a specified period of time;

“bareboat charter-out” means a domestic vessel that is permitted to fly a flag other than the Barbados flag for a specified period of time;

“bareboat charter party agreement” means the contract for the lease or sub-lease of a vessel, referred to as charter, for a stipulated period of time, by virtue of which the charterer shall acquire full control and complete possession of the vessel including the right to appoint a master and crew for the duration of the charter but excluding the right to sell or mortgage the vessel;

“bareboat charter registration” means a vessel that is registered in one country on the basis of a bareboat charter party agreement and is temporarily registered in another country;

“boat manufacturer” means a person who manufactures, designs, commissions, constructs, builds, supplies, maintains, repairs or modifies a small vessel or the machinery, equipment and appliances related to the vessel;

“boat master” or “master” means a person who has command or charge of a small vessel;

“boat technician” means a mechanic or repairman of a small vessel;

“breach” means a failure to comply with the Act or its statutory instruments and includes a maritime safety breach or a marine environmental breach;

“Caribbean trade vessel” means a vessel engaged in a voyage commencing from within Barbados waters or the Caribbean Trading Area but does not proceed beyond the limits of the Caribbean Trading Area;

“Caribbean Trading Area” means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by a rhumb line from a point on the east coast of the United States of America in latitude 32º 00' north to the intersection 20º 00' north, 59º 00' west; thence a rhumb line to the

intersection of 7º 20' north, 50º west; thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana;

"carving and marking note" means the note prepared by an approved marine surveyor in relation to a vessel that has been marked in accordance with the Act;

"certificate of competency" means the certificate required in order to obtain a licence and issued to a person who

(a) possesses knowledge and skills in seamanship, vessel operations or vessel mechanics;

(b) has experience operating a small vessel; and

(c) is competent to operate a small vessel;

"certificate of provisional registration" means the certificate issued by the Registrar in relation to a vessel where all the requirements to obtain a certificate of registration have not been met;

"certificate of provisional registration of a vessel under construction" means the certificate issued by the Registrar in relation to a vessel under construction;

"certificate of registration" means the certificate issued by the Registrar in relation to a vessel registered as a domestic vessel;

"Code"

(a) means the Code of Safety for Small Commercial Vessels Operating in the Caribbean, 2021 prepared for Caribbean Countries with the support of the International Maritime Organization; and

(b) includes

(i) a reference to the Code as modified from time to time; and

(ii) a reference to an instrument if the Code is replaced in whole or in part by another instrument;

"COLREGs" means the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended;

"company" has the meaning assigned to it under section 2 of the *Companies Act*, Cap. 308;

"contiguous zone" means the area of water that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of 24 nautical miles from the nearest points of the baselines from which the breadth of the territorial sea is measured;

"continental shelf" means the continental shelf of Barbados as established in accordance with Article 76 of the United Nations Convention on the Law of the Sea (UNCLOS), 1982;

"controlled drug" has the meaning assigned to it under section 3 of the *Drug Abuse (Prevention and Control) Act*, Cap. 131;

"crew" means any person employed or engaged in any capacity on board a vessel on the business of the vessel other than the master of the vessel;

"cruise permit" means the permit required in order for a foreign-registered small vessel to remain in Barbados waters for more than 6 months;

"Director" means the Director of Ocean Affairs;

"domestic vessel"

(a) means a small vessel registered as a Barbados vessel in the Register of Domestic Vessels and flying the Barbados flag that

(i) is used in connection with commercial, leisure, training or research activity; and

(ii) operates in Barbados waters or the Caribbean Trading Area; and

(b) includes a pleasure vessel, small commercial vessel or any similar vessel;

"equivalent certification" means the certification issued by any of the following certifying a person is competent to operate a vessel:

(a) the Royal Yachting Association;

(b) the American Sailing Association;

(c) the United States Coast Guard;

(d) the Maritime and Coastguard Agency of the United Kingdom; or

(e) any other internationally recognized body;

"exclusive economic zone" means the area beyond and adjacent to the territorial sea, up to a limit not exceeding 200 nautical miles, measured from the baselines from which the breadth of the territorial sea is measured;

"foreign-registered small vessel"

(a) means a small vessel registered in a foreign registry and flying the flag of a country other than Barbados; and

(b) includes a foreign-registered small commercial vessel or a foreign-registered pleasure vessel;

"GPS" or "global positioning system" means the global navigation satellite system that provides location, velocity and time synchronization;

"GT" or "gross tonnage" means the measurement of vessels in respect of tonnage;

"Harbour Master" means the person designated by the Barbados Port Inc. to supervise port and harbour areas that are under the authority and management of the Barbados Port Inc.;

"hirer" or "customer" means a person who hires or rents a vessel, water sports craft or water sports device, as the case may be, from a vessel owner or operator;

"hp" or "horsepower" means the measurement of power of an engine;

"internal waters" means the waters on the landward side of the baseline of the territorial sea;

"international boat licensee" means a person who is the holder of a boat licence issued by a foreign country;

"international voyage" means a voyage commencing in a port outside the Caribbean Trading Area;

"issuing officer" means

(a) the Marine Safety Regulator;

(b) a marine safety officer; or

(c) a maritime law enforcement officer;

"laid-up" means a vessel that is taken out of service;

"licence endorsement" means the instrument issued by the Administration to a person who is the holder of an equivalent certification;

"log book" includes

(a) a general log book; and

(b) a marine protection log book;

"marine event"

(a) means any event involving vessels, water sports craft or water sports devices conducted in the marine environment; and

(b) includes sporting activities or any similar activity;

"marine facility" means

(a) a vessel building, maintenance, repair or recycling facility;

(b) a vessel haul-out facility;

(c) a marina;

(d) a vessel docking facility;

(e) a vessel storage facility; or

(f) any other facility in relation to a small vessel;

"marine safety officer" means a public officer under Part XIV who is responsible for assisting the Marine Safety Regulator and maritime law enforcement officers in investigating, supervising and monitoring of maritime activities to which the Act and its statutory instruments apply;

"Marine Safety Regulator" means the person under Part XIV who is responsible for assisting maritime law enforcement officers and marine safety officers in the execution of their duties and ensuring compliance with this Act and its statutory instruments;

"maritime law enforcement officer"

(a) means a person who is responsible for

(i) enforcing and monitoring maritime activities;

(ii) detecting, preventing and investigating offences;

(iii) maintaining and promoting public order and safety,

under this Act or its statutory instruments; and

(b) includes

(i) officers and enlisted members of the Barbados Police Service; and

(ii) officers and enlisted members of the Barbados Defence Force;

"medical practitioner" means a person who is registered as a medical practitioner under the *Medical Profession Act, 2011* (Act 2011-1);

"Minister" means the Minister responsible for Shipping;

"no-wake zone" means a section of waterway that requires operating a motorized vessel at the slowest speed necessary but not greater than 5 mph in order to maintain steerage and headway and reduce or eliminate wake;

"operate" means operating or driving a vessel;

"operator"

(a) means a person who operates and has overall general control and management of a vessel, water sports craft or water sports device, as the case may be; and

(b) includes

(i) a holder of a valid Barbados Small Vessel Operators' Licence or a Barbados Small Vessel Learners Permit, as the case may be, to operate a vessel; and

(ii) a charterer of a bareboat charter;

"passenger" means a person on board a vessel other than

(a) a boat master;

(b) an operator;

(c) an apprentice;

(d) a member of the crew;

(e) a person employed or engaged in any capacity on board the vessel on the business of the vessel; or

(f) a person in pursuance of the obligation laid upon a master to carry shipwrecked, distressed or other persons;

"pilot boat" means a vessel which serves to transport a pilot to and from a larger vessel;

"pleasure vessel" means

(a) a vessel propelled by sail or engine, or both, which at the time it is being used is

(i) in the case of

(A) a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(B) a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

(c) in the case of any vessel referred to in paragraphs (*a*) or (*b*) above no other payments are made by or on behalf of users of the vessel, other than by the owner;

"port authority" has the meaning assigned to it under section 2 of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act,* Cap. 285B;

"port of registry" means the port where the vessel is registered;

"power boat" means a motorized vessel that can operate at a speed of 15 knots per hour or more;

"primary registry"

(a) means the registry of the foreign country where the vessel is registered in accordance with that country's vessel registration laws; and

(b) does not include bareboat charter registration;

"private maritime training school or institution" means a private school or institution

(a) established by persons in the domestic vessel industry; and

(b) accredited by the Barbados Accreditation Council;

"public officer" has the meaning assigned to it under section 2 of the *Public Service Act*, Cap. 29;

"public service" has the meaning assigned to it under section 2 of the *Public Service Act*, Cap. 29;

"Registrar for Domestic Vessels" or "Registrar"

(a) means the person responsible for the registration of vessels under the Act; and

(b) includes the person designated by the Registrar for Domestic Vessels;

"rules of the road" mean the navigation rules to be followed by vessels at sea to prevent collisions between vessels as provided in the COLREGs;

"SCV Code model courses" mean the courses for boat masters and boat engineers modelled in the manner prescribed in the Code;

"small commercial vessel"

(a) means a small vessel that is 24 metres or less in length that is used to transport passengers or cargo for hire or reward;

(b) includes

(i) jet skis;

(ii) pilot boats;

(iii) catamarans;

(iv) passenger ferries;

(v) cabin or coastal cruisers;

(vi) water buses;

(vii) water sports craft; or

(viii) any similar type vessel; and

(c) does not include a pleasure vessel;

"small vessel" means a vessel of 150 GT or less;

"small vessels shipping notice" means a notice issued by the Administration and includes

(a) a shipping notice;

(b) an emergency shipping notice;

(c) a shipping guidance notice; or

(d) a shipping information notice;

"tender vessel" means a small vessel ancillary to another vessel that is used primarily to service or support that vessel;

"territorial sea" means the waters of Barbados up to a limit not exceeding 12 nautical miles, measured from the baselines determined in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), 1982;

"ticket" means a maritime safety breach ticket or a marine environmental breach ticket;

"unsafe manner" means a manner that causes nuisance or danger to a sea user or constitutes a navigational hazard;

"unseaworthy vessel" means a vessel that is not fit for the intended service and fails to comply with the safety and environmental performance standards that are required under this Act and its statutory instruments;

"vessel"

(a) means a boat, watercraft or similar craft used in navigable waters as a means of transportation for passengers or cargo; and

(b) includes any vessel to which this Act and its statutory instruments apply;

"vessel licence" means a Barbados Small Commercial Vessel Licence;

"vessel owner" or "owner" means a person who

(a) has legal title to a vessel; or

(b) is recognized in equity as the owner of a vessel where use and title belong to that person;

"wake" means the wave that appears as white water created by the displacement of a vessel as it passes through the water;

"waste" means any discarded or unwanted material that is generated from a vessel or vessel related activities;

"water bus" means a commuter vessel operating on a schedule used to transport passengers for a fee;

"water sports activities" include

(a) competitive sailing;

(b) jet blading;

(c) jet skiing;

(d) water skiing;

(e) kayaking;

(f) kite surfing;

(g) paddle boarding;

(h) wind surfing; or

(i) any other similar water sport activity;

"water sports craft"

(a) means any motorized or electronically propelled small vessel that is designed for water sports activities; and

(b) includes a jet ski and every description of vessel or craft used to provide water sports activities;

"water sports device"

(a) means any motorized or electronically propelled device, equipment, contrivance, frame, or other thing made or adapted for water sports purposes or activities that

(i) one or more persons may use, wear, lie, sit on or stand upon or in;

(ii) is primarily used in or on the water for pleasure, recreation or sports; and

(iii) is not designed to provide transport by sea; and

(b) does not include a jet ski; and

"water taxi" means a commuter vessel operating on demand that is used to transport passengers for a fee.

Purpose

3. The purpose of this Act is to

(a) provide for the registration of small vessels and water sports devices;

(b) regulate maritime activities of domestic vessels, water sports devices and small vessels operating in Barbados waters;

(c) ensure that vessels, marine facilities and moorings are fit for the intended purpose and comply with the safety and environmental standards under the Act and its statutory instruments required to protect the marine and general environment;

(d) promote and maintain high standards of conduct and competence of persons operating domestic vessels, water sports craft and water sports devices;

(e) provide for the training, certification, licensing and registration of persons operating vessels and water sports crafts and involved in vessel related activities;

(f) provide for the effective enforcement of safety of life at sea in the conduct of vessel related activities; and

(g) protect the marine environment from any adverse impact of vessel related activities.

Application

4. This Act shall apply to

(a) domestic vessels; and

(b) foreign-registered small vessels operating within Barbados waters.

Non-application

5. This Act shall not apply to

(a) vessels that are above 150 GT flying the Barbados flag and operate beyond the Caribbean Trading Area;

(b) vessels that are above 150 GT flying the flag of a foreign country and engaged in international voyages;

(c) Caribbean trade vessels that are above 150 GT;

(d) vessels belonging to the Government of Barbados;

(e) vessels employed in the defence of Barbados or Barbados waters; and

(f) fishing vessels.

Act binds State

6. This Act binds the State.

PART II

ADMINISTRATION

Establishment of the Barbados Maritime Transport Administration

7.(1) The Ministry responsible for Shipping shall be the Barbados Maritime Transport Administration.

(2) The Barbados Maritime Transport Administration shall

(a) be responsible for the administration of this Act and its statutory instruments; and

(b) have competent jurisdiction and control over all vessels flying the Barbados flag.

Duties and powers

8.(1) The Barbados Maritime Transport Administration shall

(a) manage, oversee and regulate all shipping and maritime matters;

(b) ensure that all persons operating vessels within Barbados waters comply with

(i) maritime safety standards and requirements;

(ii) registration and licensing requirements for vessels, water sports crafts and water sports devices;

(iii) training, certification, licensing and registration requirements;

(iv) maritime security standards and requirements;

(v) prevention and control of marine environmental pollution standards and requirements; and

(vi) maritime labour protection standards and requirements;

(c) establish, implement and maintain economic development programs for the domestic vessel industry;

(d) issue, renew, approve, extend, endorse, suspend, revoke, modify, vary, refuse to renew, approve, extend or endorse, as the case may be, any licence, permit, certificate, endorsement or other document issued under this Act or its statutory instruments;

(e) classify and regulate types of vessels, water sports crafts, water sports devices, moorings or marine equipment that may be used or operated in Barbados waters;

(f) grant or refuse to grant the approval for the importation of a vessel, water sports craft or water sports device;

(g) issue or approve the unique identifier of a vessel;

(h) direct the survey or inspection of a vessel, water sports craft or marine facility by an approved marine surveyor;

(i) regulate and approve marine driving training tests;

(j) ensure that operators of domestic vessels carry on board all relevant documentation including registration documents and log books;

(k) inspect all relevant documentation including registration documents and log books;

(l) ensure that vessels, water sports craft, water sports devices, moorings and marine facilities are operated in compliance with the Act and its statutory instruments;

(m) provide all relevant documentation including

(i) copies of statutory instruments;

(ii) waiver forms to hirers of small commercial vessels and water sports devices in Barbados' waters; and

(iii) relevant documentation to persons operating foreign-registered small vessels;

(n) issue marine ticketing log books to maritime law enforcement officers and marine safety officers;

(o) establish, arrange or enter into a small vessel insurance scheme;

(p) establish and maintain registers including the following:

(i) a domestic vessels register;

(ii) a water sports craft register;

(iii) a water sports device register;

(iv) a tender vessels register;

(v) a permits, licences and certificates register;

(vi) a marine facilities register;

(vii) an approved marine surveyors' register;

(viii) a marine driving instructor and marine training instructor register;

(ix) a private maritime training school or institution register;

(x) marine events; and

(xi) any other register as may be necessary;

(q) remove the name of a person registered in a register established and maintained under the Act and its statutory instruments;

(r) issue small vessels shipping notices, directives or guidelines;

(s) establish and maintain a small vessels shipping notices system;

(t) impose administrative fines or penalties;

(u) ensure that the information required for the full identification of a person who may be held accountable for the management and operation of a domestic vessel is available and published;

(v) ensure compliance with the Guidelines on Minimum Training and Education for Personnel made by the International Maritime Organization pursuant to the Convention on Facilitation of International Maritime Traffic, 1965, as amended;

(w) ensure compliance with the Act and its statutory instruments; and

(x) perform any function necessary to give effect to the Act and its statutory instruments.

(2) Where the Administration suspends, revokes, modifies, refuses to renew, approve, extend or endorse, as the case may be, any licence, permit, certificate, endorsement or other document issued under this Act or its statutory instruments, the Administration shall notify, in writing, the holder or applicant of its decision and the reason for the decision.

(3) The Administration shall not revoke a licence, certificate or permit, as the case may be, unless the owner or operator has been given a reasonable opportunity to make representation to the Director in respect of the revocation.

(4) The Administration may, with the prior written approval of the Minister, authorize an external person to perform a specified function or task.

Director of Ocean Affairs

9.(1) The Director of Ocean Affairs shall be a public officer and have the functions set out in subsection (2).

(2) The Director shall

(a) ensure compliance with this Act and its statutory instruments;

(b) take steps to give effect to any directive or policy given by the Minister;

(c) liaise with the Registrar;

(d) delegate to another person, in writing, such function as is necessary to give effect to this Act, its statutory instruments, policy or directive; and

(e) perform any function necessary to give effect to the Act and its statutory instruments.

(3) The Director shall not revoke a licence, certificate or permit, as the case may be, unless the holder has been given a reasonable opportunity to make representation to the Director in respect of the revocation.

Powers of the Minister

10. The Minister shall have the power to

(a) give the Director or the Registrar directions with respect to a policy;

(b) make regulations, orders or notices;

(c) waive, in whole or in part, any outstanding fees payable under this Act or its statutory instruments;

(d) develop a climate change, disaster mitigation and adaptation plan for the domestic vessel industry; and

(e) establish

(i) joint ventures between vessel owners who operate vessels within the Caribbean Trading Area and who adopt appropriate arrangements to safeguard the contractual rights of the parties; and

(ii) partnerships with regional and financial institutions to encourage financial contributions for joint ventures,

in an effort to develop, support and sustain the national and regional shipping industry.

Minister to make orders

11. The Minister may, by order

(a) prescribe fees;

(b) prescribe the area within Barbados waters where activities including water sports activities may be conducted;

(c) set out the conditions which must be adhered to by persons engaging in activities in Barbados waters;

(d) designate an area as a port or a marina; and

(e) prescribe the minimum ages in respect of the operation of different vessels or different classes of vessels.

Liability

12. No liability shall lie personally against

(a) the Director;

(b) any member, officer or employee of the Administration or such other person who is authorized in writing, acting under the direction of the Minister, the Director or the Administration;

(c) the Marine Safety Regulator;

(d) a maritime law enforcement officer; or

(e) a marine safety officer,

who, acting lawfully, in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of the Act or its statutory instruments.

PART III

GENERAL OPERATIONAL REQUIREMENTS

Operating a vessel

13.(1) Subject to the Act, no person shall operate a domestic vessel or small vessel in Barbados waters unless the vessel is registered or licensed, as the case may be, in accordance with this Act.

(2) No person shall operate a domestic vessel or small vessel in Barbados waters without the appropriate training, competence, qualification, certification, permit, licence, endorsement or other document, as the case may be, according to the vessel to be operated.

(3) No person shall employ a person to operate a domestic vessel or small vessel in Barbados waters without the appropriate training, competence, certification, permit, licence, endorsement or other document, as the case may be, according to the vessel to be operated.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

(5) Where a person operates a vessel contrary to subsection (1), the vessel shall be liable to be detained in accordance with this Act and any other relevant enactment.

Insurance requirement

14.(1) Subject to the Act, no person shall operate a domestic vessel or a small vessel in Barbados waters unless there is in relation to such vessel a policy of insurance or an equivalent form of security.

(2) No vessel shall be licensed or registered under this Act unless the vessel has complied with the requirements of subsection (1).

(3) The policy of insurance or equivalent form of security referred to in subsection (1) shall, at a minimum,

(a) provide coverage against injury to third parties, loss of life, damage to vessel, loss of, or damage to, cargo; and

(b) be in an amount corresponding to the limits of liability established under *Article 15 (2) (b) of the Convention on Limitation of Liability for Maritime Claims 1976, as amended by the 1996 Protocol thereto*

in which case coverage for claims for loss of life or personal injury shall be the Barbados equivalent of 500,000 SDRs and coverage for any other claims shall be the Barbados equivalent of 250,000 SDRs.

(4) A policy of insurance is of no effect for the purposes of this Act unless there is issued by the insurer in favour of the person by whom the policy is effected a certificate, in this Act referred to as a certificate of insurance, in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(5) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

(6) A vessel that is operated contrary to subsection (1) shall be liable to be detained in accordance with this Act and any other relevant enactment.

(7) For the purpose of this section, “SDRs” mean Special Drawing Rights and refers to the international reserve asset created by the International Monetary

Fund to supplement the official reserves of its member countries, and which is used by the International Monetary Fund and its member countries as a form of currency against which countries' actual monetary currencies may be pegged.

Production of certificate of insurance or equivalent form of security

15.(1) Upon request by an authorised person, a person shall produce a certificate of insurance or equivalent form of security in relation to a vessel.

(2) Where, on demand by an authorised person, a person does not have with him his certificate of insurance or equivalent form of security at the time he is required to produce it, he shall, within 24 hours, produce such policy or form of security to the Administration.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of $5 000.

Fraudulent insurance or security

16.(1) No person shall

(a) forge, alter, use or allow to be used by another person, a certificate of insurance or equivalent form of security; or

(b) make, produce or have in his possession any document so closely resembling a certificate of insurance or equivalent form of security.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Operating an unseaworthy vessel

17.(1) Subject to this Act, no person shall operate or cause to be operated an unseaworthy vessel in Barbados' waters.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

(3) An unseaworthy vessel shall be liable to be detained in accordance with this Act and any other relevant enactment.

Minimum age

18.(1) No person shall operate a vessel if he is under the age of 16 years.

(2) A person who causes or permits another person to operate a vessel while that person is under the age of 16 years is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for 12 months or to both.

Accountability and liability

19. A vessel owner or operator shall be held accountable and liable for the management and operation of a vessel in Barbados waters.

Approval for importation of vessel, water sports craft or water sports device

20. No vessel, water sports craft or water sports device shall be imported for use or operation in Barbados waters without the written approval of the Administration.

Application

21.(1) A person may apply to the Administration for approval to import a vessel, water sports craft or water sports device.

(2) An application shall be accompanied by the following:

(a) the prescribed fee;

(b) a copy of the manufacturer's specifications;

(c) a copy of the operational manual of the vessel, water sports craft or water sports device, as the case may be;

(d) the relevant documentation related to the condition of the vessel, water sports craft or water sports device to be imported; and

(e) any other documentation as may be specified by the Administration.

Grant of approval

22. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Administration shall

(a) grant written approval to import a vessel, water sports craft or water sports device, as the case may be; and

(b) send a copy of the written approval to the Ministry responsible for Commerce.

Fraudulent or misleading information

23. Where a person provides fraudulent or misleading information in relation to an application to import a vessel, water sports craft or water sports device, as the case may be, the Administration may revoke or refuse to grant approval to import such vessel, water sports craft or water sports device.

Maintenance and modification of vessels, water sports craft and water sports devices

24.(1) All vessels, water sports craft and water sports devices shall be maintained and operated in accordance with the manufacturer's specifications and international maritime standards.

(2) No person shall modify a vessel, water sports craft or water sports device from its original construction and design unless such modification is in accordance with the manufacturer's retrofitting design specifications and international maritime standards.

Operating a foreign-registered small vessel

25.(1) No foreign-registered small vessel shall enter or remain in Barbados' waters unless the vessel has

(a) received clearance from the port authority or relevant authority;

(b) third party insurance coverage or an equivalent form of security;

(c) registration documentation from the country where the vessel is registered;

(d) documentation evidencing that the vessel is seaworthy; and

(e) a cruise permit or other relevant documentation.

(2) No person shall operate a foreign-registered small vessel in Barbados waters unless he is

(a) the holder of an equivalent certification; or

(b) an international boat licensee.

(3) All foreign-registered small vessels operating within Barbados waters shall comply with

(a) maritime safety requirements;

(b) marine environmental protection requirements;

(c) this Act and its statutory instruments; and

(d) all other enactments related to this Act and its statutory instruments.

Cruise permit

26.(1) No foreign-registered pleasure vessel shall remain in Barbados waters for a period exceeding 6 months without a cruise permit.

(2) A cruise permit referred to in subsection (1) shall be valid for a period of one year.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 and to pay $300 for each day the vessel remains in Barbados waters without a cruise permit.

Application for cruise permit

27.(1) A person may apply to the Administration for a cruise permit in the form and manner prescribed.

(2) An application for a cruise permit shall be accompanied by

(a) the prescribed fee; and

(b) any other information and documentation as may be required by the Administration.

Issue of cruise permit

28. Where a person has satisfied the requirements and has paid the prescribed fee, the Administration shall issue a cruise permit.

PART IV

REGISTRATION

Registrar and Register of Domestic Vessels

Functions of the Registrar

29. The Registrar shall

(a) register a vessel as a domestic vessel in the Register of Domestic Vessels;

(b) provisionally register a vessel in the Register of Domestic Vessels;

(c) register a vessel or water sports device in the Register of Domestic Vessels;

(d) refuse to register a vessel or water sports device in the Register of Domestic Vessels;

(e) suspend or cancel the registration of a vessel or water sports device in the Register of Domestic Vessels;

(f) assign a vessel registration number;

(g) keep and maintain the Register of Domestic Vessels including creating such register books and files as may be necessary;

(h) retain documentation in support of registration;

(i) issue the relevant registration certificate;

(j) take steps to give effect to any directive or policy given by the Minister; and

(k) perform any function necessary to give effect to the Act and its statutory instruments.

Register of Domestic Vessels

30.(1) The Register of Domestic Vessels shall consist of the following:

(a) a register book for

(i) the classes of domestic vessels;

(ii) vessels under construction;

(iii) vessels in laid-up status;

(iv) water sports crafts;

(v) water sports devices;

(b) a provisional registration file;

(c) a provisional registration file for bareboat charters-in and bareboat charters-out; and

(d) any register book or file as may be necessary.

(2) The Register of Domestic Vessels shall contain the following information:

(a) the name, address and nationality of the vessel owner or owner of the water sports craft or water sports device;

(b) a certified copy of the certificate of incorporation, where the vessel owner or owner of the water sports craft or water sports device is a company;

(c) the name, address and nationality of the bareboat charterer where the vessel is a bareboat charter;

(d) the name, address and nationality of the operator where the operator is not the vessel owner, owner of the water sports craft or water sports device or the bareboat charterer;

(e) where applicable, the name, address and nationality of the agent of the vessel owner or owner of the water sports craft or water sports device;

(f) the shares or interest held by each vessel owner;

(g) the vessel name;

(h) the previous vessel name and registry, if applicable;

(i) the place or port of registration;

(j) the vessel registration number and the mark of identification of the vessel;

(k) the details in the manufacturer's certificate of origin or equivalent document;

(l) the description of the main characteristics of the vessel;

(m) the details of the water sports craft or water sports device;

(n) the details in the certificate of seaworthiness;

(o) the date of suspension or deletion of the previous registration of the vessel;

(p) the expiry date of the registration;

(q) a notarized bill of sale;

(r) the particulars of any mortgages or other similar charges on the vessel; and

(s) any other information or documentation that may be required by the Registrar.

(2) The Registrar shall maintain

(a) the Register of Domestic Vessels in a physical format, electronic format or in both formats; and

(b) the information referred to in subsection (1) in accordance with the *Data Protection Act, 2019* (Act 2019-1).

(3) The Register of Domestic Vessels shall be available to a person with a legitimate interest in obtaining the information contained therein.

Registration of domestic vessels

Registration requirement

31.(1) All vessels operating under the Barbados flag shall be registered as a domestic vessel in the Register of Domestic Vessels.

(2) A vessel that is registered under this Act

(a) shall be recognised as a domestic vessel; and

(b) is entitled to the rights and privileges accorded to domestic vessels.

Vessel ownership and management requirements

32.(1) Subject to this Act, a small vessel qualifies for registration as a domestic vessel in the Register of Domestic Vessels where at least 44 of its 64 shares are owned by persons singly or jointly.

(2) No vessel shall be registered as a domestic vessel unless the vessel-owning company or a subsidiary of the vessel-owning company is incorporated in Barbados and has its principal place of business in Barbados.

(3) Where the principal place of business of the vessel-owning company or a subsidiary vessel-owning company is not in Barbados, such company shall ensure that there is a representative or management person who is a national or permanent resident of Barbados.

(4) A representative or management person referred to in subsection (3)

(a) may be a natural or juridical person established or incorporated in Barbados, as the case may be, and empowered to act on the vessel owner's behalf or account;

(b) shall meet the vessel owner's responsibilities in accordance with this Act, its statutory instruments and any other enactment;

(c) shall be accountable for the management and operation of the vessel and

(i) meet any financial obligations that may arise from the operation of such vessel; and

(ii) cover any risks which are normally insured in maritime transportation in respect of damage to third parties; and

(d) shall produce documents evidencing

(i) that the vessel owner has given authorization to the representative to act on the vessel owner's behalf;

(ii) an adequate guarantee including valid insurance policy or other equivalent form of security in respect of the vessel; and

(iii) an appropriate mechanism including a maritime lien, mutual fund, wage insurance, social security scheme, or any governmental guarantee provided by an appropriate agency of the country of the accountable person, whether that person is an

owner or operator, exists to cover wages and related monies owed to seafarers employed on domestic vessels operating in the Caribbean Trading Area, in the event of default of payment by their employers.

(5) A vessel owner or bareboat charterer shall notify the Registrar of any transfer or change of vessel ownership.

(6) No person may be registered as an owner of any shares in a vessel until a declaration of ownership has been made and signed by him, in the case of an individual, or by a person authorised in writing to do so, in the case of a corporation or an agent.

(7) A valid declaration of ownership shall

(a) refer to the vessel as described in the certificate of seaworthiness; and

(b) contain

(i) the full name and address of the declarant; and

(ii) a statement of the number of shares in the vessel for which he is entitled to be registered as owner.

Registration requirement for foreign-registered small vessel

33. No foreign-registered small vessel shall be registered as a domestic vessel in the Register of Domestic Vessels unless

(a) the foreign registration of the vessel is deleted; and

(b) supporting documentation of the deletion of the foreign registration is submitted to the Registrar.

Application to register a small vessel as a domestic vessel

34.(1) A person may apply to the Registrar to register a small vessel as a domestic vessel.

(2) An application shall be

(a) in such form and manner as may be prescribed; and

(b) accompanied by the following:

(i) the prescribed form;

(ii) the prescribed fee;

(iii) an insurance policy or an equivalent form of security;

(iv) a boat manufacturer's certificate of origin;

(v) a carving and marking note;

(vi) a certificate of seaworthiness;

(vii) written authorization, in the case of an agent acting on the vessel owner's behalf;

(viii) a letter of agreement for vessel registration, where there are multiple owners;

(ix) any supporting documentation of the deletion of the foreign registration; and

(x) any other documentation specified by the Registrar.

Vessel marking requirements

35.(1) A vessel owner shall ensure that his vessel complies with the following vessel marking requirements:

(a) the name of the vessel is to be marked on each of the bows;

(b) the name and port of registry, is to be marked on the stern;

(c) the vessel registration number is to be cut on the main beam or some other conspicuous place on the vessel;

(d) the number denoting the registered tonnage of the vessel is to be cut on the main beam or some other conspicuous place on the vessel;

(e) be legible at all times;

(f) the characters or letters of such size and colour be in the form approved by the Director.

(2) Where an approved marine surveyor is satisfied that a vessel has been properly marked he shall sign and send a carving and marking note to the Registrar from the date the vessel was marked.

(3) The Registrar may exempt any class of vessel from all or any of the requirements of subsection (2).

(4) The vessel markings required by this section

(a) shall be permanently continued by the vessel owner; and

(b) shall not be changed except in accordance with this Act.

(5) A person who contravenes subsection (1) or (4) is guilty of an offence and liable on summary conviction to a fine of $10 000.

Registration

36. The Registrar shall register a vessel as a domestic vessel in the Register of Domestic Vessels where the requirements for registration have been met.

Certificate of registration

37.(1) On registration of a domestic vessel and upon payment of the prescribed fee, the Registrar shall issue a certificate of registration.

(2) A certificate of registration shall

(a) contain the particulars entered in the Register of Domestic Vessels in relation to the vessel; and

(b) be in paper and electronic format.

Retention of registration documents

38. On registration of a domestic vessel the Registrar shall retain the following:

(a) the certificate of seaworthiness;

(b) the builder's certificate, if available;

(c) the boat manufacturer’s certificate of origin;

(d) any bill of sale of the vessel;

(e) the carving and marking note;

(f) a copy of the order of condemnation, if applicable; and

(g) all declarations of ownership.

Port of registry

39.(1) Subject to subsection (2), the port of registry of a domestic vessel shall be Bridgetown, Barbados.

(2) Notwithstanding subsection (1), the Minister may, by notice published in the *Official Gazette*, name

(a) Port St. Charles as a port of registry only for small vessels that are resident at Port St. Charles; or

(b) any other port as a port of registry.

Vessel marking of domestic vessels

40.(1) On completion of registration, all domestic vessels shall be marked with the following:

(a) the vessel name;

(b) the vessel registration number;

(c) in the case of a Barbados-registered small commercial vessel, the letter "H" on the port and starboard sides of its bow;

(d) in the case of a tender vessel,

(i) the name of the primary vessel to which the tender is ancillary to; and

(ii) the letters "TT" on the port and starboard sides of its bow in large black letters;

(e) the registered tonnage of the vessel; and

(f) the port of registry of the vessel.

(2) A vessel owner shall ensure that a domestic vessel is marked in accordance with the Act.

(3) No person shall operate a domestic vessel that is not marked in accordance with the Act.

(4) A person who contravenes subsection (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $10 000.

(5) A vessel that is not marked in accordance with the Act is liable to be detained in accordance with this Act and any other relevant enactment.

Display and production of certificate of registration

41.(1) Where practicable, a person shall, at all times, conspicuously display an original or certified copy of the certificate of registration on board a domestic vessel.

(2) A person shall produce a certificate of registration to an authorised person upon request.

(3) Where, on demand by an authorised person, a person fails to produce the certificate of registration, he shall, within 24 hours, produce the certificate to the Administration.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and liable on summary conviction to a fine of $5 000.

Registration fees

42.(1) A registration fee shall be payable in respect of every vessel registered under this Act.

(2) Upon the registration of a vessel in any year, and thereafter before the 1st January of each subsequent year, there shall be paid to the Registrar in respect of that vessel such registration fee as may be prescribed.

(3) Where there is a failure to pay the prescribed registration fee in respect of any vessel, the Registrar may suspend or cancel the certificate of registration of the vessel upon written notice to the vessel owner.

(4) Where a cancellation occurs under subsection (3), such cancellation shall not affect the status of mortgages recorded prior to the cancellation.

Suspension, cancellation or refusal to register a domestic vessel

43. The Registrar may suspend or cancel the registration of a domestic vessel or refuse to register a vessel as a domestic vessel where

(a) the vessel is not marked in accordance with the Act;

(b) the vessel is unseaworthy;

(c) there is no insurance policy or equivalent form of security in relation to the vessel;

(d) there is a failure to pay the relevant fees;

(e) there is a risk to the safety, health and welfare of persons employed or engaged in any capacity on board the vessel;

(f) there is a possibility that the vessel is being used for criminal purposes;

(g) it would be detrimental to the interests of Barbados or of Barbados' domestic shipping sector for the vessel to be registered;

(h) fail to take such action as directed by the Director; or

(i) the vessel does not meet the requirements of the Act, its statutory instruments or any related enactments.

Removal from Register of Domestic Vessels

44. The Registrar shall remove a domestic vessel from the Register of Domestic Vessels where the vessel's registration has been cancelled pursuant to section 43.

Registration of water sports devices

Registration requirement

45.(1) All water sports devices shall be registered in the Register of Domestic Vessels.

(2) A person who operates an unregistered water sports device is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Application

46.(1) A person may apply to the Registrar to register a water sports device.

(2) An application shall

(a) be in such form and manner as may be prescribed; and

(b) specify whether the water sports device is to be used for personal or commercial use.

(3) An application shall be accompanied by

(a) the prescribed fee;

(b) a copy of the manufacturer's specification of the water sports device;

(c) a copy of the operational manual of the water sports device;

(d) evidence of an insurance policy or an equivalent form of security where the water sports device is to be operated for commercial use; and

(e) any other documentation specified by the Registrar.

Registration of water sports device

47. The Registrar shall register a water sports device in the Register of Domestic Vessels where the requirements for registration have been met.

Certificate of registration for water sports device

48. On registration of a water sports device and upon payment of the prescribed fee, the Registrar shall issue a certificate of registration for water sports device.

Suspension, cancellation or refusal to register water sports device

49. The Registrar may suspend or cancel the registration of a water sports device or refuse to register a water sports device where

(a) there is no insurance policy or equivalent form of security where the water sports device is to be operated for commercial use;

(b) there is a failure to pay the relevant fees;

(c) there is a risk to the safety, health and welfare of persons employed or engaged in any capacity in relation to the water sports device;

(d) there is a possibility that the water sports device is being used for criminal purposes;

(e) it would be detrimental to the interests of Barbados or of Barbados' domestic shipping sector for the water sports device to be registered;

(f) he is directed by the Director to take such action; or

(g) the water sports device does not meet the requirements of the Act or its statutory instruments.

Removal

50. The Registrar shall remove a water sports device from the Register of Domestic Vessels where the registration of the water sports device has been cancelled.

Provisional registration

Qualification for provisional registration

51. Notwithstanding anything under this Part, a vessel may qualify for provisional registration as a domestic vessel where

(a) any outstanding documentation is to be submitted;

(b) the registration of a foreign vessel is in the process of being transferred from a register in a foreign country to the Register of Domestic Vessels;

(c) a registration requirement is pending satisfaction; or

(d) it is an unregistered vessel being transported to Barbados for the purpose of registration.

Application for provisional registration

52.(1) A person may apply to the Registrar for provisional registration of a vessel by

(a) submitting the prescribed form; and

(b) paying the prescribed fee.

(2) An application under subsection (1) shall be accompanied by supporting documentation specified by the Registrar.

Provisional registration

53. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Registrar shall provisionally register a vessel as a domestic vessel.

Certificate of provisional registration

54.(1) Upon provisional registration of a vessel the Registrar shall issue a certificate of provisional registration.

(2) A certificate of provisional registration

(a) is valid for a period of one year; and

(b) shall not be renewed, extended or transferred.

Restriction on provisionally registered vessel

55.(1) A vessel that is provisionally registered shall not be put to operation except for the purpose of conducting a sea trial.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment of 2 years or to both.

Surrender of certificate of provisional registration

56.(1) A vessel owner shall surrender the certificate of provisional registration to the Registrar where the vessel qualifies for registration as a domestic vessel and has satisfied all the registration requirements.

(2) A vessel owner may apply for a certificate of registration where has complied with subsection (1).

Provisional registration of vessel under construction

Qualification for provisional registration of vessel under construction

57. Notwithstanding anything under this Part, a vessel under construction may qualify for provisional registration as a domestic vessel.

Application

58.(1) A person may apply to the Registrar to provisionally register a vessel under construction by

(a) submitting the prescribed form;

(b) paying the prescribed fee;

(c) submitting a certified copy of the contract for the construction of the vessel; and

(d) submitting evidence that construction of the vessel has commenced.

(2) An application under subsection (1) shall be accompanied by any supporting documentation specified by the Registrar.

Provisional registration of a vessel under construction

59. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Registrar shall provisionally register a vessel under construction as a domestic vessel.

Certificate of provisional registration of a vessel under construction

60.(1) Upon provisional registration of a vessel under construction, the Registrar shall issue a certificate of provisional registration of a vessel under construction.

(2) A certificate of provisional registration of a vessel under construction

(a) is valid for a period of one year; and

(b) shall not be renewed, extended or transferred.

Restriction on provisionally registered vessel under construction

61.(1) A vessel that is provisionally registered as a vessel under construction shall not be put to operation except for the purpose of conducting a sea trial.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment of 2 years or to both.

Surrender of certificate of provisional registration of a vessel under construction

62.(1) A vessel owner shall surrender the certificate of provisional registration of a vessel under construction to the Registrar where construction of the vessel is completed and he has satisfied all the registration requirements.

(2) A vessel owner may apply for a certificate of registration where he has complied with subsection (1).

Registration for laid-up vessel

Registering a vessel as laid-up

63. A person who wishes to temporarily take a domestic vessel out of service shall be required to apply to the Registrar to register the domestic vessel as laid-up.

Application to register a vessel as laid-up

64. An application to register a domestic vessel as laid-up may be made by

(a) submitting the prescribed form;

(b) paying the prescribed fee;

(c) surrendering the certificate of registration issued in relation to that vessel to the Registrar;

(d) submitting written authorization from the vessel owner authorizing the agent to act on the vessel owner's behalf, in the case of an agent; and

(e) submitting any other information and documentation as may be required by the Registrar.

Registration of domestic vessel as laid-up

65. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Registrar shall register a domestic vessel as laid-up.

Certificate of registration of vessel in laid-up status

66. Upon registration of a domestic vessel as laid-up, the Registrar shall issue a certificate of registration of a vessel in laid-up status.

Restrictions on vessel in laid-up status

67.(1) Where a domestic vessel is registered as laid-up

(a) the vessel owner shall comply with any conditions imposed;

(b) the vessel shall not be removed from the lay-up location stated in the application unless

(i) the necessary vessel survey has been conducted by an approved marine surveyor after the lay-up period; and

(ii) a certificate of seaworthiness or endorsement has been issued in respect of the vessel after the lay-up period; and

(c) the vessel owner shall comply with the provisions of the Act and its statutory instruments.

(2) No person shall operate a domestic vessel registered as laid-up except for the purpose of a vessel survey.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment of 2 years or to both.

Reactivation of registration as domestic vessel

68.(1) A person who wishes to reactivate a vessel's registration status as a domestic vessel from a vessel in laid-up status shall

(a) surrender to the Registrar the certificate of registration of vessel in laid-up status in relation to the vessel; and

(b) submit to the Registrar a certificate of seaworthiness or endorsement following a vessel survey in respect of the vessel after the laid-up period.

(2) Where a person complies with subsection (1)

(a) the Registrar shall return the previously surrendered certificate of registration where such certificate has not expired during the period the vessel was laid-up; or

(b) he may apply for a certificate of registration where such previously surrendered certificate has expired during the period the vessel was laid-up.

Registration of bareboat charter-in

Registration requirement for bareboat charter-in

69.(1) No foreign-registered small vessel shall be commercially operated in Barbados waters unless it is registered as a bareboat charter-in.

(2) A bareboat charter-in shall

(a) have the right to fly the Barbados flag for the period of the bareboat charter; and

(b) be subject to the jurisdiction and control of Barbados during the period of the charter.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $100 000.

Qualification for registration of bareboat charter-in

70. No foreign-registered small vessel shall be registered as a bareboat charter-in unless

(a) the primary registration under the flag of the foreign country is suspended and supporting documentation of the suspension has been submitted to the Registrar;

(b) the particulars of any registered encumbrances are submitted to the Registrar; and

(c) he has submitted any other information and documentation as may be required by the Registrar.

Suspension, revocation or refusal to register a bareboat charter-in

71. The Registrar may suspend or cancel the registration of a bareboat charter-in or refuse to register a bareboat charter-in where

(a) the vessel is unseaworthy;

(b) there is a failure to pay the relevant fees;

(c) there is no insurance policy or equivalent form of security in relation to the vessel;

(d) there is a risk to the safety, health and welfare of persons employed or engaged in any capacity on board the vessel;

(e) there is a possibility that the vessel is being used for criminal purposes;

(f) it would be detrimental to the interests of Barbados or of Barbados' domestic shipping sector for the vessel to be registered;

(g) he is directed by the Director to take such action; or

(h) the vessel does not meet the requirements of the Act or its statutory instruments.

Application to register a vessel as a bareboat charter-in

72.(1) A person may apply to the Registrar to register a vessel as a bareboat charter-in.

(2) An application shall be made by

(a) submitting the prescribed form;

(b) paying the prescribed fees including the following:

(i) the registration fee for bareboat charter-in; and

(ii) bareboat charter-in operating fees;

(c) submitting proof that the vessel's registration in the primary registry is suspended for the charter period; and

(d) submitting any other information and documentation as may be required by the Registrar.

Registration of bareboat charter-in

73.(1) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Registrar shall

(a) register the vessel as a bareboat charter-in;

(b) enter in the Register of Domestic Vessels all particulars of the vessel; and

(c) inform the primary registry that the vessel is registered as a bareboat charter-in.

(2) The particulars referred to in subsection (1)(*b*) shall include the following:

(a) the name, address and nationality of the vessel owner;

(b) a certified copy of the certificate of incorporation, where the vessel owner is a company;

(c) the name, address and nationality of the operator, where the operator is not the vessel owner or the bareboat charterer;

(d) the name, address and nationality of the bareboat charterer where the vessel is a bareboat charter;

(e) where applicable, the name, address and nationality of the agent of the vessel owner;

(f) the shares or interest held by each vessel owner;

(g) the name of the vessel;

(h) the previous vessel name and port of registration, if applicable;

(i) the place or port of registration;

(j) the vessel registration number and the mark of identification of the vessel;

(k) the details in the manufacturer's certificate of origin;

(l) the description of the main technical characteristics of the vessel;

(m) the details in the certificate of seaworthiness;

(n) the date of suspension or deletion of the previous registration of the vessel;

(o) the expiry date of the vessel registration;

(p) a notarized bill of sale;

(q) the particulars of any mortgages or other similar charges on the vessel; and

(r) any other information or documentation that may be required by the Registrar.

Certificate of bareboat charter-in

74.(1) Upon registration of a bareboat charter-in and the payment of the prescribed fee, the Registrar shall issue a certificate of bareboat charter-in.

(2) A certificate of bareboat charter-in shall state the following:

(a) the name and particulars of the vessel;

(b) the name of the port of registry as Bridgetown, Barbados, where applicable; and

(c) the expiry date of the vessel registration.

Extension of registration of bareboat charter-in

75.(1) A person may apply to the Registrar to extend the registration of a bareboat charter-in where he has

(a) informed the primary registry, the vessel owner, and the registered mortgagees, if any, of the request for an extension; and

(b) received written consent to this extension from the primary registry, the vessel owner and the registered mortgagees, if any.

(2) An application shall be in the form and manner prescribed.

(3) An application shall be accompanied by the following:

(a) the prescribed fees including the following:

(i) the registration fee for bareboat charter-in;

(ii) bareboat charter-in operating fees; and

(b) supporting documentation specified by the Registrar.

Grant of extension of bareboat charter-in

76.(1) Where a person has satisfied the requirements of an application and has paid the prescribed fees, the Registrar shall extend the registration of a bareboat charter-in.

(2) Upon the grant of an extension, the Registrar shall

(a) issue a certificate of bareboat charter-in that includes the new expiry date of vessel registration;

(b) enter the new expiry date of vessel registration in the Register; and

(c) inform the primary registry of the extension of registration as a bareboat charter-in.

(3) A person may apply for a further extension of registration as a bareboat charter-in.

Closure of bareboat charter-in

77.(1) The Registrar may close the registration of a bareboat charter-in where

(a) a voluntary closure of registration has been requested and the request has been acceded to by the Registrar;

(b) he is satisfied that the vessel does not meet the requirements of the Act or its statutory instruments;

(c) he is directed by the Director or the Minister to close the registration of a bareboat charter-in;

(d) the primary registry, the vessel owner or any of the mortgagees, if any, have withdrawn their consent to the bareboat charter-in registration in Barbados;

(e) the registration of the vessel in the primary registry has for any reason been terminated;

(f) the charter lapses and no extension has been granted in accordance with the Act; or

(g) the bareboat charter party agreement is terminated by any of the parties to it.

(2) Notwithstanding subsection (1), the Registrar shall not close the registration of a bareboat charter-in where

(a) the certificate of bareboat charter-in has not been surrendered to him; or

(b) all liabilities and obligations in respect of the vessel towards Barbados whether for fees, charges, fines or otherwise have not been paid.

(3) A person may apply to the Registrar to close the registration of a bareboat charter-in.

(4) An application shall be in the form and manner prescribed and accompanied by any documentation specified by the Registrar.

(5) Where the registration of a bareboat charter-in is closed

(a) the vessel shall cease to be a domestic vessel;

(b) the Registrar shall make an entry in the Register of Domestic Vessels that the registration of the bareboat charter-in is closed;

(c) the Registrar shall issue a certificate of closure; and

(d) the Registrar shall immediately notify the primary registry, the vessel owner or any of the mortgagees, if any, of the closure of registration as a bareboat charter-in.

Bareboat charter-out of domestic vessel

Requirements for bareboat charter-out

78.(1) No domestic vessel shall be registered as a bareboat charter-in in a foreign country unless the Registrar consents in writing.

(2) No person shall operate a domestic vessel as a bareboat charter-out without the written consent of the Registrar.

(3) The consent referred to in subsection (1) and (2) shall be made in writing no less than 30 days before the intended charter period.

(4) The Registrar shall not consent to the registration of a domestic vessel as a bareboat charter-out unless

(a) the registry of the foreign country where the vessel is to be registered as a bareboat charter-in is a compatible registry;

(b) the applicant has paid the prescribed fees including the following:

(i) the registration fees; and

(ii) Barbados Small Commercial Vessel Licence fees; and

(c) all relevant documents have been submitted to the Registrar including

(i) a written undertaking by the vessel owner to surrender the certificate of registration to the Registrar within 14 days from the date of registration as a bareboat charter-in in the registry of the foreign country;

(ii) a written undertaking by the charterer that the Barbados flag shall not be flown during the period of bareboat charter registration;

(iii) a copy of the bareboat charter party agreement and any amendments or modifications to such agreement within 30 days of such amendments or modifications being effected; and

(iv) any other documentation as may be required by the Registrar.

(5) Where a domestic vessel has been registered as a bareboat charter-out, all matters with respect to title over the vessel, mortgages and encumbrances shall be governed by Laws of Barbados.

(6) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $50 000 and may have the relevant licence or permit suspended or revoked .

(7) For the purpose of this section, “compatible registry” means the ship registry of a foreign country whose laws relating to bareboat charter registration are compatible with the provisions of this Act.

Consent for registration as a bareboat charter-out

79.(1) Where a person has satisfied the requirements of an application and has paid the prescribed fees, the Registrar shall give his consent in writing for the registration of a domestic vessel as a bareboat charter-out.

(2) The consent referred to in subsection (1) may be subject to conditions.

Withdrawal of consent for bareboat charter-out

80.(1) The Registrar may withdraw consent for the registration of a domestic vessel as a bareboat charter-out if

(a) the vessel does not meet the requirements of the Act or its statutory instruments;

(b) the vessel owner fails to comply with a provision of the Act or its statutory instruments;

(c) he is directed to withdraw his consent by the Director or the Minister;

(d) any of the conditions required to be fulfilled for obtaining the consent is not so fulfilled; or

(e) the bareboat charter party agreement is terminated.

(2) Where the Registrar withdraws consent for the registration of a vessel as a bareboat charter-out, he shall notify, in writing, the following persons:

(a) the vessel owners;

(b) the registry of the foreign country;

(c) the charterers; and

(d) where applicable, the mortgagees.

Temporary name change of bareboat charter-out vessel

81.(1) The name of a bareboat charter-out vessel may be temporarily changed during the period of bareboat charter.

(2) A person shall notify, in writing, the Registrar of the temporary name change.

Closure of bareboat charter-out

82.(1) An owner of a bareboat charter-out shall within 30 days of the closure of the bareboat charter-in registration in the foreign registry

(a) notify the Registrar of the closure of the bareboat charter-in registration in the foreign registry;

(b) deliver to the Registrar a certificate of deletion, transcript or an extract of foreign bareboat charter registration showing that the bareboat charter registration has been terminated; and

(c) make and deliver a declaration to the Registrar that the certificate of bareboat charter registration has been surrendered to the foreign registry.

(2) Where the provisions of subsection (1) have been complied with, the Registrar shall make an entry of the closure of the bareboat charter-out in the Domestic Vessel Register.

Reactivation of domestic vessel registration

83.(1) Where the registration of a bareboat chartered-out vessel is terminated and a person complies with requirements thereunder, the Registrar shall return the previously surrendered certificate of registration where such certificate has not expired during the period the vessel was bareboat chartered-out.

(2) A person may apply to the Registrar for a certificate of registration where such previously surrendered certificate has expired during the period the vessel was bareboat chartered-out.

PART V

COMMERCIAL OPERATING REQUIREMENTS

Barbados Small Vessel Operators' Licence and Licence Endorsement

Requirements to operate a Barbados-registered small commercial vessel

84.(1) No person shall operate a Barbados-registered small commercial vessel without a Barbados Small Vessel Operators' Licence or licence endorsement, as the case may be.

(2) Subsection (1) shall not apply to a hirer.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment of 2 years or to both.

Barbados Small Vessel Operators' Licence

85.(1) Subject to this Act, no person shall operate a vessel of any class or description unless he is the holder of a Barbados Small Vessel Operators' Licence authorising him to operate a vessel of that class or description.

(2) No person shall employ or permit a person to operate a vessel of any class or description unless the person he employs or permits to operate such vessel is the holder of a licence authorising him to operate a vessel of that class or description.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Categories of Barbados Small Vessel Operators' Licences

86.(1) A C1 Barbados Small Vessel Operators' Licence shall be required in order to operate the following Barbados-registered small commercial vessels:

(a) a vessel not more than 24 metres in length;

(b) a jet ski or other water sports craft; and

(c) any other class of small vessel.

(2) A C2 Barbados Small Vessel Operators' Licence shall be required in order to operate the following Barbados-registered small commercial vessels:

(a) a vessel not more than 18 metres in length; and

(b) a jet ski or other water sports craft.

(3) A C3 Barbados Small Vessel Operators' Licence shall be required in order to operate the following Barbados-registered small commercial vessels:

(a) a vessel not more than 12 metres in length; and

(b) a jet ski or other water sports craft.

Application for Barbados Small Vessel Operators' Licence

87.(1) A person may apply to the Director for a Barbados Small Vessel Operators' Licence in the form and manner prescribed.

(2) An application for a licence shall be accompanied by

(a) the prescribed fee;

(b) a certificate of competency, where applicable;

(c) a medical certificate of fitness, where applicable; and

(d) any other documentation specified by the Director.

Issuance of Barbados Small Vessel Operators' Licence

88. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall issue for a period of one year, 3 years or 5 years from the date of issue

(a) a C1 Barbados Small Vessel Operators' Licence to a person who

(i) possesses a grade 1 certificate of competency; or

(ii) was issued a speedboat driving licence more than 10 years immediately before the commencement of the Act;

(b) a C2 Barbados Small Vessel Operators' Licence to a person who

(i) possesses a grade 2 certificate of competency; or

(ii) was issued a speedboat driving licence more than 5 years but less than 10 years immediately before the commencement of the Act; or

(c) a C3 Barbados Small Vessel Operators' Licence to a person who

(i) possesses a grade 3 certificate of competency; or

(ii) was issued a speedboat driving licence more than one year but less than 5 years immediately before the commencement of the Act.

Application for licence endorsement

89.(1) A person may apply to the Director for a licence endorsement in the form and manner prescribed.

(2) An application for a licence endorsement shall be accompanied by

(a) the prescribed fee;

(b) a copy of the equivalent certification;

(c) a medical certificate of fitness, where applicable; and

(d) any other documentation specified by the Director.

Issuance of licence endorsement

90. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall issue for a period of one year, 3 years or 5 years from the date of issue, such licence endorsement equivalent to the level of international sailing certification held by the applicant.

Terms of licences and licence endorsements

91.(1) Unless suspended or revoked, a licence or licence endorsement is valid until the date of expiry specified therein.

(2) A licence or licence endorsement is not transferable.

Renewal of licence or licence endorsement

92.(1) A licence or licence endorsement may be renewed.

(2) A person may apply to renew a licence or licence endorsement in the prescribed manner and upon paying the prescribed fee.

(3) The Director shall reissue a licence or licence endorsement where the applicant has met the requirements for renewal.

(4) Unless previously suspended or revoked, a licence or licence endorsement may be renewed at the request of the holder for a further a period of one year, 3 years or 5 years.

(5) For the purposes of enabling the licence or licence endorsement to be renewed during the month in which the holder is born, the licence or licence endorsement may be granted for a period which is longer or shorter than one year and the fee for the licence or licence endorsement shall be adjusted accordingly.

Suspension, revocation or refusal to renew

93. The Director may suspend, revoke or refuse to renew, as the case may be, a licence or licence endorsement where he is satisfied that the holder thereof has contravened the provisions of this Act or its statutory instruments.

Register of licences and licence endorsements

94.(1) The Administration shall keep a register of all Barbados Small Vessel Operators' Licences and licence endorsements.

(2) A register shall contain the following information:

(a) the name and address of the holder of the licence or licence endorsement;

(b) the class or description of the vessel to be operated by the holder;

(c) the date of issue or renewal of the licence or licence endorsement;

(d) the date of expiry of a licence or licence endorsement;

(e) the date the licence or licence endorsement was suspended or revoked; and

(f) a record of all suspensions and revocations of the licence or licence endorsement.

Retention of supporting documents

95. The Director shall retain a copy of all documents in support of an application for a licence or licence endorsement.

Production of licence or licence endorsement

96.(1) Where an authorised person makes a request to produce a licence or licence endorsement, a person shall produce such licence or licence endorsement to the authorised person.

(2) Where, on demand by an authorised person, a person fails to produce the licence or licence endorsement, he shall, within 24 hours, produce the licence or licence endorsement to the Administration.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Replacement licence or licence endorsement

97. A person may, upon payment of the prescribed fee, obtain a replacement licence or licence endorsement where a licence is lost, defaced or destroyed.

Medical requirements for licence or licence endorsement

98.(1) The Director may, before issuing or granting the renewal of a licence or licence endorsement, require a person to produce a medical certificate of fitness in the prescribed form, signed by a medical practitioner, certifying that the applicant is fit to be in charge of a domestic vessel or foreign-registered vessel in Barbados' waters.

(2) The Director may require a person to undergo such medical tests as the Director determines to ascertain the fitness or ability of the applicant to operate a vessel.

(3) No person over the age of 70 shall commercially operate a vessel unless he produces a medical certificate to the Director signed by a medical practitioner as to his physical fitness to operate a vessel.

(4) An operator who is 70 years of age and over shall be required to undergo an annual medical examination and submit a medical certificate of fitness to the Director in order to continue to operate a vessel.

(5) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of $10 000.

Licensing requirement

99.(1) The following vessels shall be licensed in accordance with this Act:

(a) all Barbados-registered small commercial vessels;

(b) tender vessels operated for commercial purposes; or

(c) small commercial vessels as part of a rental property's package.

(2) A person who operates an unlicensed vessel is guilty of an offence and liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both and the vessel shall be liable to be detained.

Exemption from licensing requirement

100. The following vessels shall be exempted from the licensing requirement:

(a) a vessel registered as a bareboat charter-in;

(b) a Barbados-registered pleasure vessel; or

(c) any other vessel as may be specified by the Administration.

Application for Barbados Small Commercial Vessel Licence

101.(1) A person may apply to the Director to license a vessel in the form and manner prescribed.

(2) An application shall be accompanied by

(a) the prescribed fee;

(b) a certificate of seaworthiness;

(c) a certificate of registration;

(d) a policy of insurance or an equivalent form of security; and

(e) any other document specified by the Director.

Licensing

102. Where an applicant has complied with the provisions of the Act and paid the prescribed fee, the Director shall license a vessel.

Issuance of Barbados Small Commercial Vessel Licence

103. On licensing a vessel and upon payment of the prescribed fee, the Director shall issue a Barbados Small Commercial Vessel Licence in respect of that vessel.

Terms, conditions and restrictions

104.(1) A Barbados Small Commercial Vessel Licence may contain such terms, conditions and restrictions as are considered necessary.

(2) Unless suspended or revoked, a licence is valid until the date of expiry specified therein.

(3) A licence is not transferable.

Duration and renewal

105.(1) A Barbados Small Commercial Vessel Licence

(a) shall be valid for a period of one year from the date of issue; and

(b) may be renewed.

(2) The Director shall renew a vessel licence where the applicant has met the requirements for renewal.

Retention of supporting documents

106. The Director shall retain a copy of all documents in support of an application.

Suspension and revocation

107.(1) The Director may suspend or revoke, as the case may be, a Barbados Small Commercial Vessel Licence where he is satisfied that

(a) the vessel is unseaworthy;

(b) the vessel is being operated without

(i) a certificate of seaworthiness; or

(ii) a valid insurance policy or an equivalent form of security;

(c) there is a failure to pay the relevant fees;

(d) there is a risk to the safety, health and welfare of persons employed or engaged in any capacity on board the vessel;

(e) the vessel owner or operator fails to take the vessel for an inspection after he is directed to do so by an authorised person;

(f) there is a possibility that the vessel is being used for criminal purposes;

(g) it would be detrimental to the interests of Barbados or Barbados' domestic shipping sector;

(h) the vessel owner or the operator, who is directed by an authorised person to take the pleasure vessel for an inspection, fails to do so;

(i) the vessel owner or operator has failed to comply with any term, condition or restriction specified therein;

(j) the vessel owner or operator of the small commercial vessel has contravened the provisions of the Act or its statutory instruments; or

(k) the vessel does not meet the requirements of the Act or its statutory instruments.

(2) A person who operates a vessel in respect of which a vessel licence has been suspended or revoked under subsection (1) is guilty of an offence and is

liable on summary conviction to a fine of $20 000 and may have his Barbados Small Vessel Operators' Licence suspended or revoked.

(3) Where a vessel licence has been suspended or revoked, a maritime law enforcement officer may direct a person who operates a vessel to remove the vessel from the water.

(4) Where a vessel licence has been revoked, a licence shall not be re-issued to the person who held that licence.

Display and production of vessel licence

108.(1) Where practicable, an owner or operator of a Barbados-registered small commercial vessel shall display, at all times, the vessel licence issued in respect of the vessel during the operation of the vessel.

(2) On demand by an authorised person, a person shall produce the vessel licence.

(3) Where, on demand by an authorised person, a person fails to produce the vessel licence, he shall, within 24 hours, produce the requested licence to the Administration.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Operating Barbados-registered pleasure vessels for commercial use

Requirements to operate a Barbados-registered pleasure vessel

109.(1) Subject to subsection (2), a Barbados-registered pleasure vessel may be temporarily operated for commercial use.

(2) No person shall operate a Barbados-registered pleasure vessel for temporary commercial use without an intended pleasure vessel permit.

(3) A Barbados-registered pleasure vessel for commercial use shall comply with the safety, marine and environmental protection requirements of the Act and its statutory instruments.

(4) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Application for intended pleasure vessel

110.(1) A person may apply to the Director for an intended pleasure vessel permit in the form and manner prescribed.

(2) An application shall be accompanied by

(a) the prescribed fee;

(b) the certificate of seaworthiness relating to the vessel;

(c) the vessel's certificate of registration;

(d) a valid policy of insurance or equivalent form of security; and

(e) any other information or documentation as may be required by the Director.

Issuance of intended pleasure vessel permit

111.(1) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall issue an intended pleasure vessel permit.

(2) An intended pleasure vessel permit shall state the following:

(a) the particulars of the vessel owner;

(b) the particulars of the vessel;

(c) the particulars of the vessel operator authorized by the owner to operate the vessel for temporary commercial use;

(d) the particulars of insurance or equivalent form of security, as the case may be;

(e) the type of commercial activity the vessel will be engaged in during the period of temporary commercial use; and

(f) the period the vessel will operate for temporary commercial use.

Terms, conditions and restrictions

112.(1) An intended pleasure vessel permit may be subject to such terms, conditions and restrictions.

(2) A permit holder shall comply with any terms, conditions or restrictions set out in the permit.

Extension of intended pleasure vessel permit

113.(1) A person may apply to the Director to extend an intended pleasure vessel permit for a period not exceeding 6 months in the form and manner prescribed.

(2) An application shall be accompanied by

(a) the prescribed fee;

(b) the certificate of seaworthiness relating to the vessel;

(c) the vessel's certificate of registration;

(d) a valid policy of insurance or equivalent form of security; and

(e) any other information or documentation as may be required by the Director.

(3) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall extend an intended pleasure vessel permit.

Suspension, revocation or refusal to extend intended pleasure vessel permit

114.(1) The Director may suspend, revoke or refuse to extend, as the case may be, an intended pleasure vessel permit where he is satisfied that

(a) the vessel is unseaworthy or not fit for the intended purpose;

(b) the vessel is being operated without

(i) a certificate of seaworthiness; or

(ii) a valid insurance policy or an equivalent form of security;

(c) there is a failure to pay the relevant fees;

(d) there is a risk to the safety, health and welfare of persons employed or engaged in any capacity on board the vessel;

(e) there is a possibility that the vessel is being used for criminal purposes;

(f) it would be detrimental to the interests of Barbados or Barbados' domestic shipping sector;

(g) the vessel does not meet the requirements of the Act or its statutory instruments;

(h) the vessel owner or the operator, who is directed by an authorised person to take the pleasure vessel for an inspection, fails to do so;

(i) the vessel owner or operator has failed to comply with any term, condition or restriction of an intended pleasure vessel permit; or

(j) the vessel owner or operator has contravened the provisions of the Act or its statutory instruments.

(2) No person shall operate a Barbados-registered pleasure vessel for temporary commercial use where an intended pleasure vessel permit has been suspended or revoked.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000 and may have his Barbados Small Vessel Operators' Licence suspended or revoked.

(4) Where an intended pleasure vessel permit has been revoked, such permit shall not be re-issued.

PART VI

TRAINING, CERTIFICATION, LICENSING AND REGISTRATION

Requirements for operators of small commercial vessels

Barbados Small Vessel Learners Permit

115.(1) Subject to the Act, a person who is not the holder of a Barbados Small Vessel Operators' Licence shall, for the purpose of learning to operate a vessel of any class or description, obtain a Barbados Small Vessel Learners Permit.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Categories of Barbados Small Vessel Learners Permits

116.(1) A P1 Barbados Small Vessel Learners Permit shall be issued to a person who is learning to operate

(a) a vessel not more than 24 metres in length;

(b) a water sports craft; and

(c) any other class of small vessel.

(2) A P2 Barbados Small Vessel Learners Permit shall be issued to a person who is learning to operate

(a) a vessel not more than 18 metres in length; and

(b) a water sports craft.

(3) A P3 Barbados Small Vessel Learners Permit shall be issued to a person who is learning to operate

(a) a vessel not more than 12 metres in length; and

(b) a water sports craft.

Examination

117. A person who wishes to apply for a Barbados Small Vessel Learners Permit shall be required to successfully pass an examination in the form and manner specified by the Director.

Application

118.(1) A person may apply to the Director for a Barbados Small Vessel Learners Permit in the form and manner prescribed.

(2) An application for a permit shall be accompanied by

(a) the prescribed fee;

(b) documentation evidencing the applicant has successfully passed the examination; and

(c) any other information or documentation as may be required by the Director.

Issuance of Barbados Small Vessel Learners Permit

119. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall issue a Barbados Small Vessel Learners Permit.

Terms, conditions and restrictions

120.(1) A permit may contain such terms, conditions and restrictions as are considered necessary for the safety of other sea users.

(2) Without prejudice to the generality of subsection (1), the Director may, in a permit, set out the times during which the permit holder may operate a vessel specified in the permit.

(3) A permit holder shall comply with any terms, conditions or restrictions set out in his permit.

(4) A permit is not transferable.

(5) Unless suspended or revoked, a permit is valid for a period of 3 months from the date of issue.

(6) A permit holder shall not operate a vessel of any class or description unless

(a) he is under the supervision of a marine driving instructor or marine training instructor who is present with him on board the vessel while he is operating such vessel; and

(b) there is clearly displayed the letter "L" in a conspicuous position on the front and the rear of the vessel which he is operating.

(7) Notwithstanding anything contained in this section, a permit holder shall not operate or be permitted to operate a vessel while it is being used to

(a) tow a vessel;

(b) engage in a water sport activity; or

(c) transport passengers.

(8) Any person who contravenes subsection (3), (6) or (7) is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for one year or to both.

Renewal of permit

121.(1) A Barbados Small Vessel Learners Permit may be renewed.

(2) A person may apply to renew a permit in the prescribed manner and upon paying the prescribed fee.

(3) The Director shall renew a permit where the applicant has met the requirements for renewal.

(4) On payment of the prescribed renewal fee, a permit may be renewed for a period of 3 months.

Suspension, revocation or refusal to renew

122. The Director may suspend, revoke or refuse to renew, as the case may be, a permit in respect of a vessel where he is satisfied that the permit holder has failed to comply with any condition of the permit or has contravened the provisions of this Act or its statutory instruments.

Production of permit

123.(1) On demand by an authorised person, a person shall produce his permit to the authorised person.

(2) Where, on demand by an authorised person, a person does not have his permit in his possession he shall, within 24 hours, produce the permit to the Administration.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Replacement permit

124.(1) A person may apply to the Director to obtain a replacement permit where a permit is lost, defaced or destroyed.

(2) An application for a replacement permit shall be in the form and manner prescribed.

(3) An application for a replacement permit shall be accompanied by

(a) the prescribed fee; and

(b) any other information or documentation as may be required by the Director.

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Director shall issue a replacement permit.

Medical requirements

125.(1) The Director may, before issuing or granting the renewal of a permit, require a person to produce a medical certificate of fitness in the prescribed form, signed by a medical practitioner, certifying that the applicant is fit to be in charge of a domestic vessel.

(2) The Director may order a person to undergo such medical tests as the Director determines to ascertain the fitness or ability of the applicant to operate a domestic vessel.

Requirement for certificate of competency

126. Subject to this Act, a person shall be required to obtain a certificate of competency in order to

(a) operate a vessel under the Act or its statutory instruments; or

(b) apply for a Barbados Small Vessel Operators' Licence in the category appropriate to his training and class of competency.

Qualifying for certificate of competency

127. A person qualifies for a certificate of competency where he has successfully passed a marine driving test.

Grades of certificates of competency

128.(1) A Grade 1 certificate of competency shall be awarded to a person who

(a) possesses advanced knowledge and skills in seamanship, vessel operations or vessel mechanics; and

(b) has operated a small vessel for 10 years or more.

(2) A Grade 2 certificate of competency shall be awarded to a person who

(a) possesses general knowledge and skills in seamanship, vessel operations or vessel mechanics; and

(b) has operated a small vessel for 5 years or more but less than 10 years.

(3) A Grade 3 certificate of competency shall be awarded to a person who

(a) possesses basic knowledge and skills in seamanship, vessel operations or vessel mechanics; and

(b) has operated a small vessel for more than one year but less than 5 years.

Application for certificate of competency

129.(1) A person may apply to the Administration for a certificate of competency in the form and manner prescribed.

(2) An application shall be accompanied by

(a) the prescribed fee;

(b) documentation evidencing that the applicant has successfully passed the marine driving test; and

(c) any other information or documentation required by the Administration.

Issuance of certificate of competency

130. Where a person has satisfied the requirements and has paid the prescribed fee, the Administration shall issue a certificate of competency.

Marine driving test

131.(1) All marine driving tests shall be conducted by such examiners as authorized in writing by the Administration.

(2) The nature of a marine driving test shall be at the discretion of the examiner.

(3) An examiner shall satisfy himself that the person taking the test is

(a) competent to operate a vessel of a particular class or description;

(b) conversant with the rules of the road;

(c) competent to drive without danger to, and with due consideration for, other users of the sea; and

(d) able to comply with any other requirements specified in the Act or its statutory instruments.

(4) Where an examiner is satisfied that the applicant is qualified to operate a vessel of a particular class or description, he shall issue to the applicant the relevant documentation evidencing that the applicant successfully passed the marine driving test.

Requirement to advance to new grade of competency

132. A person who is the holder of a certificate of competency and wishes to advance to a different grade of competency shall be required to obtain a certificate of competency corresponding to the grade of competency to which he wishes to advance.

Application to advance to a new grade of competency

133.(1) A person may apply to the Administration for a certificate of competency corresponding to the new grade of competency to which he wishes to advance.

(2) An application shall be in such form and manner as may be prescribed by the Administration.

(3) The application form shall be accompanied by

(a) the prescribed fee; and

(b) any other information or documentation as may be specified by the Administration.

Issuance of certificate of competency for new grade of competency

134. Where a person has satisfied the requirements and has paid the prescribed fee, the Administration shall issue a certificate of competency corresponding to the new grade of competency.

Requirements for boat masters, boat technicians, boat manufacturers and approved marine surveyors

Boat masters

135.(1) A person qualifies as a boat master where he

(a) is 16 years of age or over or has logged 2 years experience as an apprentice;

(b) has been certified medically fit to operate in the capacity of boat master; and

(c) possesses certification as a boat master.

(2) For the purposes of this section, "certification as a boat master" means any local, regional or international accredited body certifying a person as a boat master.

Boat technicians

136.(1) A person qualifies as a boat technician where he

(a) is 16 years of age or over or has logged 2 years experience as an apprentice;

(b) has been professionally trained at a local, regional or international institution in the capacity of boat technician; and

(c) possesses certification as a boat technician.

(2) For the purposes of this section, "certification as a boat technician" means any local, regional or international accredited body certifying a person as a boat technician.

Boat technician's identification card

137.(1) A person may apply to the Administration for a boat technician's identification card in the form and manner prescribed.

(2) Where a person has satisfied the requirements and paid the prescribed fee, the Administration shall issue a boat technician's identification card.

(3) A boat technician shall be required to carry his boat technician's identification card where he conducts a sea trial of a vessel, repairs a vessel or provides vessel mechanic services.

Boat manufacturers

138.(1) A person qualifies as a boat manufacturer where he has

(a) attained the age of 16 years or has logged 2 years of experience as an apprentice with a local veteran boat manufacturer; and

(b) acquired professional training and certification at a local, regional or international institution as a boat manufacturer.

(2) Subsection (1)(*b*) shall not apply to a local veteran boat manufacturer.

(3) For the purpose of this section, "local veteran boat manufacturer" means a person who has 20 years of experience in manufacturing vessels.

Boat manufacturer's licence

139.(1) No person shall manufacture a vessel for commercial purposes without a boat manufacturer's licence.

(2) A boat manufacturer shall carry his boat manufacturer's licence during a sea trial of a vessel.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Application

140.(1) A person may apply to the Administration for a boat manufacturer's licence in the form and manner prescribed.

(2) An application shall be accompanied by

(a) the prescribed fee; and

(b) any other information or documentation required by the Administration.

Issuance of boat manufacturer's licence

141. Where a person has satisfied the requirements and has paid the prescribed fee, the Administration shall issue a boat manufacturer's licence.

Production of boat manufacturer's licence

142.(1) On demand by an authorised person, a person shall produce his boat manufacturer's licence to the authorised person.

(2) A person who fails to produce his boat manufacturer's licence on demand by an authorised person shall, within 24 hours, produce the boat manufacturer's licence to the Administration.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Suspension or revocation

143.(1) The Administration may suspend or revoke a boat manufacturer's licence where a boat manufacturer contravenes or fails to comply with any provision of this Act or its statutory provisions.

(2) Where a boat manufacturer’s licence has been revoked, such licence shall not be re-issued.

Approved marine surveyors

144. A person qualifies as an approved marine surveyor where he

(a) has a minimum of 5 years experience in marine surveying or a related field;

(b) has acquired professional training and certification at a local, regional or international institution in that capacity or equivalent; and

(c) produces evidence of qualifications in marine surveying or a related field.

Application to be an approved marine surveyor

145.(1) A person may apply to the Administration to be an approved marine surveyor.

(2) An application shall be in the form and manner prescribed.

(3) An application shall be accompanied by

(a) the prescribed fee; and

(b) any other information or documentation required by the Administration.

Registration as approved marine surveyor

146. Where the Administration is satisfied that a person has met the requirements of this Act, it shall register the applicant as an approved marine surveyor in the Register of Approved Marine Surveyors.

Approved marine surveyor's identification card

147.(1) A person may apply to the Administration for an approved marine surveyor's identification card in the form and manner prescribed.

(2) Where a person has satisfied the requirements and paid the prescribed fee, the Administration shall issue an approved marine surveyor's identification card.

(3) An approved marine surveyor shall be required to carry his approved marine surveyor's identification card during the performance of his duties under the Act and its statutory instruments.

Public educational or training institutions, private marine training schools or institutions and instructors

Public educational or training institution

148.(1) A public educational or training institution offering training and certification courses in the operation and management of a small vessel and SCV Code model courses shall comply with the curriculum, assessment and certification requirements under the Act and its statutory instruments.

(2) The Administration shall maintain a register of public educational or training institutions offering training and certification courses in the operation and management of a small vessel and SCV Code model courses.

Audit of public educational or training institution

149.(1) The Administration or any person approved by the Administration shall audit a public educational or training institution every 5 years.

(2) The Administration shall issue an audit report where a public educational or training institution has satisfied the curriculum, assessment and certification requirements under the Act and its statutory instruments.

(3) A public educational or training institution shall rectify any deficiency stated in an audit report in order to ensure compliance with the curriculum, assessment and certification requirements.

(4) Where, following an audit report, a public educational or training institution fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall remove the

public educational or training institution from the relevant register until such time that the deficiency is rectified.

Private maritime training school or institution

150.(1) A private maritime training school or institution shall

(a) comply with the curriculum, assessment and certification requirements under the Act and its statutory instruments;

(b) be registered as an approved private maritime training examining body in the Approved Private Maritime Training Examining Bodies Register.

(2) A private maritime training school or institution may offer training and certification courses in the operation and management of a small vessel and SCV Code model courses.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 and is liable to have its name removed from the Approved Private Maritime Training Examining Bodies Register.

Application to be registered in the Approved Private Maritime Training Examining Bodies Register

151.(1) A person may apply to the Administration to be registered in the Approved Private Maritime Training Examining Bodies Register.

(2) An application shall be in such form and contain such information as may be prescribed by the Administration.

(3) An application form shall be accompanied by the prescribed fee.

Registration of private maritime training school or institution

152. Where a person has satisfied the requirements and paid the prescribed fee, the Administration shall register a private maritime training school or

institution in the Approved Private Maritime Training Examining Bodies Register.

Registration fees for private maritime training school or institution

153.(1) A private maritime training school or institution shall pay the following prescribed fees:

(a) the initial registration fee; and

(b) the annual registration fee.

(2) The fees referred to in subsection (1) shall be payable to the Administration.

Accreditation

154. A private maritime training school or institution shall be accredited by the Barbados Accreditation Council.

Audit of private maritime training school or institution

155.(1) The Administration or any person approved by the Administration shall audit a private maritime training school or institution every 5 years.

(2) A private maritime training school or institution shall pay the costs associated with the audit.

Audit report

156.(1) The Administration shall issue an audit report where a private maritime training school or institution has

(a) satisfied the curriculum, assessment and certification requirements; and

(b) paid the costs associated with the audit.

(2) A private maritime training school or institution shall rectify any deficiency stated in an audit report in order to ensure compliance with the curriculum, assessment and certification requirements.

(3) Where, following an audit report, a private maritime training school or institution fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall remove the private maritime training school or institution from the Approved Private Maritime Training Examining Bodies Register until such time that the deficiency is rectified.

Marine driving instructor

157.(1) No person shall train, for financial reward or gain, another person to operate a vessel unless he is registered as a marine driving instructor.

(2) A person who is registered as a marine driving instructor may train a person

(a) on his own behalf;

(b) jointly with an organization; or

(c) on behalf of an organization.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Qualifying as marine driving instructor

158.(1) A person qualifies to be registered as a marine driving instructor where he is the holder of a C1 Barbados Small Vessel Operators' Licence or a licence endorsement.

(2) A holder of a licence endorsement may qualify as a marine driving instructor subject to such terms and conditions as may be specified by the Administration.

Application

159.(1) A person may apply to the Administration to be registered as a marine driving instructor.

(2) An application shall be in such form and manner as may be prescribed by the Administration.

(3) An application shall be accompanied by

(a) the prescribed fee;

(b) a copy of the C1 Barbados Small Vessel Operators' Licence or licence endorsement, as the case may be; and

(c) any other information or documentation as may be required by the Administration.

Registration as marine driving instructor

160. Where a person has satisfied the requirements of the Act and paid the prescribed fees, the Administration shall

(a) register a person as a marine driving instructor in the Approved Private Maritime Training Examining Bodies Register; and

(b) issue a marine driving instructor’s identification card.

Marine training instructor

161.(1) No person shall train, for financial reward or gain, another person

(a) for the purpose of learning to operate a small vessel, water sports craft or water sports devices; or

(b) in the areas of seamanship, vessel mechanics, boat manufacturing, small vessel operations, small vessel management or any other related field,

unless he is registered as a marine driving instructor.

(2) A person who is registered as a marine training instructor may train a person

(a) on his own behalf;

(b) jointly with an organization; or

(c) on behalf of an organization.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Qualifying as marine training instructor

162.(1) A person qualifies to be registered as a marine driving instructor where he is the holder of a C1 Barbados Small Vessel Operators' Licence or a licence endorsement.

(2) A holder of a licence endorsement may qualify as a marine training instructor subject to such terms and conditions as may be specified by the Administration.

Application

163.(1) A person may apply to the Administration to be registered as a marine training instructor.

(2) An application shall be in such form and manner as may be prescribed by the Administration.

(3) An application shall be accompanied by

(a) the prescribed fee;

(b) a copy of the C1 Barbados Small Vessel Operators' Licence or licence endorsement, as the case may be; and

(c) any other information or documentation as may be required by the Administration.

(4) A person shall submit the following particulars to the Administration:

(a) the applicant's qualifications;

(b) the course being offered by the applicant;

(c) the depth of knowledge of the applicant;

(d) the type of certification being awarded by the applicant, where applicable; and

(e) any other particulars as may be required by the Administration.

Registration as marine training instructor

164. Where a person has satisfied the requirements of the Act and paid the prescribed fees, the Administration shall

(a) register a person as a marine training instructor in the Approved Private Maritime Training Examining Bodies Register; and

(b) issue a marine training instructor identification card.

PART VII

SURVEYS, SEAWORTHINESS AND CERTIFICATION OF VESSELS

Definitions

165. For the purposes of this Part,

"annual vessel survey" means the annual survey that is to be conducted on a vessel after an initial vessel survey and before a renewal vessel survey;

"certificate of seaworthiness" means the certificate issued by a surveyor after an initial vessel survey or a renewal vessel survey certifying a vessel is seaworthy;

"endorsement" means the document issued by the Administration which is to be appended to a certificate of seaworthiness after each annual vessel survey, verifying that a vessel complies with the safety and environmental requirements of the Act and its statutory instruments;

"initial vessel survey" means the initial survey that is to be conducted on a vessel by a surveyor before it is put into operation;

"renewal vessel survey" means the survey to be conducted on a vessel by a surveyor every 5 years in order to continue in operation;

"vessel survey"

(a) means a survey or inspection of a vessel conducted by a surveyor in order to ensure that the vessel and its equipment, appliances, fittings, systems and arrangements comply with the safety and environmental performance requirements of the Act and its statutory instruments; and

(b) includes an initial vessel survey, an annual vessel survey or a renewal vessel survey.

Vessel surveys

166.(1) No person shall put into operation or continue in operation a vessel without a vessel survey.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both and the vessel shall be liable to be detained.

Vessel survey report

167.(1) A surveyor shall, within 14 days of a vessel survey, prepare and issue a vessel survey report to the vessel owner or operator and submit a copy of the vessel survey report to the Administration.

(2) A vessel survey report shall be in the prescribed form and contain the following including:

(a) that the hull, navigation lights, compasses, signals and ground tackle of the vessel are in good condition and are sufficient for the service intended;

(b) that the electrical inspection lamp provided in the vessel is in working order;

(c) that the lifeboats, life-rafts, life-buoys, life-belts and all other life-saving appliances in the vessel are in good repair;

(d) that there are an adequate number of life-saving appliances on board the vessel;

(e) that adequate safeguards, including lifeline systems, such as deck railings and nettings are provided for persons who are carried on the deck of the vessel;

(f) that there is adequate provision for access to and egress from the upper deck spaces of the vessel;

(g) that the propulsion machinery on the vessel is in a seaworthy condition;

(h) that the fire protection equipment on the vessel is in good repair;

(i) the number of persons that a vessel can safely carry having regard to the cargo carried on board the vessel and any other circumstances that may affect the safety of the vessel;

(j) the pollution prevention measures;

(k) the condition of any machinery, equipment or appliance on the vessel as may be specified by the Administration; and

(l) that the vessel meets maritime labour safety standards.

Fraudulent vessel survey reports

168.(1) No surveyor shall prepare or issue a vessel survey report

(a) that contains false or inaccurate information;

(b) without conducting a vessel survey; or

(c) that falsely states a vessel is seaworthy.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or imprisonment for 7 years or to both.

(3) Where a person contravenes subsection (1), the Administration may remove his name from the Register of Approved Marine Surveyors.

Operating a vessel without a certificate of seaworthiness

169.(1) Subject to the Act, no person shall operate or cause to be operated a vessel without a certificate of seaworthiness.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

(3) Where a person operates a vessel contrary to subsection (1) the vessel shall be liable to be detained.

Certificate of seaworthiness

170.(1) Subject to the Act, a surveyor shall issue a certificate of seaworthiness in the prescribed form where he has

(a) conducted a vessel survey and is satisfied that a vessel is seaworthy and has met the safety and environmental performance standards that are required under this Act and its statutory instruments; and

(b) received payment for his services.

(2) A certificate of seaworthiness shall be valid for a period of 5 years from the date of issue unless

(a) it is suspended or revoked; or

(b) the vessel relating to that certificate of seaworthiness

(i) becomes unseaworthy; or

(ii) fails a vessel survey.

(3) A surveyor shall send a copy of a certificate of seaworthiness to the Administration.

(4) The Administration shall keep a copy of all certificates of seaworthiness together with supporting documents.

Fraudulent certificate of seaworthiness

171.(1) No surveyor shall prepare or issue a certificate of seaworthiness

(a) that contains false or inaccurate information;

(b) without conducting a vessel survey; or

(c) that falsely states a vessel is seaworthy.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or imprisonment for 7 years or to both.

(3) Where a person contravenes subsection (1), the Administration may remove his name from the Register of Approved Marine Surveyors.

Display and production

172.(1) Where practicable, a vessel owner or operator shall display, at all times, the certificate of seaworthiness issued in respect of the vessel during the operation of the vessel.

(2) A person shall produce a certificate of seaworthiness to an authorised person upon request.

(3) Where, on demand by an authorised person, a person fails to produce the certificate of seaworthiness, he shall, within 24 hours, produce the certificate to the Administration.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and liable on summary conviction to a fine of $5 000.

Unseaworthy vessels

173.(1) Where, following a vessel survey, a surveyor determines that a vessel is an unseaworthy vessel, he

(a) shall not issue a certificate of seaworthiness; and

(b) shall within 14 days prepare a vessel survey report notifying the vessel owner or operator of his findings and recommendations including the corrective action required and period within which such corrective action is to be taken to ensure the vessel is seaworthy.

(2) A surveyor shall send a copy of the report referred to in subsection 1(*b*) to the Administration.

(3) Where a vessel is found to be an unseaworthy vessel, a vessel owner shall have the vessel surveyed after rectification of the deficiencies stated in the vessel survey report.

(4) Where, following the issuance of a certificate of seaworthiness a vessel is found to be an unseaworthy vessel, an authorised person may direct

(a) the removal of a vessel from operation until rectification of any deficiencies; and

(b) the vessel be re-surveyed before it continues in operation.

(5) No person shall operate an unseaworthy vessel for a purpose other than rectifying a deficiency or repairing the vessel.

(6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both and the vessel shall be liable to be detained.

Requirement for endorsement

174.(1) An endorsement of a certificate of seaworthiness shall be required after an annual vessel survey.

(2) No person shall operate a vessel without an endorsement of a certificate of seaworthiness following an annual vessel survey.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both and the vessel shall be liable to be detained.

Application for endorsement of certificate of seaworthiness

175.(1) A person may apply to the Administration for an endorsement of a certificate of seaworthiness.

(2) An application shall be accompanied by

(a) the prescribed fee;

(b) the certificate of seaworthiness issued in relation to the vessel; and

(c) the vessel survey report issued in relation to the vessel.

Endorsement

176. Where a person has satisfied the requirements of the Act and has paid the prescribed fee, the Administration shall endorse a certificate of seaworthiness.

Vessel sea trials

177.(1) No newly manufactured, constructed or refurbished vessel shall be put to operation without a sea trial.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

PART VIII

GENERAL SAFETY DUTIES

Duties of owners

Duties of vessel owners

178.(1) A vessel owner shall ensure the safety of the following:

(a) the vessel;

(b) the safety equipment related to the vessel;

(c) the operation of the vessel;

(d) the cargo on board the vessel;

(e) his own safety on board the vessel; and

(f) the safety of passengers, crew and persons who

(i) are on board the vessel;

(ii) are in close proximity to the vessel; or

(iii) may be affected by his actions or omissions.

(2) A vessel owner shall

(a) ensure that the vessel is seaworthy and safe for operation;

(b) implement, maintain and comply with a vessel safety management system that ensures that the vessel and the operations of the vessel are safe;

(c) provide such information, instruction, training or supervision as is necessary to ensure the safety of a passenger, a crew member, other person, the vessel or the cargo on board the vessel;

(d) not operate or cause to be operated an unseaworthy or unsafe vessel;

(e) ensure that a vessel is adequately manned by a qualified and competent crew at the commencement of every voyage and during the voyage;

(f) not operate or allow a vessel to be operated in an unsafe manner;

(g) not prevent or restrict the boat master of the vessel from making or implementing a decision that, in the professional opinion of the boat master, is necessary to ensure the safety of the vessel, its crew, passengers or cargo on board the vessel; or

(h) not fail or refuse to make or implement a decision that is necessary for the safety of a person, the vessel, the operation of the vessel or its cargo.

(3) A vessel owner shall obtain the relevant licence, certificate or permit, required in order to operate a vessel of a particular class, description or type of activity.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Duties of boat manufacturers

Duties of boat manufacturers

179.(1) A boat manufacturer shall

(a) ensure that a vessel or the safety equipment that relates to such vessel is safe for the purpose for which it was designed, commissioned, constructed, manufactured, supplied, maintained, repaired, refurbished or modified, as the case may be;

(b) ensure that such testing and examination have been carried out in order to comply with paragraph (*a*); and

(c) take any action to ensure compliance with paragraph (*a*).

(2) A boat manufacturer shall ensure that a vessel under construction

(a) is seaworthy;

(b) is constructed according to an approved design;

(c) has all the electrical components installed;

(d) has all the mechanical parts properly configured;

(e) is constructed with the appropriate materials;

(f) is constructed for safe operation; and

(g) is constructed in accordance with recognized vessel building standards as established by accredited national, regional or international bodies.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and may have the relevant licence suspended or revoked.

Boat manufacturer's certificate of origin

180.(1) A boat manufacturer shall issue a boat manufacturer's certificate of origin upon completion of the manufacture design, commission, construction, building, repair, refurbishment or modification of a small vessel.

(2) A boat manufacturer's certificate of origin shall be required

(a) for the sale or export of any vessel manufactured in Barbados; or

(b) to register a vessel.

(3) A boat manufacturer's certificate of origin shall contain the following:

(a) the name of the boat manufacturer;

(b) the hull identification number of the vessel;

(c) the hull material details including the quantity of aluminium, fiberglass, steel and wood in the vessel;

(d) the particulars relating to the name and make of the vessel;

(e) the model number of the vessel;

(f) the particulars relating to the beam, draught and length of the vessel; and

(g) the place of construction of the vessel.

Fraudulent boat manufacturer's certificate of origin

181.(1) No boat manufacturer shall prepare or issue a boat manufacturer's certificate of origin that contains false or inaccurate information.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or imprisonment for 7 years or to both and may have the relevant licence suspended or revoked.

Duties of boat masters

Duties of boat masters

182.(1) A boat master shall ensure the safety of

(a) the vessel under his command or charge;

(b) the safety equipment related to the vessel;

(c) the operation of the vessel;

(d) the cargo on board the vessel;

(e) his own safety on board the vessel; and

(f) the safety of passengers, crew and persons who

(i) are on board the vessel;

(ii) are in close proximity to the vessel; or

(iii) may be affected by his actions or omissions.

(2) A boat master shall

(a) ensure that the vessel is seaworthy and safe;

(b) implement, maintain and comply with a vessel safety management system that ensures that the vessel and the operations of the vessel are safe;

(c) provide such information, instruction, training or supervision as is necessary to ensure the safety of a passenger, a crew member, other person the vessel or the cargo on board the vessel;

(d) not operate or allow to be operated an unseaworthy or unsafe vessel;

(e) not operate or allow a vessel to be operated in an unsafe manner;

(f) not place the safety of another person at risk in the execution or performance of duties as boat master;

(g) not in the execution or performance of any duty as boat master in relation to the vessel, interfere with or misuse anything provided on the vessel that is necessary for the safety of the vessel, its crew, passengers or cargo on board the vessel; or

(h) not fail or refuse to make or implement a decision that is necessary for the safety of a person, the vessel, the operation of the vessel or its cargo.

(3) A boat master shall obtain the relevant licence, certificate, or permit required in order to operate a vessel of that class, description or type of activity.

(4) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and may have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(5) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both.

Duty to assist after collision

183.(1) Where a collision occurs between vessels, it shall be the duty of the boat master of each vessel to assist the other vessel, its crew or passengers from any danger caused by the collision.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and may have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Duty to render assistance

184.(1) A boat master shall, in so far as he can do so without endangering his vessel, crew or passengers

(a) render assistance to any person found at sea;

(b) render assistance to a person who went overboard a vessel;

(c) proceed, with all possible haste, to the rescue of a person in distress at sea if

(i) he is informed of the assistance required; and

(ii) the extent of the action or assistance may be reasonably required of him;

(d) after a collision,

(i) render assistance to the other vessel, the crew and passengers of the other vessel; and

(ii) where possible, inform the other vessel of any relevant particulars in respect of his vessel.

(2) A person who, without reasonable explanation, refuses to render assistance to any person or vessel in distress at sea where such person is in a

position to render assistance is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both.

Duties of an operator

Duty of an operator

185.(1) An operator shall in the performance of his duties

(a) ensure the safety of

(i) a vessel under his command, control or management;

(ii) the safety equipment related to the vessel;

(iii) the operation of the vessel; and

(iv) the cargo on board the vessel;

(b) take reasonable care for his own safety; and

(c) take reasonable care for the safety of passengers, crew and persons who

(i) are on board the vessel;

(ii) are in close proximity to the vessel; or

(iii) may be affected by his acts or omissions.

(2) An operator shall

(a) ensure that the vessel is seaworthy and safe for operation;

(b) implement, maintain and comply with a vessel safety management system that ensures that the vessel and the operations of the vessel are safe;

(c) provide such information, instruction, training or supervision as is necessary to ensure the safety of a passenger, a crew member or other person;

(d) not operate or allow to be operated an unseaworthy or unsafe vessel;

(e) not operate or allow a vessel to be operated in an unsafe manner;

(f) observe or comply with any instruction, safety briefing or operational instructions of a vessel, water sports craft or water sports device; or

(g) make or implement a decision that is necessary for the safety of a person, the vessel, the operation of the vessel or its cargo.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both and may have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Duty to render assistance

186.(1) A person who operates a vessel has a duty to render assistance to any person in difficulty at sea in so far as he can do so without endangering his own life.

(2) A person who, without reasonable explanation, refuses to render assistance to any person or vessel in distress at sea where such person is in a position to render assistance is guilty of an offence and liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

Distress situations

187.(1) An operator of a small vessel who receives information that a person is in distress at sea shall render prompt assistance to that person.

(2) An operator shall inform a person who is in distress at sea of

(a) the operator’s intention to search and rescue that person; or

(b) the operator’s inability to render assistance to that person.

(3) Where an operator is unable, or considers it unreasonable or unnecessary, having regard to the circumstances, to render assistance to a person in distress, the operator shall notify and provide reasons to an authorised officer for failing to render assistance.

(4) An operator who is able to render assistance to a person in distress and refuses to do so is guilty of an offence and is liable on summary conviction to a fine of $50 000.

Duty of an operator to safely anchor a vessel

188.(1) An operator shall

(a) anchor a vessel in an environmentally safe manner; and

(b) exercise due diligence and skill in anchoring a vessel.

(2) In exercising due diligence and skill in anchoring a vessel, an operator shall take into account

(a) the safety of other sea users;

(b) the existing and anticipated weather and environmental conditions;

(c) the relative strength and direction of currents and winds;

(d) the number of vessels in an anchorage;

(e) the manner in which vessels are anchored or moored;

(f) the marine environment;

(g) coral reefs;

(h) seagrass beds; and

(i) any marine hazards.

(3) An operator shall deploy adequate ground tackle to ensure that

(a) the vessel is secured in a location that poses no danger or obstruction to other vessels or structures;

(b) the vessel does not cause any environmental damage to coral reefs or marine life; and

(c) the anchor does not significantly drag on the sea bed so as to cause any other environmental damage.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and may have his licence or certificate suspended or revoked.

Duties of crew

Duty of crew

189.(1) A member of crew shall in the performance of his duties

(a) ensure the safety of

(i) the vessel on which he is employed or engaged;

(ii) the safety equipment related to the vessel;

(iii) the operation of the vessel; and

(iv) the cargo on board the vessel;

(b) take reasonable care for his own safety;

(c) take reasonable care for the safety of passengers, crew and persons who

(i) are on board the vessel;

(ii) are in close proximity to the vessel; or

(iii) may be affected by his acts or omissions; and

(d) comply with any reasonable and lawful directions of the boat master or a supervisor.

(2) A member of crew shall not

(a) interfere with or misuse anything provided on the vessel in the interest of the safety of the vessel;

(b) place the safety of another person in danger when carrying out duties as a member of the crew; or

(c) prevent or restrict the boat master from making or implementing a decision that, in the professional opinion of the master, is necessary for the safety of the vessel, its crew, passengers or cargo on board the vessel.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both and may have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Duties of passengers

Duty of passengers

190.(1) A passenger shall

(a) take reasonable care for his own safety;

(b) take reasonable care for the safety of persons

(i) on board the vessel;

(ii) in close proximity to the vessel; or

(iii) who may be affected by his acts or omissions; and

(c) comply with any reasonable and lawful directions of the boat master or a member of crew of the vessel.

(2) A passenger shall not

(a) interfere with or misuse anything provided on the vessel in the interests of the safety of the vessel, the operation of the vessel or the cargo on board the vessel;

(b) place the safety of another person in danger; and

(c) prevent or restrict

(i) the boat master from making or implementing a decision that, in the professional opinion of the boat master, is necessary for the safety of a person, the vessel or its cargo; or

(ii) a member of crew from making or implementing a decision or executing a lawful directive of the boat master that is necessary for the safety of a person, the vessel or its cargo.

(3) A person who contravenes subsection (1) or (2)

(a) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both; and

(b) may be

(i) restrained by the boat master; and

(ii) prohibited from boarding that particular vessel at a future date.

Duties of persons

Duty of a person for personal safety and safety of others

191.(1) A person who embarks, disembarks or is on board a vessel shall take reasonable care for his own safety.

(2) Notwithstanding subsection (1), a boat master shall provide a safe means of entry and exit to and from the vessel.

(3) A person shall

(a) take reasonable care for the safety of persons who

(i) are on board the vessel;

(ii) are in close proximity to the vessel;

(iii) are taking any action in connection with the vessel; or

(iv) may be affected by his acts or omissions;

(b) comply with any reasonable and lawful directions of the boat master or a member of crew of the vessel;

(c) take such actions to prevent the loss, destruction or damage to a vessel; and

(d) not prevent or restrict

(i) a boat master from making or implementing a decision that, in the professional opinion of the boat master, is necessary for the safety of a person, the vessel or its cargo; or

(ii) a member of crew from making or implementing a decision or executing a lawful directive of the boat master that is necessary for the safety of a person, the vessel or its cargo.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

PART IX

GENERAL SAFETY REQUIREMENTS

Improper use of distress signals

192.(1) A person shall only use an international distress signal to indicate that a person or a vessel is in distress.

(2) No person shall

(a) use a signal that may be mistaken or confused with an international distress signal; or

(b) improperly use an international distress signal.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years or to both.

(4) For the purposes of this section, an "international distress signal" has the meaning assigned to it in the COLREGs.

Compliance with the rules of the road

193.(1) All boat masters, operators and crew shall comply with the rules of the road.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to a fine of $10 000 and liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Application of the Code

194.(1) The Code shall apply to all Barbados-registered small commercial vessels and small commercial vessels registered in foreign countries that are party to the Code and are operating in the Caribbean Trading Area.

(2) Notwithstanding subsection (1), the Administration may exempt a Barbados-registered small commercial vessel operating within Barbados waters from any provision of the Code.

(3) All vessels to which the Code applies shall be required to comply with the safety requirements of the Code applicable to such vessels within 2 years from the date of commencement of this Act.

(4) A vessel owner shall ensure that his vessel meets the safety requirements of the Code.

(5) A person who contravenes subsection (4) is liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(6) Where a person operates a vessel contrary to subsection (3) or (4) the vessel shall be liable to be detained.

Operating a vessel in excess of carrying capacity

195.(1) No person shall operate a vessel in excess of the carrying capacity stated in a certificate of registration.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 years and may be liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(3) Where a person operates a vessel contrary to subsection (1) the vessel shall be liable to be detained.

Maritime accidents

196.(1) Accidents and incidents involving small vessels within Barbados waters shall be investigated in accordance with the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) adopted by the International Maritime Organization under Resolution MSC. 255 (84), as amended from time to time.

(2) No person shall conceal or fail to report a maritime accident involving a small vessel within Barbados waters.

(3) A vessel owner or operator shall immediately report any maritime accident involving a small vessel within Barbados waters to an authorised person.

(4) A person who contravenes subsection (2) or (3) is guilty of an offence and is liable to a fine of $10 000 and may have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

General log book

197.(1) Where practicable, all vessel owners and operators of small vessels operating within Barbados waters shall ensure that a general log book is carried on board the vessel.

(2) A general log book shall record the following matters of each voyage:

(a) the name of the vessel owner;

(b) the name of the boat master or operator;

(c) the name of the hirer;

(d) documentation duly signed and dated by the operator and the hirer confirming that the safety briefing was delivered and received;

(e) the date and time the vessel departed from shore;

(f) the date and time the vessel returned to shore;

(g) a detailed account of any accidents or incidents; and

(h) the condition of the vessel on departure and return.

(3) A general log book shall be in the form set out in the *First Schedule*.

(4) A general log book

(a) may be in hard copy or digital format; and

(b) shall be inspected by an authorised person.

(5) A vessel owner or operator shall maintain and produce, upon request by an authorised person, a general log book.

(6) Where, on demand by an authorised person, a person fails to produce a general log book, he shall, within 24 hours, produce the general log book to the Administration.

(7) A person who contravenes subsection (1), (5) or (6) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Marine protection log book

198.(1) Where practicable, all vessel owners and operators of small vessels operating within Barbados waters shall ensure that a marine protection log book is carried on board the vessel.

(2) A marine protection log book shall record the following matters of every voyage:

(a) the name of the vessel owner;

(b) the name of the boat master or operator;

(c) the particulars of the vessel;

(d) documentation duly signed and dated by the operator and hirer confirming that the marine environmental protection briefing was delivered and received;

(e) documentation as to the type of pollutants on board the vessel;

(f) name and address of shore-based waste disposal facility;

(g) the particulars in respect of any accidental, operational or intentional discharges from vessel into the sea, if any; and

(h) any action taken to prevent, control and reduce pollution of the marine environment from the shipping activity concerned.

(3) A marine protection log book shall be in the form set out in the *First Schedule*.

(4) A marine protection log book

(a) may be in hard copy or digital format; and

(b) shall be inspected by an authorised person.

(5) A vessel owner or operator shall maintain and produce, upon request by an authorised person, a marine protection log book.

(6) Where, on demand by an authorised person, a person fails to produce a marine protection log book, he shall, within 24 hours, produce the marine protection log book to the Administration.

(7) A person who contravenes subsection (1), (5) or (6) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Navigational hazards

199.(1) A person who operates a small vessel shall communicate information about any navigational hazard to the Coast Guard and other vessel operators.

(2) Where practicable, a person who witnesses a navigational hazard shall include the following in his communication:

(a) the position of the navigational hazard;

(b) the time the navigational hazard was witnessed;

(c) the nature of the danger;

(d) any photos of the navigational hazard; and

(e) any additional information.

(3) For the purposes of the Act, a navigational hazard includes

(a) damaged or broken lights, fog signals, buoys and navigational aids;

(b) wrecks, reefs, rocks and shoals that may be dangerous;

(c) drifting hazards such as derelict vessels;

(d) unexpected changes or closures of established routes;

(e) adverse weather conditions;

(f) cable or pipe laying activities, naval exercises or underwater operations that may be dangerous;

(g) problems with radio navigation, radio or satellite maritime safety information services; and

(h) areas to avoid where search and rescue and anti-pollution activities are taking place.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000.

Damage to coral reefs

200.(1) A person who damages any coral reef as a result of diving operations, vessel operations or any other marine activity is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(2) Subject to any other enactment, the court may order any of the following:

(a) that the offender participate in restoration efforts to the coral reefs and the surrounding area;

(b) that the offender promote public awareness and education on the importance of protecting coral reefs; and

(c) any other form of community service relating to coral reefs or the marine environment.

Damage, removal or improper use of buoys and navigational aids

201.(1) No person shall damage, deface, remove or improperly use a buoy or other navigational aid placed by the Administration, port authority or any person authorized in writing by the Administration.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 2 years or to both and liable to pay the cost of replacing the buoy or navigational aid.

PART X

GENERAL ENVIRONMENTAL REQUIREMENTS

Application

202. This Part shall apply to

(a) small commercial vessels and pleasure vessels operating within Barbados waters; and

(b) vessel owners, boat masters, operators, members of crew, boat technicians, boat masters, marine facilities or persons engaged in vessel related activities.

Duty to protect and preserve marine environment

203. All persons operating a vessel within Barbados waters shall

(a) protect and preserve the marine environment;

(b) take all necessary precautions to prevent, reduce and control pollution of the marine environment from vessel related activities; and

(c) not discharge any waste in the marine environment or

(i) a marine managed area;

(ii) a marine protected area;

(iii) a marine park;

(iv) a marine reserve; or

(v) any other designated marine area.

Marine environmental protection training

204. The Administration shall ensure the provision of marine environmental protection training to vessel owners and operators.

Environmental protection requirements

205. A vessel owner, boat master, operator, member of crew, boat technician, boat master, marine facility or such other person engaged in vessel related activities shall comply with the following environmental protection requirements:

(a) vessel cleaning;

(b) vessel garbage management;

(c) vessel oil waste management;

(d) vessel sewage management;

(e) vessel refuelling;

(f) vessel chemical waste management;

(g) vessel emissions; and

(h) vessel noise management.

Vessel cleaning

206.(1) A person who cleans a vessel shall

(a) conduct hull cleaning of a vessel in such manner that does not result in the release of high levels of toxic bottom paint into the surrounding environment;

(b) not clean the hulls of a vessel that is coated with bottom paint in water or using harsh scrubbing materials;

(c) not conduct sanding, chipping or stripping of hull paint in an environmentally unsafe manner or to damage or pose a threat to the environment;

(d) properly use and secure retaining nets of the mesh size appropriate to the vessel size and type during vessel cleaning operations in order to collect the marine fouling being removed;

(e) utilize cleaning nets during offshore cleaning whenever possible without posing unnecessary danger to divers;

(f) use suction equipment where there is marine fouling;

(g) carry out any blasting in a watertight environment and employ suitable air and water environmental protection measures;

(h) properly secure all waste produced from vessel cleaning and maintenance operations until it can be disposed of in an environmentally safe manner in accordance with waste disposal laws, standards and best practices;

(i) not clean a vessel in or near bathing areas or designated marine areas;

(j) not release any marine fouling into the marine environment; and

(k) use cleaning methods that are environmentally-friendly and cause minimal environmental impacts.

(2) For the purposes of this section,

"bottom paint" means the antifouling paint applied to the underwater portion of a vessel's hull for the purpose of preventing marine growth or other aquatic organisms from attaching to the hull;

"marine fouling" means the undesirable accumulation of biological matter on the surfaces of submerged objects including vessel hulls.

Garbage management

207.(1) Where practicable, all vessels shall be equipped with garbage disposal facilities on board appropriate to their vessel size and type.

(2) A person shall be required to do the following:

(a) use recyclable containers and reusable bags for garbage disposal;

(b) take all measures to minimize the use of plastics at sea;

(c) not dispose of any form of garbage into the sea;

(d) where practicable and safe to do so, retrieve any garbage that unintentionally goes overboard;

(e) ensure the proper disposal of unwanted garbage;

(f) keep all garbage in a secure location on board; and

(g) remove garbage accumulated on board to bring ashore for environmentally safe disposal.

(3) Notwithstanding subsection (2), a person may dispose of garbage overboard where it is necessary to do so in order to save human life.

(4) All vessels shall have a garbage management plan on board to address the following:

(a) the reduction of garbage before departure;

(b) the garbage collection and storage;

(c) the methods of garbage processing including compacting, grinding or incineration;

(d) the procedures for using garbage processing equipment;

(e) the removal of garbage accumulated onboard the vessel for environmentally safe disposal ashore; and

(f) any other relevant information on garbage management and the implementation of the garbage management plan.

(5) All operators and members of crew shall

(a) be trained and competent

(i) in implementing the garbage management plan; and

(ii) the operation of garbage processing equipment; and

(b) observe and follow the garbage management plan.

(6) For the purposes of this section, a "garbage management plan" means a guideline or written procedure for the purpose of collecting, storing, processing and disposing of garbage generated onboard a vessel.

Oil and oily waste management

208.(1) A person shall take all necessary precautions to prevent, reduce and control oil, oily waste or bilge water discharges into the marine environment.

(2) Notwithstanding subsection (1), a person may discharge oil, oily waste or bilge water overboard where it is necessary to do so in order to save human life.

(3) All persons operating a vessel shall ensure the vessel's engine and machinery are in proper working order in order to minimize the risk of oil, oily waste or bilge water discharge.

(4) All persons operating a vessel shall

(a) not discharge oil, oily waste or bilge into the marine environment;

(b) keep all equipment and machinery in good order and promptly fix all leaks;

(c) monitor and address excessive oil consumption;

(d) have a drip tray or sorbent material on board, in the event of leaks that cannot be fixed while at sea;

(e) have alternative storage options for storing oil, oily waste or bilge water in order that it can be brought ashore for environmentally safe disposal;

(f) not wash any oil, oily waste or bilge water into the marine environment;

(g) clean any oil before washing the deck;

(h) have an oil management plan, such plan to be designed and developed in accordance with relevant authorities; and

(i) take any other necessary measures to prevent oil and oily wastes entering into the marine environment.

(5) All operators and members of crew shall

(a) be trained and competent in implementing the oil management plan; and

(b) observe and follow the oil management plan.

(6) For the purposes of this section, an "oil management plan" means a guideline or written procedure for the purpose of preventing, reducing, controlling or eliminating the risk of oil and oily waste discharge from the vessel into the marine environment.

Sewage management

209.(1) No person shall discharge or dispose of sewage into the marine environment.

(2) Notwithstanding subsection (1), a person may discharge sewage overboard where it is necessary to do so in order to save human life.

(3) All persons operating a vessel shall

(a) prepare and comply with a sewage management plan;

(b) ensure good ventilation and air exchange in holding tanks so as to prevent anaerobic bacterial growth and any release of sulphur dioxide; and

(c) avoid long-term use of environmentally unsafe cleaning chemicals onboard that kill useful aerobic bacteria in holding tanks.

(4) A vessel shall be fitted with a holding tank for the collection of sewage where such vessel is 10 metres or more in length.

(5) Notwithstanding subsection (4), a vessel shall not be fitted with a holding tank where

(a) the vessel owner provides documentation from an approved marine surveyor that the installation of such tank would compromise the safety or function of the vessel;

(b) the vessel does not have toilet facilities on board and is used for a voyage of 2 hours or less;

(c) the vessel has on board toilet facilities and regularly visits its operating location.

(6) All operators and members of crew shall

(a) be trained and competent in implementing the sewage management plan; and

(b) observe and follow the sewage management plan.

(7) For the purposes of this section,

"sewage management plan" means a guideline or written procedure for the purpose of preventing, reducing, controlling or eliminating the risk of sewage discharge from the vessel into the marine environment;

"holding tank" means a plastic, fiberglass or stainless steel container installed in a vessel for collecting and storing waste onboard a vessel until such waste can be safely pumped out for treatment or disposed of ashore in an environmentally safe manner.

Chemical waste management

210.(1) No person shall discharge chemical waste discharge into the marine environment.

(2) A vessel owner, boat master, operator or member of crew shall

(a) dispose of chemical waste ashore in an environmentally safe manner; and

(b) take every measure to prevent an operational or accidental chemical discharge.

(3) Notwithstanding subsection (1), a person may discharge chemicals overboard where it is necessary to do so in order to save human life.

(4) A vessel owner or an operator shall

(a) ensure that all chemical waste is properly labelled;

(b) remove any unnecessary or unwanted chemicals from a vessel;

(c) properly store chemicals in containers that are clearly and permanently labelled;

(d) have chemical clean-up equipment on board;

(e) have protective equipment on board for the safe handling of chemicals;

(f) regularly check the safety of chemical storage containers; and

(g) avoid washing any chemical spill into the marine environment.

(5) All operators and members of crew shall

(a) be trained and competent in implementing the chemical waste management plan; and

(b) observe and follow the chemical waste management plan.

(6) For the purposes of this section, a "chemical waste management plan" means a guideline or written procedure for the purpose of preventing, reducing, controlling or eliminating the risk of chemical waste discharge from the vessel.

Vessel refuelling

211. Where a vessel is being refuelled, a person shall

(a) cease any fuel flows where there is an indication of spillage or overflow;

(b) refuel tanks in a cautious manner;

(c) fill all portable tanks ashore before placing them on the vessel;

(d) place sorbent materials around the filling cap or under equipment during refuelling;

(e) close or block scuppers with sorbent material during refuelling in the event of fuel overflow;

(f) have basic oil clean-up equipment on board including sorbent pads and containment boom; and

(g) take all appropriate measures to ensure that vessel refuelling is conducted in an environmentally safe manner.

Vessel emissions

212.(1) A person shall make every effort to

(a) prevent, reduce and control emissions from his vessel; and

(b) where practicable, use clean or energy efficient fuels in the vessel.

(2) All operators and members of crew shall

(a) be trained and competent in implementing the vessel emissions management plan; and

(b) observe and follow the vessel emissions management plan.

(3) For the purposes of this section, a "vessel emissions management plan" means a guideline or written procedure for the purpose of preventing, reducing or controlling emissions from the vessel.

Vessel noise management

213.(1) A person shall make every effort to prevent, reduce and control noise emanating from a vessel.

(2) All persons operating a vessel shall prepare and comply with a vessel noise management plan.

(3) All operators and members of crew shall

(a) be trained and competent in implementing the vessel noise management plan; and

(b) observe and follow the vessel noise management plan.

(4) For the purposes of this section, a "vessel noise management plan" means a guideline, strategy or written procedure for the purpose of preventing, reducing, controlling or eliminating the noise emissions generated from vessel propellers and machinery, consistent with the *International Maritime Organization Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address the Adverse Impacts on Marine Life*, as amended.

Penalties and enforcement

214.(1) A person who contravenes section 203, 205, 206, 207, 208, 209, 210, 211, 212 or 213 is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 7 years or to both and is liable to have the relevant licence, certificate or permit as the case may be, suspended or revoked.

(2) In determining an appropriate fine, the court may have regard to the following factors:

(a) the size of the vessel;

(b) the negligence of the vessel owner, boat master, operator or member of crew;

(c) the financial circumstances of the vessel owner or operator;

(d) the gravity of damage done to the marine environment;

(e) the corresponding economic impact of such marine environmental damage;

(f) any remedial action undertaken by the vessel owner, boat master, operator or member of crew at the time of environmental breach; and

(g) any other relevant factors as the court may deem necessary.

(3) Subject to any other enactment, the court may, in addition to a fine, order any of the following:

(a) that the offender participate in restoration efforts to the area where marine environmental damage occurred;

(b) that the offender engage in cleaning a beach or designated marine area for a period of time;

(c) that the offender promote public awareness and education on the importance of protecting the marine environment; and

(d) any other form of community service in and around the marine environment.

PART XI

MARINE SALVAGE AND WRECKS

Definitions

215. For the purpose of this Part,

"derelict" means any good or item that has sunk to the sea floor with no prospect of salvage;

"flotsam" means any property on board a vessel which was unintentionally thrown overboard as a result of a maritime accident involving a vessel or wreckage;

"jetsam" means any property on board a vessel in distress that was intentionally thrown overboard in order to lighten the vessel or save the vessel from sinking;

"lagan" means any property on board a vessel that is

(a) capable of sinking;

(b) intentionally discarded to lighten the vessel; and

(c) found at the depths of the sea floor with a prospect of salvage;

"marine salvage" means the process of

(a) rescuing, repairing or refloating a vessel; or

(b) rescuing passengers, crew, cargo and other property in connection with a vessel that encounters difficulty at sea from unforeseen imminent danger;

"marine salvage operation" means any act or activity undertaken by a person, whether solely or jointly, to assist a vessel, a passenger, a member of crew or any other property in danger in navigable waters or in any other waters whatsoever;

"salvage" includes all expenses properly incurred by a salvor in the performance of salvage services;

"salvor" means a person who is engaged in the salvage of a vessel; and

"wreck" includes

(a) flotsam, jetsam, lagan and derelict found in or on the shores of the sea or of any tidal water;

(b) the whole or any portion of a vessel that is lost, abandoned, stranded, or in distress;

(c) any part of the cargo, stores or equipment of a vessel mentioned in paragraph (*b*); and

(d) any part of the personal property on board a vessel mentioned in paragraph (*b*) when it was lost, stranded, abandoned or in distress.

General superintendence of wreck

216. The Minister has the general superintendence of all matters relating to wreck, and may, by notice in the *Official Gazette*, appoint any person to be a receiver of wreck in any specified area and to perform duties of a receiver under this Part.

Fees and expenses of the receiver

217.(1) A receiver shall be

(a) repaid the expenses properly incurred by him in the performance of his duties; and

(b) paid such fees as the Minister may prescribe by regulations.

(2) A receiver has, in addition to all other rights and remedies for the recovery of his expenses and fees, the same rights and remedies in respect thereof that a salvor has in respect of salvage due to him and may, if the property in respect of which any such expenses and fees are due is not under arrest in any court, seize or detain the property until his expenses and fees are paid, or until security is given to his satisfaction.

Duties of receiver

218.(1) When any vessel is wrecked, stranded or in distress at any place on or near the coast of Barbados, the receiver shall, upon being made acquainted with such stranding or distress

(a) forthwith proceed to that place;

(b) upon arrival at that place take the command of all persons present; and

(c) assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the shipwrecked persons, belonging to the vessel and the cargo and apparel of the vessel.

(2) Notwithstanding subsection (1), a receiver shall not interfere with the master and crew of the vessel in respect of the management of the vessel unless he is requested by the master to do so.

(3) A person who wilfully disobeys the directions of the receiver is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Powers of receiver

219.(1) A receiver may, with a view to the preservation of a shipwrecked person, vessel, cargo or wreck

(a) require such number of persons as he thinks necessary to assist him;

(b) require the master or other person having the charge of any vessel to give such aid with his crew or vessel as is in his power; and

(c) require the use of any machinery, vehicle or equipment that is obtainable.

(2) A receiver may

(a) cause to be arrested and kept in custody, any person who plunders, creates disorder, or obstructs the preservation of a vessel wrecked, stranded or in distress on or near the coast of Barbados;

(b) use reasonable force for the suppression of plundering, disorder or obstruction; and

(c) require all persons in the vicinity to assist him.

Passage over adjoining lands

220.(1) When a vessel is stranded, wrecked or in distress, any person may, for the purpose of rendering assistance to the vessel, saving the lives of shipwrecked persons, the cargo or apparel of the vessel

(a) pass and repass, with or without vehicles and equipment, over any adjoining lands without being subject to interruption by the owner or occupier, unless there is some public road equally convenient; and

(b) deposit on those lands any cargo or other things recovered from the vessel,

but that person may not do any more damage to the adjoining lands than is reasonably necessary for the purpose of rendering that assistance.

(2) Any damage sustained by the owner or occupier in consequence of the exercise of the rights conferred by subsection (1) is a charge on the vessel, cargo or articles in respect of, or by which, the damage is occasioned; and the amount payable in respect of the damage shall, in case of dispute, be determined, and in default of payment, recoverable in the same manner as the amount of salvage is determined or recoverable under this Part.

(3) The owner or occupier of any property who hinders or obstructs any person exercising the rights conferred by subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Immunity of receiver

221. When, during any time a receiver or a person acting under his orders is engaged in the execution of the duties imposed on the receiver by this Part some other person resists the receiver, or a person is killed, maimed or hurt by reason of that resistance, no action, suit or prosecution against the receiver or person acting under his orders is maintainable by or on behalf of the person killed, maimed or hurt, unless the receiver or person acting under his orders used more force than was reasonably necessary in the circumstances.

Obstruction of receiver

222. Every person who

(a) without reasonable cause fails to comply with any lawful requirement or order of a receiver; or

(b) wilfully impedes or obstructs a receiver or any person acting under his orders in the execution of his duty,

is guilty of an offence and is liable on summary conviction to a fine of $7 000 or to imprisonment for 6 months or to both.

Taking possession of wreck

223.(1) A person who takes possession of any wreck in Barbados shall as soon as possible deliver the wreck to the receiver.

(2) Subsection (1) applies to any wreck found derelict at sea outside Barbados and brought into Barbados.

(3) A person who, having taken possession of wreck, fails without reasonable cause to comply with subsection (1), is guilty of an offence and is liable on summary conviction to a fine not exceeding double the value of the wreck, and is also liable to forfeit any claim or right to salvage with respect to the wreck.

Concealment of wreck

224.(1) Where a receiver suspects or receives information that

(a) any wreck is secreted or in the possession of some person who is not its owner; or

(b) any wreck is being otherwise improperly dealt with,

the receiver may apply to a Magistrate for a search warrant.

(2) The Magistrate may grant the search warrant upon an application under subsection (1).

(3) The receiver may by virtue of the warrant enter any house or other place wherever situated, and also any vessel, and search for, seize and detain any wreck there found.

(4) If any seizure of wreck is made in consequence of information given by any person to the receiver, the informer is entitled by way of salvage to such sum as the receiver may allow under instructions from the Minister.

Notice of wreck

225.(1) Where a receiver takes possession of any wreck and does not know who owns it, he shall within 48 hours

(a) cause to be posted in the customs house nearest to the place where the wreck was found or was seized by, or delivered to him, a description of the wreck and of any marks by which it can be distinguished; and

(b) transmit a similar description to the Minister.

(2) The Minister may give such publicity to the description of the wreck as he thinks fit.

Owner's right to wreck

226.(1) Where any wreck is in the possession of a receiver and its owner establishes his claim to the wreck to the satisfaction of the receiver within 6 months from the time the wreck came into possession of the receiver, the owner is, upon paying the customs duty, if any, and the salvage fees and expenses due, entitled to have the wreck or the proceeds of sale of the wreck delivered up to him or his agent.

(2) When any wreck in the possession of the receiver is shown to the satisfaction of the Minister to belong to an owner in a foreign country, the Minister may, in the absence of the owner or his agent, deem the consular officer of that foreign country in Barbados to be the owner in respect of the custody and disposal of the wreck.

Power to sell wreck

227.(1) A receiver may immediately sell a wreck in his possession where

(a) it is in his opinion to the advantage of all parties to sell the wreck; or

(b) the wreck consists of goods of a dangerous or perishable nature.

(2) The proceeds of a sale, pursuant to subsection (l), after levying customs duty, if any, and defraying the expenses of the sale, shall be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

Unclaimed wreck

228. Where any wreck is in the possession of a receiver and no owner establishes a claim to it within 6 months after it came into the receiver's possession, the receiver may sell the wreck and pay the proceeds of sale to the State

(a) after deducting the expenses of the sale, any customs duty payable, and any other expenses incurred by him from the proceeds; and

(b) after paying to the salvors out of the proceeds such amount of salvage as the Minister may determine.

Discharge of receiver

229. Upon delivering any wreck to the owner, or paying him the proceeds of sale pursuant to this Part, a receiver is discharged from all liability, but the delivery does not affect any question that may be raised by third parties concerning the wreck.

Removal of wreck in port

230.(1) Where a vessel is sunk, stranded or abandoned in any place under the control of the port authority or in or near any approach thereto, in such manner as in the opinion of the port authority to be, or to be likely to become, an obstruction or danger to navigation, the authority, may

(a) take possession of the vessel and raise, remove or destroy the whole or any part thereof;

(b) light or buoy the vessel or part thereof until it is raised, removed or destroyed; and

(c) in such manner as the authority thinks fit, sell the vessel or part thereof when so raised or removed, and also any other property recovered in the exercise of its powers under this section.

(2) Out of the proceeds of any sale pursuant to subsection (l), the port authority may reimburse itself for the expenses incurred by it in relation to the vessel described in that subsection.

(3) The surplus proceeds, if any, from the sale of the vessel described in subsection (1) shall be held on deposit to pay to the persons who establish a right to the proceeds or any part thereof.

(4) The deposit referred to in subsection (3), is forfeited to the port authority if the person entitled to proceeds or any part thereof fails to claim within one year after the sale of the vessel.

(5) When the expenses connected with the raising, removal or destruction of a vessel described in subsection (1) exceeds the value of any property recovered, the excess amount becomes a debt due to the port authority from the person who was the owner of the vessel at the time it was sunk, stranded or abandoned.

Removal officer

231.(1) Where a vessel is run aground or stranded, or is found in a dangerous or hazardous condition, in a port under the control of the port authority, or in or near the approaches thereto, and it appears expedient to the port authority to take charge of the operation of refloating or removing the vessel, it may, subject to subsection (4), appoint an officer to direct the operation.

(2) The officer so directed is authorised to do all things that in his opinion are necessary to refloat or remove the vessel.

(3) The master and all persons present and belonging to the vessel shall obey the direction of the authorised person and render him such assistance as he may require.

(4) An officer to be appointed under subsection (1) may only be appointed with the approval of the Minister.

Removal of wreck

232. Where a vessel is sunk, stranded or abandoned on the coast or on or near any rock, shoal or bank in Barbados or any adjacent seas, and, in the opinion of the Minister, it is, or is likely to become, an obstruction or a danger to navigation, the Minister has the same powers in relation to the vessel as are by this Part conferred upon the port authority.

Salvage

Performance of salvage operations

233.(1) A salvor shall owe a duty to the owner of the vessel or other property connected to the vessel in danger

(a) to carry out the salvage operations with due care;

(b) in performing the duty specified in paragraph (*a*), to exercise due care to prevent or minimize damage to the environment;

(c) whenever circumstances reasonably require, to seek assistance from other salvors; and

(d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.

(2) The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:

(a) to cooperate fully with him during the course of the salvage operations;

(b) to exercise due care to prevent or minimize damage to the environment; and

(c) when the vessel or other property has been brought to a place of safety, to accept delivery when reasonably requested by the salvor to do so.

Marine salvage claim

234.(1) A marine salvage claim may only be made where

(a) there is a recognized subject of salvage;

(b) the property is in imminent danger;

(c) the salvage services are voluntary or the services are part of a contractual salvage arrangement between a salvage company and a salvor; and

(d) the salvage services are partially or wholly successful.

(2) The subjects of marine salvage include

(a) the vessel;

(b) persons connected with the vessel including the master, crew and passengers;

(c) maritime property including cargo, flotsam, jetsam and lagan;

(d) aircraft;

(e) hovercraft; and

(f) marine environment.

(3) Subject to this section, an owner may make a claim for flotsam, jetsam and lagan in the case of a maritime accident involving a vessel.

(4) Where lagan is suspended or maintained on the sea surface by being tied to a buoy or other floating debris evidencing an intention by the owner to retrieve the property at a later time, only the owner may make a marine salvage claim to the property.

(5) Where lagan is suspended or maintained on the sea surface, a person other than the owner, may make a marine salvage claim to the property.

(6) An owner may make a claim to lagan within one year of a maritime accident involving a vessel.

(7) Where an owner fails to make a claim to lagan within one year of a maritime accident involving a vessel, the person who discovered the lagan may make a claim to it.

(8) Where the owner of jetsam does not make a claim the person who discovered the jetsam may

(a) make a claim to it; and

(b) collect proceeds from the sale of the salvaged objects.

Reasonable salvage entitlement

235.(1) Where

(a) services are rendered wholly or in part within Barbados waters in saving life from any aircraft or vessel, or elsewhere in saving life from any vessel; or

(b) within Barbadian waters, any aircraft or vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting the vessel or saving the wreck,

the owner of the aircraft, vessel, cargo or apparel saved shall reward the salvor for his efforts and pay to the salvor a reasonable amount of salvage, including expenses properly incurred to be determined in case of dispute, in the manner provided by this Part.

(2) When salvage is payable by the owner of a vessel or aircraft in respect of the preservation of life, the salvage is payable in priority to all other claims for salvage.

(3) A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.

Criteria for salvage reward

236.(1) A reward for salvage may be made with a view to encouraging salvage operations, taking into account the criteria stated in the *International Convention on Salvage, 1989, as amended*

(a) the salved value of the vessel and other property;

(b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;

(c) the measure of success obtained by the salvor;

(d) the nature and degree of the danger;

(e) the skill and efforts of the salvors in salving the vessel, other property and life;

(f) the time involved and expenses and losses incurred by the salvors;

(g) the risk of liability and other risks run by the salvors or their equipment;

(h) the promptness of the services rendered;

(i) the availability and use of vessels or other equipment intended for salvage operations; and

(j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

(2) The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salved value of the vessel and other property.

Salvage disputes

237. Disputes as to salvage, whether of life or property, shall be heard and determined by and before a receiver, or the High Court, as provided for respectively by this Part and not otherwise.

Amount of salvage

238. A receiver shall determine the amount of salvage where

(a) the parties to the dispute consent;

(b) the value of the property salved does not exceed $20 000; and

(c) the amount claimed does not exceed $6 000.

Costs

239. Where in any proceedings for salvage in the High Court the claimant recovers an amount less than the maximum amount that might be claimed before a receiver, then, unless the High Court certifies that the proceedings were unfit to be determined by a receiver

(a) the claimant is not entitled to any costs, charges or expenses incurred by him in the prosecution of his claim, and

(b) the claimant shall pay to the other parties such costs, charges and expenses, if any as the High Court directs.

Valuation of property for salvage

240. Where any dispute as to salvage arises, a receiver, or the High Court, shall, on the application of either party, appoint a valuer to value property for salvage, and copies of the valuation shall be given to both parties.

Detention of salvaged property

241.(1) A receiver may seize property that is alleged to be liable for salvage, in this Part referred to as “detained property”, and detain it until

(a) the salvage fees and costs due thereon are ascertained and paid;

(b) the process is issued for the arrest or detention of the property by a court; or

(c) security is given to his satisfaction for the salvage, fees and costs.

(2) A receiver may release any detained property

(a) if security is given to his satisfaction; or

(b) if the claim for salvage exceeds $10 000 and any question is raised as to the sufficiency of the security, security is given to the satisfaction of a court.

(3) Any security given for salvage in pursuance of this section may be enforced by the High Court in the same manner as if bail had been given in the High Court.

Detained property

242.(1) A receiver may sell any detained property if

(a) the persons liable to pay the salvage in respect of which the property is detained are aware of the detention; and

(b) the amount

(i) is not disputed and payment of the amount due is not made within 20 days after the due date;

(ii) is disputed, but no appeal lies from the High Court and payment is not made within 20 days after the decision of the High Court; or

(iii) is disputed and an appeal lies from the decision of the High Court and within 2 months of the decision of that Court, neither payment of the sum due is made nor appellate proceedings are commenced.

(2) The proceeds of sale of detained property

(a) shall, after the payment of the expenses of the sale, be applied by the receiver in payment of expenses, fees and salvage, and

(b) so far as they are not required for that purpose, shall be paid to the owners of the property or any other persons entitled to receive the proceeds.

Voluntary salvage agreement

243.(1) Where services are rendered for which salvage is claimed voluntary and the salvor voluntarily agrees to abandon his lien upon the vessel, the cargo and property alleged to be salved, then, upon the master or owner complying with the requirements of subsection (2), the agreement, to the extent of the security given, is binding on

(a) the vessel, the cargo and property;

(b) the respective owners of the vessel, the cargo and property; and

(c) the owners for the time being thereof,

for any salvage that is adjudged to be payable.

(2) Before an agreement under subsection (1) is valid, the master or owner, whether as principal or agent, shall

(a) enter into a written agreement attested by two witnesses to comply by the decision of any court, of competent jurisdiction in Barbados or another country; and

(b) give security in that behalf to an amount agreed upon by the parties to the agreement.

(3) Where security has been given for the performance of any agreement made under this section, the person with whom the security is lodged shall deal with it as the court adjudicating upon the agreement directs.

(4) Where any agreement that is similar to an agreement made under this section is made under the laws of another country and that agreement provides that the parties thereto will comply by the decision of a court of competent jurisdiction in Barbados, the High Court may adjudicate upon, and enforce, that agreement.

(5) The High Court may enforce, and is bound to assist any court of competent jurisdiction in any other country in enforcing, any agreement made under this section or any similar agreement made under the laws of that other country.

Marine salvage contracts

244.(1) The parties may enter into a contract where services are to be rendered for marine salvage operations.

(2) A master shall have the authority to conclude contracts for salvage operations on behalf of the vessel owner.

(3) A master or vessel owner shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.

(4) Marine salvage contracts shall state

(a) the name and address of the salvage contractor;

(b) the property to be salved;

(c) the agreed place of safety for the salvaged property;

(d) the agreed rate of remuneration for the salvaged property;

(e) whether remuneration would be awarded for partial or whole success of the salvage operation;

(f) whether remuneration would be awarded for minimizing or preventing environmental damage;

(g) the place where the salvage contract is made and signed;

(h) the name and signature of the person signing for and on behalf of the contractors;

(i) the name and signature of the master or other person signing for or on behalf of the owner of the property; and

(j) any other relevant particulars.

State salvage

245. Where salvage services are rendered by or on behalf of the Government of Barbados, the Government shall be entitled to make a salvage claim in respect of those services and is entitled to the same rights and remedies as a salvor.

Limitation of time

246. An action in respect of salvage services may not be brought after the end of 2 years from the date when the salvage services were rendered.

PART XII

ABANDONED, DERELICT AND STRAY VESSELS

Abandoned and derelict vessels

247.(1) No person shall abandon, store or leave in a derelict condition a vessel on land, coast or at sea.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $20 000.

Reporting abandoned, derelict or stray vessels

248.(1) A person may report an abandoned, derelict or stray vessel to the Administration.

(2) The Administration shall investigate a report made under subsection (1).

Abandoned vessels

249.(1) A vessel is abandoned where

(a) the vessel owner is unknown or cannot be determined;

(b) the person last registered or documented as the vessel owner disclaims ownership and the current vessel owner cannot be determined;

(c) the vessel owner has surrendered ownership rights; or

(d) the vessel remains unclaimed for 90 days after a notice of vessel abandonment has been posted

(i) on the vessel referred to in the notice; and

(ii) to the last known address of the vessel owner in the Register of Domestic Vessels.

(2) An abandoned vessel is a public nuisance and shall be treated as solid waste.

Notice of vessel abandonment

250.(1) Where, upon the conclusion of an investigation of a report of an abandoned vessel, the Administration is satisfied that a vessel is abandoned, it shall

(a) post a notice of vessel abandonment on the vessel; and

(b) send a notice of vessel abandonment by certified mail, with a return receipt, to the registered vessel owner at the registered owner's last known address as shown on the vessel registration records or any other relevant documentation in relation to the vessel.

(2) A notice of vessel abandonment shall contain the following:

(a) the vessel owner's name and last known address;

(b) a full description of the vessel;

(c) the location of the vessel;

(d) the intended disposal of the vessel if the vessel is not removed within 90 days after the mailing of the notice; and

(e) that the failure to claim the vessel constitutes a waiver of all rights, title and interest in the vessel.

Removal and disposal of abandoned vessel

251.(1) Where a vessel remains unclaimed for 90 days after a notice of vessel abandonment has been posted

(a) the Director, in consultation with the Chief Environmental Health Officer, shall ensure the immediate removal of an abandoned vessel; and

(b) the Director may direct the disposal of the vessel by

(i) public auction;

(ii) vessel breaking; or

(iii) any other means.

(2) Where a vessel is to be disposed of by public auction, the Director shall publish a notice of the public auction in the *Official Gazette* and a newspaper with daily circulation in Barbados.

Derelict vessel

252.(1) A vessel is derelict where it is in a dilapidated condition, sunk or is in immediate danger of sinking.

(2) A derelict vessel is a public nuisance and shall be treated as solid waste.

Notice of derelict vessel

253.(1) Where, upon the conclusion of an investigation of a report of a derelict vessel, the Administration is satisfied that a vessel is derelict, it shall

(a) where practicable, post a notice of derelict vessel on the vessel; and

(b) send a notice of derelict vessel by certified mail, with a return receipt, to the registered vessel owner's last known address as shown on the

vessel registration records or any other relevant documentation in relation to the said vessel.

(2) A notice of derelict vessel shall contain the following:

(a) the vessel owner's name and last known address;

(b) a full description of the vessel;

(c) the location of the vessel;

(d) the intended disposal of the vessel if not removed within 90 days after the mailing of the notice;

(e) that the failure to claim the vessel constitutes a waiver of all rights, title and interest in the vessel; and

(f) that any costs for removal or recovery of the derelict vessel will be borne by the vessel owner.

Removal and disposal of derelict vessel

254.(1) Upon the expiration of 90 days from the date of posting the notice of derelict vessel

(a) the Director, in consultation with the Chief Environmental Health Officer, shall ensure the immediate removal of the derelict vessel; and

(b) the Director may direct the disposal of the vessel.

(2) An owner of a derelict vessel shall be liable for the costs of the removal and disposition of the vessel.

Vessel neglect and unsafe vessel conditions

255.(1) A vessel owner shall not

(a) allow or leave a vessel on public or private property without the authorization of the property owner;

(b) allow or leave a vessel in a private marina or boat yard without authorization from the owner of such property;

(c) allow or leave a vessel at sea which constitutes a navigational or safety hazard;

(d) allow, permit or cause a vessel to

(i) obstruct a waterway;

(ii) endanger life or property; or

(iii) create an environmental hazard or nuisance.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000 and the vessel is liable to be removed and disposed by the Administration.

(3) A vessel owner shall be responsible for the costs associated with the removal and disposal of the vessel.

Vessel breaking

256.(1) Vessel breaking shall involve the following:

(a) leading the vessel to shore if it is in water;

(b) assessing the contents of the vessel for contaminants prior to vessel breaking;

(c) locating and isolating all fuel and oil tanks;

(d) checking whether any fuel tanks have any petroleum products or liquid waste;

(e) pumping any remaining petroleum products into barrels for safe disposal;

(f) removing items or objects from the vessel;

(g) safely removing waste from the vessel;

(h) sorting and loading materials into bags for transport to a waste handling facility for disposal;

(i) recycling the engine where it is in good condition; and

(j) demolishing the vessel.

(2) A person who engages in vessel breaking shall take all necessary measures to

(a) ensure that the vessel is safely and environmentally disposed;

(b) prevent injury and loss of human life;

(c) prevent pollution of the environment;

(d) protect the environment; and

(e) comply with any occupational, health and safety requirements.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $20 000.

(4) For the purposes of this section, "vessel breaking" means the disposal of a vessel by demolition or dismantling.

Destruction of vessels, water sports crafts, water sports devices and marine equipment

257.(1) Where the Administration determines that a vessel, water sports craft, water sports device or marine equipment is to be destroyed, the Administration shall request, in writing, the destruction of such vessel, water sports craft, water sports device or marine equipment by the Barbados Coast Guard or such marine facility.

(2) The disposal referred to in subsection (1) shall be performed in an environmentally safe manner in accordance with waste disposal laws, standards and best practices.

Stray vessel

258.(1) A stray vessel is a vessel that

(a) is without a boat master or operator in command of the vessel at sea;

(b) constitutes a hazard to navigation; and

(c) is likely to

(i) sink, awash, aground, adrift; or

(ii) damage piers, wharves, other vessels or the marine environment.

(2) The Administration shall notify the Harbour Master where it receives a report of a stray vessel.

(3) A stray vessel is a public nuisance and shall be delivered into the custody of the Harbour Master until claimed by the vessel owner.

Removal or disposal of stray vessel

259.(1) The Harbour Master shall investigate a report of a stray vessel.

(2) The Harbour Master may

(a) facilitate the temporary of a stray vessel;

(b) order the vessel owner or operator of a stray vessel to properly moor or remove the vessel; or

(c) remove or dispose of a stray vessel.

(3) The Administration shall assist the Harbour Master, where necessary, in relation to a stray vessel.

(4) Where the Harbour Master has facilitated the temporary mooring of a stray vessel,

(a) he shall notify the vessel owner, operator and the Registrar; and

(b) the vessel owner or operator shall reclaim and remove such vessel from the Harbour Master within 21 days from the date of the notification.

(5) The Harbour Master may extend the period for the removal of the temporarily moored vessel.

(6) No liability shall lie personally against the Harbour Master, officers, agents or employees of the Harbour Master Office.

(7) A vessel owner or operator of a stray vessel shall be, jointly or severally, liable for the costs of the removal and disposal of the vessel.

(8) A person who fails to reclaim or remove a temporarily moored vessel within the specified period is liable to an administrative fine of $10 000 and the Harbour Master may remove or dispose of the vessel.

PART XIII

MARINE FACILITIES

Definitions

260. For the purpose of this Part,

"annual marine facility survey" means the annual survey of a marine facility that is to be conducted by a surveyor after an initial marine facility survey and before a renewal marine facility survey;

"initial marine facility survey" means the initial survey of a marine facility that is to be conducted by a surveyor before it is put into operation;

"marine facility certificate" means the certificate issued by a surveyor to a person who establishes, operates or manages a marine facility;

"marine facility operator" means the owner of a marine facility or the person who is responsible for the supervision, management or operations of a marine facility;

"marine facility survey"

(a) means a survey or inspection of a marine facility by a surveyor to ensure that the marine facility and its equipment, fittings, systems and arrangements meet the safety and environmental performance standards that are required under this Act and its statutory instruments; and

(b) includes an annual marine facility survey, an initial marine facility survey or a renewal marine facility survey;

"renewal marine facility survey" means the survey of a marine facility that is to be conducted by a surveyor every 5 years in order for the marine facility to continue in operation;

"waste management plan"

(a) means a plan that provides

(i) how waste will be minimized, reused or recycled;

(ii) where residual waste will be disposed;

(iii) the measures to be used to ensure that discharges from a facility comply with the relevant statutory and regulatory requirements; and

(b) includes the management of wastewater runoff and rain water.

Marine facility survey

261.(1) No person shall put into operation or continue in operation a marine facility without a marine facility survey.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000.

Marine facility survey report

262.(1) A surveyor shall, within 14 days of a marine facility survey,

(a) prepare and issue a marine facility survey report to the marine facility operator; and

(b) submit a copy of the marine facility survey report to the Administration.

(2) A marine facility survey report shall be in the form and manner prescribed and include the following particulars:

(a) the safety systems for persons who use the marine facility or are in close proximity to the marine facility;

(b) the environmental systems for the protection of the environment;

(c) the on-site waste management facilities; and

(d) any other particulars as may be required by the Director.

Fraudulent marine facility survey report

263.(1) No surveyor shall prepare or issue a marine facility survey report

(a) that contains false or inaccurate information;

(b) without conducting a marine facility survey; or

(c) that falsely states a marine facility is fit for the intended purpose or complies with the provisions of the Act or its statutory instruments.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or imprisonment for 7 years or to both.

(3) Where a person contravenes subsection (1), the Administration may remove his name from the Register of Approved Marine Surveyors.

Operating without a marine facility certificate

264.(1) Subject to the Act, no person shall operate or cause to be operated a marine facility without a marine facility certificate.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000.

Marine facility certificate

265.(1) Subject to the Act, a surveyor shall issue a marine facility certificate in the prescribed form where he has

(a) conducted a marine facility survey and is satisfied that the marine facility has met the safety and environmental performance standards that are required under this Act and its statutory instruments; and

(b) received payment for his services from the marine facility operator.

(2) A marine facility certificate shall be valid for a period of 5 years from the date of issue unless

(a) the marine facility fails a marine facility survey; or

(b) suspended or revoked.

(3) A surveyor shall send a copy of a marine facility certificate to the Administration.

(4) The Administration shall keep a copy of all marine facility certificates together with supporting documents.

Suspension or revocation

266. Subject to the Act, the Administration may suspend or revoke, as the case may be, a marine facility certificate where it is satisfied that the certificate holder has contravened the provisions of the Act or its statutory instruments.

Fraudulent marine facility certificate

267.(1) No surveyor shall prepare or issue a marine facility certificate

(a) that contains false or inaccurate information;

(b) without conducting a marine facility survey; or

(c) that falsely states a marine facility is fit for the intended purpose or complies with the provisions of the Act or its statutory instruments.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or imprisonment for 7 years or to both.

(3) Where a person contravenes subsection (1), the Administration may remove his name from the Register of Approved Marine Surveyors.

Display and production

268.(1) A marine facility shall display a marine facility certificate at all times during the operation of the marine facility.

(2) Upon request by an authorised person, a marine facility operator shall produce a marine facility certificate.

(3) Where, on demand by an authorised person, a person fails to produce a marine facility certificate, he shall, within 24 hours, produce the marine facility certificate to the Administration.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Replacement certificate

269. A person may, upon payment of the prescribed fee, obtain a replacement marine facility certificate where the certificate is lost, defaced or destroyed.

Unfit marine facility

270.(1) Where, following a marine facility survey, a surveyor determines that a marine facility is not fit for the intended purpose, he

(a) shall not issue a marine facility certificate; and

(b) shall within 14 days prepare a marine facility survey report notifying the marine facility operator of his findings and recommendations including the corrective action required and period within which such corrective action is to be taken to ensure the marine facility is in compliance with the provisions of the Act or its statutory instruments.

(2) A surveyor shall send a copy of the report referred to in subsection 1(*b*) to the Administration.

(3) Where a marine facility is found to be unfit for the intended purpose, a marine facility operator shall have the marine facility surveyed after rectification of the deficiencies stated in the marine facility survey report.

(4) Where, following the issuance of a marine facility certificate, a marine facility is found to be unfit for the intended purpose the Administration may direct

(a) the temporary suspension of the operations of a marine facility for a period not exceeding 6 weeks;

(b) the rectification of any deficiencies stated in the marine facility survey report; or

(c) the marine facility be re-surveyed before it continues in operation.

(5) No person shall operate an unfit marine facility except for the purpose of rectifying a deficiency or repairing the marine facility.

(6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of $50 000 and may have his marine facility certificate suspended or revoked.

Requirement for endorsement of marine facility certificate

271.(1) An endorsement of a marine facility certificate shall be required after an annual marine facility survey.

(2) No person shall operate a marine facility without an endorsement of a marine facility certificate following an annual marine facility survey.

(3) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of $20 000.

Application

272.(1) A person may apply to the Administration for an endorsement of a marine facility certificate.

(2) An application shall be in the form and manner prescribed.

(3) An application shall be accompanied by

(a) the prescribed fee;

(b) the marine facility certificate issued in relation to the marine facility; and

(c) the marine facility survey report.

Endorsement

273. Where a person has satisfied the requirements of the Act and has paid the prescribed fees, the Administration shall endorse a marine facility certificate.

Development and management of marine facilities

274. A marine facility shall be developed and managed in an environmentally sustainable manner.

Establishment or extension of a marine facility

275.(1) No marine facility shall be established or extended without an environmental impact assessment, an environmental impact statement or any other relevant approvals or documentation.

(2) A marine facility operator shall comply with the *Planning and Development Act, 2019* (Act 2019-5) and any relevant statutory enactment.

(3) The environmental impact statement shall be submitted to the Coastal Zone Management Unit for review.

(4) Notwithstanding subsection (1), a marine facility may be subjected to such further inspection as may be determined necessary by the Coastal Zone Management Unit.

Environmental management plan

276.(1) A marine facility operator shall prepare and submit to the Administration an environmental management plan, in relation to a marine facility, by the 31st of March every 5 years for marine activities relating to vessels 12 metres in length and above.

(2) An environmental management plan shall contain the following:

(a) an accurate description of how the type of activity to be undertaken at the facility may impact the natural environment in which it occurs;

(b) the measures on prevention, minimization and management of the marine facility in an environmentally safe manner;

(c) a description of the type of activity to be undertaken at the facility;

(d) the materials to be used at the marine facility and the storage of such materials;

(e) a map of the site identifying the following areas:

(i) the work areas;

(ii) the chemical and waste storage areas;

(iii) the wastewater collection and treatment system areas; and

(iv) the areas for any emergency equipment including fire extinguishers and equipment to clean up chemical spills;

(f) a list of any chemicals stored on the premises;

(g) a copy of a material safety data sheet for any chemicals stored on the premises;

(h) the emergency response procedures in respect of each type of potential environmental or pollution hazard that may result from vessel building, repair, maintenance or vessel recycling activities;

(i) the environmental and personnel protection procedures in the event of fire, oil spills, chemical spills and any other pollution incidents;

(j) the area and procedures for vessel building, vessel haul-out, vessel repair, vessel maintenance and vessel recycling;

(k) the types of activities to be conducted at the marine facility including the following:

(i) the removal method of anti-fouling paint;

(ii) manual and mechanical scraping, scrubbing and cleaning of the vessel;

(iii) pressure water-blasting;

(iv) the removal and environmentally safe disposal of biological foulants;

(v) spray painting;

(vi) abrasive blast cleaning;

(vii) manual painting;

(viii) fibre-glassing activities;

(ix) welding and metal fabrication;

(x) engine maintenance and repair;

(l) an oil and oily waste management plan;

(m) an air quality management plan;

(n) a noise pollution management plan;

(o) procedures for the management of contaminated area where vessel building, repair, maintenance and recycling activities are conducted; and

(p) a waste management plan.

(3) A marine facility operator shall review and update the environmental management plan as necessary or where any activity engaged in by the marine facility has changed.

(4) Where applicable, an environmental management plan shall be accompanied by the following:

(a) copies of other Government issued permits and approvals relating to the construction and operation of a vessel repair and maintenance facility;

(b) any other document which the Administration may specify.

(5) Where practicable, the removal of anti-fouling paint shall comply with the requirements of

(a) the International Convention on the Control of Harmful Antifouling Systems on Ships (AFS), 2001, as amended; and

(b) any further specifications on control of harmful antifouling systems on vessels contained in any other enactment.

(6) For the purposes of this section, a “material safety data sheet” means the document prepared by the manufacturer or supplier of the material that contains information on the use, storage, handling, potential hazards including health, fire,

reactivity and environmental and emergency procedures related to the hazards of the material.

Review and approval of environmental management plan

277.(1) The Administration shall review an environmental management plan.

(2) Where the Administration is satisfied that an environmental management plan provides for the proper environmental management of the marine facility, the Administration shall

(a) approve the environmental management plan; and

(b) give written notice of its approval of the plan to the marine facility operator.

(3) A marine facility operator shall

(a) implement an approved environmental management plan; and

(b) ensure the marine facility complies with the environmental management plan; and

(c) manage a marine facility in accordance with its environmental management plan.

(4) Where the Administration is not satisfied that an environmental management plan provides for the proper environmental management of a marine facility, the Administration shall

(a) not approve the plan;

(b) make recommendations to address any deficiencies in the plan; and

(c) give written notification to the marine facility operator in relation to paragraph (*a*) and (*b*).

(5) A marine facility operator may resubmit a plan to the Administration for review where he has rectified and addressed any deficiencies stated in the environmental management plan.

(6) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of $50 000 and may have his marine facility certificate suspended or revoked.

Operating without approved environmental management plan

278.(1) No person shall operate a marine facility where

(a) he has not submitted an environmental management plan; or

(b) the Administration has not approved an environmental management plan.

(2) A person who contravenes subsection (1) is liable to an administrative penalty of $20 000.

Environmental performance audit

279. The Administration shall conduct an annual environmental performance audit of a marine facility.

PART XIV

ENFORCEMENT

The Marine Safety Regulator

The Marine Safety Regulator

280. The Minister shall appoint a Marine Safety Regulator.

Functions of the Marine Safety Regulator

281.(1) The Marine Safety Regulator shall

(a) advise the Minister in the development of national standards, guidelines and codes of practice relating to maritime affairs;

(b) assist maritime law enforcement officers and marine safety officers in the execution of their duties;

(c) issue marine safety officer identification cards;

(d) ensure that vessel owners and operators comply with the Act and its statutory instrument;

(e) collect, analyse, and disseminate information relating to marine safety to relevant authorities and stakeholders;

(f) advise national maritime entities and the public on maritime safety;

(g) consult with relevant authorities and stakeholders on matters related to maritime affairs;

(h) develop or commission educational programs relating to maritime safety in consultation with local public and private maritime training institutions;

(i) issue tickets to a person for breaches of this Act and statutory instruments made thereunder;

(j) ensure compliance with this Act and its statutory instruments; and

(k) perform any acts in order to carry out any function under this Act and it statutory instruments.

(2) The Marine Safety Regulator shall be assisted by marine safety officers or such other person as approved by the Administration.

Marine safety officers and maritime law enforcement officers

Marine safety officers

282.(1) A marine safety officer shall be a public officer who shall have the functions set out in subsection (2).

(2) A marine safety officer shall be responsible for

(a) surveilling near shore maritime activities within Barbados waters;

(b) inspecting appliances and equipment of a vessel for maritime safety purposes;

(c) requiring a person in charge of a vessel to produce the relevant identification, permit, licence, certificate, endorsement or and any document required by this Act or statutory instruments made thereunder;

(d) enforcing maritime safety in relation to vessels to which the Act and its statutory instruments apply;

(e) taking any action to dissuade disorderly conduct of operators of domestic vessels;

(f) assisting the Marine Safety Regulator and maritime law enforcement officers with investigating, supervising and monitoring of maritime activities;

(g) assisting in the general regulation of maritime activities;

(h) communicating any breaches of the Act and its statutory instruments to the Marine Safety Regulator and maritime law enforcement officers;

(i) ensuring persons comply with the Act and its statutory instruments;

(j) performing any other function as may be delegated by the Marine Safety Regulator or Administration.

(3) A marine safety officer shall comply with any direction of the National Safety Regulator in the performance of his functions.

(4) A marine safety officer shall carry his marine safety officer identification card at all times in the performance of his functions under this Act and its statutory instruments.

Limitation on authority of a marine safety officer

283. A marine safety officer shall not, in the performance of his functions, exercise any authority beyond the scope of this Act and statutory instruments made thereunder.

Powers of maritime law enforcement officers

284.(1) In the performance of his functions, a maritime law enforcement officer shall have the power to

(a) board a vessel;

(b) inspect a vessel;

(c) detain any vessel;

(d) inspect appliances and equipment of a vessel for maritime safety purposes;

(e) require a person in charge of a vessel to produce the relevant identification, permit, licence, certificate, endorsement or any document required by this Act or its statutory instruments;

(f) ask any pertinent questions and make any enquiries of an owner, operator or a person in charge of a vessel;

(g) demand any reasonable assistance of an owner, operator or a person in charge of a vessel;

(h) direct the movement of any vessel;

(i) prohibit the operation of any vessel;

(j) search and conduct tests of persons operating or on board a vessel for a controlled drug;

(k) inspect a vessel for a controlled drug;

(l) ensure the carriage of a passenger manifest and log books on board a vessel;

(m) ensure the maintenance of accurate records in log books;

(n) ensure vessels and marine facilities comply with maritime safety requirements and marine environmental protection requirements; and

(o) ensure all persons comply with this Act and statutory instruments made thereunder.

(2) A maritime law enforcement officer shall record all breaches of this Act or its statutory instruments in a marine traffic ticketing log book.

(3) Where an owner or operator does not have a log book on board a vessel, either in hard copy or digital format, a maritime law enforcement officer shall escort him to such place where the log book is stored and he shall produce the log book to the maritime law enforcement officer.

(4) Where, on demand by an authorised person, a person fails to produce any document, he shall, within 24 hours, produce the requested documentation to the Administration.

(5) A person who contravenes subsection (4) is guilty of an offence and is liable on summary conviction to a fine of $2 000.

Tickets

Maritime safety breach tickets

285.(1) A maritime safety breach ticket shall be issued for operational breaches, maritime safety breaches and maritime traffic rule breaches.

(2) For the purposes of this Act and its statutory instruments, a maritime safety breach includes:

(a) operating a vessel contrary to the rules of the road;

(b) operating an unregistered vessel or water sports device, as the case may be;

(c) operating a vessel, water sports craft or water sports device without the appropriate licence, permit, certificate, endorsement or relevant document as the case may be;

(d) operating a vessel without insurance or other form of financial security;

(e) operating without payment of the prescribed fees;

(f) operating a vessel without the relevant log book on board;

(g) operating a vessel without an emergency procedure booklet on board relating to that vessel;

(h) operating a vessel without a passenger manifest where

(i) such vessel is a passenger vessel; and

(ii) passengers are on board at the time of operation;

(i) conducting a night water taxi service without navigational lights;

(j) operating a vessel, water sports craft or water sports device

(i) in any prohibited area designated by the Minister;

(ii) in an entry or exit route of a seaport or any other area prohibited by the port authority or the Administration; or

(iii) outside the demarcated routes of areas for water sports activities;

(k) operating a vessel, water sports craft or water sports device without due regard for the safety of persons on board that vessel or other users of the marine environment;

(l) operating a vessel with inadequate or no marine safety or life saving equipment on board that vessel, appropriate to the vessel type;

(m) placing or maintaining any obstruction to navigation in Barbados waters;

(n) damaging, defacing, removing or improperly using a buoy or other navigational aid;

(o) exceeding a speed limit of 5 knots in a no-wake zone;

(p) exceeding the passenger or cargo carrying capacity of a vessel;

(q) operating a vessel without the required unique identifiers for that vessel;

(r) operating a vessel, water sports craft or water sports device while intoxicated;

(s) operating a vessel, water sports craft or water sports device in an unsafe manner;

(t) operating a Barbados-registered small commercial vessel without a GPS or an equivalent tracking device;

(u) commencing skiing or other water sports activities from, or near to, the shore, except in the case of activities involving a person of 11 years of age or below;

(v) operating a water sports craft or conducting water sports activities during or after the expiration of the allotted 30 minutes after sunset for the removal of the water sports craft;

(w) allowing a water sports craft to remain in the water after the expiration of the allotted 30 minutes after sunset;

(x) towing a water sports craft

(i) without an observer on board; or

(ii) in an unsafe manner;

(y) operating a vessel, water sports craft or water sports device

(i) outside the demarcated routes of entry and exit of areas for water sports activities; or

(ii) contrary to this Act, its statutory instruments or any enactment related to the management, protection and preservation of designated marine areas;

(z) disorderly conduct of an operator towards

(i) an operator;

(ii) a patron;

(iii) sea bather; or

(iv) any other sea user;

(aa) bathing, swimming, paddle-boarding or engaging in any similar activity

(i) in an entry or exit route for water sports craft; or

(ii) in any other prohibited area for such activities;

(bb) failing to produce the appropriate identification, licence, permit, certificate, endorsement or relevant document, as the case may be;

(cc) operating a vessel, water sports craft or water sports device in violation of any other maritime safety requirements of this Act and statutory instruments made thereunder.

(3) A prohibited area shall

(a) have clear signage and demarcations; and

(b) be published in the *Official Gazette*.

Marine environmental breach ticket

286.(1) A marine environmental breach ticket shall be issued where a person causes harm or damage to the marine environment or fails to protect the marine environment in contravention of the Act and its regulations.

(2) For the purposes of this Act and its statutory instruments, a marine environmental breach includes

(a) anchoring a vessel in an area designated as

(i) a marine managed area;

(ii) a marine protected area;

(iii) a marine park;

(iv) a marine reserve; or

(v) any other designated marine area;

(b) anchoring a vessel on a coral reef;

(c) committing any prohibited act in a designated marine area contrary to this Act, statutory instruments made thereunder or any enactment related to the management, protection and preservation of designated marine areas;

(d) littering or discharging waste into the marine environment;

(f) feeding turtles and other marine life with unhealthy and non-nutritious food;

(g) engaging in environmentally harmful practices which may cause damage to the marine environment;

(h) operating a vessel or engaging in any act in a manner that causes harm or damage to the marine environment; and

(i) committing an act contrary to this Act, its statutory instruments or any enactment related to the management, protection and preservation of the marine environment.

(3) For the purpose of subsection (2), healthy and nutritious food means any naturally sourced food known to be consumed in the wild or cultivated food with similar nutritional quality.

(4) A person who violates a prohibition referred to in subsection (2) which causes environmental damage commits an offence and is liable on summary conviction to a fine of $100 000.

(5) Notwithstanding subsection (4), a person who causes environmental damage in the course of saving life or property at sea shall be exempted from the penalty therein.

(6) Notwithstanding anything contained in the Act, any discharge of pollution shall be governed under the *Marine Pollution Control Act*, Cap. 392A.

Management of ticket system

287. The Administration shall be responsible for the management of the ticket system.

Issuance of written warnings or tickets

288. A written warning or ticket may be issued by

(a) the Marine Safety Regulator;

(b) a marine safety officer;

(c) maritime law enforcement officer; or

(d) the Administration.

Contents of tickets

289. A ticket shall contain

(a) the name and address of the offender;

(b) the name and address of the vessel owner or operator of the vessel, water sports craft or water sports device;

(c) the particulars of the vessel including the vessel name and vessel registration number;

(d) the particulars of the water sports craft or water sports device;

(e) the type of breach;

(f) the particulars in relation to the breach;

(g) the name and signature of the issuing officer; and

(h) the date the ticket was issued.

Ticket fees

290. The fees set out in the second column of the *Second Schedule* are payable in respect of the matters set out opposite thereto in the first column.

Validation of tickets

291. A ticket shall not be invalidated by reason of omission of any contents or particulars relating to the ticket.

Payment of ticket

292.(1) A person who has been issued a ticket shall pay the ticket fee within 60 days of issue to the Administration.

(2) A person who fails to pay the ticket fees within 60 days may be liable to have the relevant licence, permit or certificate, as the case may be, suspended or revoked.

Appeal

293.(1) A person who is aggrieved by any decision taken against him in the enforcement of the Act or statutory instruments made thereunder may appeal to a Judge in Chambers.

(2) Where an appeal under this section has been heard, the decision appealed may be confirmed, altered or reversed.

PART XV

MISCELLANEOUS

Notifications

294.(1) A vessel owner or operator shall notify the Administration where

(a) he intends to take the domestic vessel outside of Barbados waters;

(b) he intends to sell or transfer ownership of the domestic vessel; or

(c) there is loss of the domestic vessel.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of 10 000 and is liable to have the relevant licence, permit or certificate, as the case may be, suspended or revoked.

Marine event permit

295.(1) No person shall conduct a marine event in Barbados waters without a marine event permit.

(2) A person may apply in writing to the Administration for a permit.

(3) An application shall be

(a) in the form and manner prescribed;

(b) accompanied by the relevant fees and supporting documentation; and

(c) made no less than 30 days prior to the water sports event.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of 20 000.

Issuance

296.(1) Where an applicant has satisfied the requirements and paid the prescribed fee, the Administration shall issue a marine event permit.

(2) A marine event permit may set out terms, conditions and restrictions as are considered necessary for the safety of other sea users.

(3) Where the Administration has issued a marine event permit, it may direct a person engaged in organizing the water sports event to give such public notice as may be specified by the Administration.

Non-payment of fees

297.(1) A person who operates a domestic vessel and owes annual fees shall pay all outstanding fees to the Administration within 12 months of the commencement of this Act.

(2) A person who fails to comply with subsection (1) shall be charged a fee of $10 for each day he fails to pay all outstanding fees.

(3) Notwithstanding subsection (1) or (2), a person who is unable to settle outstanding fees may write to the Director stating reasons for non-payment of fees and make a request to enter into a settlement arrangement.

Small Vessel Industry Support Fund

298.(1) There shall be established a Small Vessel Industry Support Fund to serve as a repository for

(a) any monies voted by Parliament for the Fund;

(b) fees;

(c) voluntary subscriptions;

(d) donations; or

(e) any other source.

(2) The Small Vessel Industry Support Fund shall be managed and administered by the Administration.

(3) The Administration shall keep proper accounts and records of the Fund's activities.

(4) The Fund shall be used to support the small vessel industry in the following areas:

(a) training and education;

(b) equipment acquisitions and maintenance;

(c) facilities;

(d) marine environmental protection initiatives; and

(e) human, technical and other support resources.

Management and administration of Fund

299.(1) The Administration shall keep proper accounts and records of the Fund.

(2) The accounts of the Fund shall be annually audited by an auditor appointed by the Administration with the approval of the Minister.

Sustainable economic development initiatives

300.(1) A person or group representing the small vessel industry may formulate and submit a written proposal to the Administration for its consideration of a sustainable economic development strategy or initiative.

(2) The proposed strategy or initiative shall be

(a) economically viable;

(b) environmentally sustainable; and

(c) beneficial to maritime safety, security or otherwise beneficial to the advancement of the small vessel industry.

(3) The Director shall review a proposed strategy or initiative.

(4) Where the Director determines that a strategy or initiative meets the requirements of subsection (2), he shall, after consultation with the Minister and

any relevant stakeholder, approve the implementation of the proposed strategy or initiative.

(5) Where the proposed strategy or initiative requires the imposition of regulatory measures to ensure the implementation and proper management of the strategy or initiative, the Director shall ensure the adoption of the appropriate regulatory measures.

(6) Where it is determined that the proposed strategy or initiative may have a significant positive impact and is beneficial to the small vessel industry, the Minister may provide incentives to the person or group for their innovation and implementation of the strategy or initiative.

(7) A proposed strategy or initiative may be eligible for incentives.

Small vessel and water sports community investment schemes

301.(1) The Administration may develop and manage schemes directed at investment in development of Barbados' small vessel and water sports community.

(2) The Administration may facilitate entry into a small vessel and water sports community investment scheme.

(3) The Administration shall ensure stakeholder consultation prior to the conclusion of an investment scheme.

(4) A proposed investment scheme shall be in writing and contain the following particulars:

(a) the parties to the scheme;

(b) the duration of the scheme;

(c) the scope of activities to be undertaken under the scheme;

(d) the rights and responsibilities of parties to the scheme;

(e) the insurance or other form equivalent financial security for the venture;

(f) the nature of the investment;

(g) the benefit-sharing arrangements;

(h) dispute settlement arrangements; and

(i) any other relevant particulars as determined by parties to the scheme.

(5) A party to an investment scheme shall comply with all relevant enactments and international shipping standards.

(6) A small vessel and water sports community investment scheme shall not be concluded where it would be disadvantageous to Barbados' small vessel sector or the water sports community or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados.

(7) A small vessel and water sports community investment scheme shall be

(a) subject to the approval of the Cabinet of Barbados; and

(b) legally binding on all parties to the scheme where the terms, conditions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme.

Suspension of an investment scheme

302.(1) Subject to subsection (2), where after entering into an investment scheme its disadvantages become apparent, the scheme may be temporarily suspended to allow for rectification of the matters causing the identified disadvantages.

(2) The scheme may be temporarily suspended where

(a) a request for temporary suspension of the scheme is made, in writing, by an affected person or group of persons to the Minister;

(b) the request is accompanied by reasons and supporting evidence; and

(c) the Minister obtains Cabinet's approval to temporarily suspend the investment scheme.

(3) Where the identified disadvantages cannot be wholly remedied, the Minister shall ensure that an equitable compromise is agreed to in writing by the parties and the investment scheme is modified accordingly.

Climate Change, Disaster Mitigation and Adaptation Plan

303.(1) There shall be established a Climate Change, Disaster Mitigation and Adaptation Plan for small vessels.

(2) The Minister may establish a committee to design, manage, implement and monitor the Plan.

(3) The committee referred to in subsection (2), may perform any relevant function in consultation with the relevant stakeholders.

(4) The Plan shall support the principles of ecologically sustainable development taking into account the natural, human, social, physical and financial livelihood assets of the domestic vessels industry.

(5) The Plan shall set out the following:

(a) the specific impacts of the small vessel industry and climate change and disasters on the livelihood of the small vessel stakeholders and the marine environment and the mitigation of, and adaptation to, the impacts;

(b) industry-specific measures aimed at conservation of biological diversity and preservation of ecological integrity in the face of climate change and natural disasters;

(c) the relevant stakeholders;

(d) a profile relating to the knowledge, attitudes, skills and ability of the small vessels industry in order to effectively

(i) define and determine human capacity development needs in the industry in order to enhance rebuilding initiatives and post-disaster actions;

(ii) evaluate the means whereby human capacity building as a disaster resilience can be achieved; and

(iii) identify and mobilize human resources in community level climate change, disaster preparation and disaster response planning;

(e) the formal and informal training initiatives in relation to climate change disaster preparation, response and management;

(f) the mechanisms for improving the resilience of physical infrastructure and facilities utilized by small vessels;

(g) the financial and economic growth strategies including climate related or energy efficiency financial incentives;

(h) the climate change and disaster management governance framework for small vessels; and

(i) any other component essential to building resilience of the small vessels industry against climate change and natural disasters.

(6) The Plan shall be reviewed and updated every 5 years.

(7) For the purposes of this section,

"financial livelihood assets" include the income generated by small vessel industry players, opportunities for economic diversification created for the small vessel industry, national revenue generated from small vessel industry activities, and the ability of the industry to overall maximize on financial gains and continually improve their livelihoods;

"human livelihood assets" include the knowledge, skills, competence of small vessel industry players and their ability to contribute to the continuity of the industry as a result of their knowledge, skills and competence;

"livelihood assets" includes livelihood assets refer to the assets falling within the domain of natural, human, social, physical and financial, which enable persons to sustain a livelihood within the small vessel industry

"natural livelihood assets" include the sea and the marine living resources therein upon which the small vessel industry relies to support their livelihood;

"physical livelihood assets" include vessels, gear, equipment, facilities, other physical infrastructure and technology necessary to support small vessel activities;

"social livelihood assets" include the formal and informal support groups, relationships, partnerships and networks built within the small vessel industry, and the benefits derived from these groups, relationships, partnerships and networks.

Arrival and departure requirements

304. All operators of small commercial vessels and pleasure vessels, arriving into or departing from Barbados, shall submit any relevant documentation through an approved electronic vessel clearance system.

Regulations

305.(1) The Minster shall have the power to make regulations for

(a) maritime matters related to domestic vessels including

(i) maritime safety;

(ii) maritime security;

(iii) maritime labour protection;

(b) marine environmental protection related to domestic vessels;

(c) the registration of vessels;

(d) the insurance of domestic vessels;

(e) the ownership of domestic vessels;

(f) the exemption of vessels;

(g) the engine power capacity of domestic vessels;

(h) the types of vessels, water sports crafts and water sports devices;

(i) dive operations;

(j) research activities;

(k) designating or revoking areas for

(i) vessel launching and hauling-out;

(ii) the operation of water sports activities;

(iii) routes for entry and exit of water sports activities;

(iv) diving;

(v) swimming; and

(vi) dismantling and breaking of abandoned and derelict vessels;

(l) ensuring that marine safety officers

(i) are trained in vessel safety management; and

(ii) execute their duties in a manner that takes into account the peculiarities of domestic vessel activities, operations and the local domestic vessel industry;

(m) decarbonization in shipping;

(n) designating areas as no-wake zones;

(o) the commercial manufacture of small vessels;

(p) small commercial vessels;

(q) pleasure vessels;

(r) marine facilities;

(s) moorings;

(t) qualification, training and certification requirements of a person operating under the Act or its statutory instruments;

(u) the manning of vessels;

(v) jet skis including jet ski quantity controls;

(w) prescribing forms;

(x) operating a vessel under the Code;

(y) prescribing food operators may feed turtles and other marine life for tourism purposes; and

(z) any other matters related to domestic vessels.

(2) Any regulations made under this section shall be subject to negative resolution.

Amendment of Schedules

306. The Minister may, by order, amend the *First* and *Second Schedules* to this Act.

Savings and transitional provisions

307.(1) With effect from the commencement of this Act, a person who immediately before the commencement of this Act was engaged in the operation of a vessel to which the Act applies shall, subject to subsection (2), continue to operate such vessel after the commencement of this Act.

(2) A person who operated a vessel before the commencement of the Act shall be allowed a period of 18 months to comply with this Act.

Repeal

308. The *Vessels (Registration Fee) Act*, Cap. 297A is hereby repealed.

Consequential amendments

309. The enactments set out in Column 1 of the *Third Schedule* are amended in the manner specified in Column 2 of the *Third Schedule*.

Commencement

310. This Act shall come into operation on 1st May, 2024.

FIRST SCHEDULE

(Sections 197(3), 198(3) and 306)

Shipping (Domestic Vessels) Act
(Act 2024-)

GENERAL LOG BOOK

Vessel Name:_____ **Distinctive Number or Letters:**_____

Name of Vessel Owner, Boat master or Operator	Name of Hirer	Date and Time of Vessel Departure	Date and Time of Vessel Return	Vessel Condition on Departure	Vessel Condition on Return

Safety briefing was delivered: ☐ Yes ☐ No

Customer(s) signature as to receipt of safety briefing:

_____ _____ _____
Customer's Name *Customer's Signature* *(Date)*

First Schedule - (Cont'd)

Particulars as to acccidents or incidents:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____

Owner or Operator's signature) *(Date)*

First Schedule - (Cont'd)

Shipping (Domestic Vessels) Act
(Act 2024-)

MARINE PROTECTION LOG BOOK

Vessel Name:_____ **Distinctive Number or Letters:**_____

Name of Vessel Owner, Boat master or Operator	Name of Hirer	Date and Time of Vessel Departure	Date and Time of Vessel Return	Vessel Condition on Departure	Vessel Condition on Return

Particulars of the vessel:

_____

_____

_____

_____

_____

Particulars as to pollutants on board vessel:

_____

_____

_____

_____

_____

First Schedule - (Cont'd)

Particulars as to actions taken to prevent, reduce and control marine pollution by vessel:

Name and Address of shore-based waste disposal facility (where vessel-source waste was delivered to at end of voyage):

Particulars in relation to any accidental operational or intentional discharge:

First Schedule - (Concl'd)

Safety briefing was delivered: ☐ Yes ☐ No

Customer(s) signature as to receipt of marine environmental protection briefing:

Customer's Name	*Customer's Signature*	*(Date)*

Operator's Name	*Operator's Signature*	*(Date)*

SECOND SCHEDULE

(Sections 290 and 306)

FEES FOR BREACH TICKETS

Type of Tickets		$
1.	Maritime Safety Breach Tickets	
(a)	operating a vessel contrary to the rules of the road;	1 000.00
(b)	operating an unregistered vessel or water sports device, as the case may be;	1 000.00
(c)	operating a vessel, water sports craft or water sports device without the appropriate licence, permit, certificate, endorsement or relevant document as the case may be;	1 000.00
(d)	operating a vessel without insurance or other form of financial security;	1 000.00
(e)	operating without payment of the prescribed fees;	1 000.00
(f)	operating a vessel without the relevant log book on board;	1 000.00
(g)	operating a vessel without an emergency procedure booklet on board relating to that vessel;	1 000.00
(h)	operating a vessel without a passenger manifest where such vessel is a passenger vessel; and passengers are on board at the time of operation;	300.00
(i)	conducting a night water taxi service without navigational lights;	300.00

Second Schedule - (Cont'd)

FEES FOR BREACH TICKETS - (Cont'd)

	Type of Tickets	$
(j)	operating a vessel, water sports craft or water sports device in any prohibited area designated by the Minister; in an entry or exit route of a seaport or any other area prohibited by the port authority or the Administration; or outside the demarcated routes of areas for water sports activities;	300.00
(k)	operating a vessel, water sports craft or water sports device without due regard for the safety of persons on board that vessel or other users of the marine environment;;	1 000.00
(l)	operating a vessel with inadequate or no marine safety or life saving equipment on board that vessel, appropriate to the vessel type;	500.00
(m)	placing or maintaining any obstruction to navigation in Barbados waters;	1 000.00
(n)	damaging, defacing, removing or improperly using a buoy or other navigational aid;	1 000.00
(o)	exceeding a speed limit of 5 knots in a no-wake zone;	1 000.00
(p)	exceeding the passenger or cargo carrying capacity of a vessel;	1 000.00
(q)	operating a vessel without the required unique identifiers for that vessel;	500.00
(r)	operating a vessel, water sports craft or water sports device while intoxicated;	1 000.00

Second Schedule - (Cont'd)

FEES FOR BREACH TICKETS - (Cont'd)

	Type of Tickets	$
(s)	operating a vessel, water sports craft or water sports device in an unsafe manner;	300.00
(t)	operating a Barbados-registered small commercial vessel without a GPS or an equivalent tracking device;	1 000.00
(u)	commencing skiing or other water sports activities from, or near to, the shore, except in the case of activities involving a person of 11 years of age or below;	1 000.00
(v)	operating a water sports craft or conducting water sports activities during or after the expiration of the allotted 30 minutes after sunset for the removal of the water sports craft;	500.00
(w)	allowing a water sports craft to remain in the water after the expiration of the allotted 30 minutes after sunset;	300.00
(x)	towing a water sports craft without an observer on board; or in an unsafe manner;	300.00
(y)	operating a vessel, water sports craft or water sports device outside the demarcated routes of entry and exit of areas for water sports activities; or contrary to this Act, its statutory instruments or any enactment related to the management, protection and preservation of designated marine areas;	300.00
(z)	disorderly conduct of an operator towards an operator; a patron; sea bather; or any other sea user;	1 000.00

Second Schedule - (Cont'd)

FEES FOR BREACH TICKETS - (Cont'd)

	Type of Tickets	$
(aa)	bathing, swimming, paddle-boarding or engaging in any similar activity in an entry or exit route for water sports craft; or in any other prohibited area for such activities;	1 000.00
(bb)	failing to produce the appropriate identification, licence, permit, certificate, endorsement or relevant document, as the case may be;	500.00
(cc)	operating a vessel, water sports craft or water sports device in violation of any other maritime safety requirements of this Act and statutory instruments made thereunder.	500.00

Second Schedule - (Concl'd)

FEES FOR BREACH TICKETS - (Concl'd)

	Type of Tickets	S
2.	Marine Environmental Breach Tickets	
(a)	anchoring a vessel in an area designated as a marine managed area, a marine protected area, a marine park, a marine reserve or any other designated marine area;	1 000.00
(b)	anchoring a vessel on a coral reef;	1 000.00
(c)	committing any prohibited act in a designated marine area contrary to this Act, statutory instruments made thereunder or any enactment related to the management, protection and preservation of designated marine areas;	1 000.00
(d)	littering or discharging waste into the marine environment;	1 000.00
(e)	feeding turtles and other marine life with unhealthy, non-nutritious foods;	1 000.00
(f)	engaging in environmentally harmful practices which may cause damage to the marine environment;	1 000.00
(g)	operating a vessel or engaging in any act in a manner that causes harm or damage to the marine environment; and	1 000.00
(h)	committing an act contrary to this Act, its statutory instruments or any enactment related to the management, protection and preservation of the marine environment.	1 000.00

THIRD SCHEDULE

(Section 309)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
Enactments	*Amendments*
1. *Defence Act,* Cap. 159	In the *Third Schedule*, *(a)* delete 10 and substitute the following: "10. *Shipping Act*, Cap. 296"; and *(b)* insert after 16, the following: "18. *Shipping (Domestic Vessels) Act*, *2024* (Act 2024-)."."
2. *Profession, Trade and Business Registration Act*, Cap. 373	Part II of the *Second Schedule* is amended by deleting the following words: "Operator of boats - a person, including a company, providing excursions, tours, water-skiing, parasailing and other such services"; and "Water Sports Instructor - a person engaged in teaching scuba diving, parasailing, water-skiing and other such water sports"."

Third Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
Enactments	*Amendments*
2. *Shipping Act,* Cap. 296	1. In section 2(1), *(a)* insert the following definition in the appropriate alphabetical order: " "domestic vessel" has the meaning assigned to it under section 2 of *Shipping (Domestic Vessels) Act*, *2024* (Act 2024-);"; and *(b)* delete paragraph *(ss).* 2. In section 3(1), delete paragraph (*e*). 3. Delete section 4 and substitute the following: "**Application** 4(1) This Act shall not apply to a domestic vessel. (2) Unless expressly provided in the Act, this Act does not apply to *(a)* ships belonging to the Government of Barbados; and *(b)* ships employed in the defence of Barbados.".

Third Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - (Concl'd)

Column 1	Column 2
Enactments	*Amendments*
2. *Shipping Act,* Cap. 296 - (Concl'd)	4. In section 15, delete subsection (1). 5. In section 30, delete subsection (2). 6. In section 197, delete subsection (4). 7. Delete section 300B. 8. Delete section 300C.
3. *Shipping (Incentives) Act,* Cap. 90A	In section 6(1), delete paragraphs *(a)* and *(b)* and substitute the following: "*(a)* a valid licence granted under regulations 79 and 81 of the *Barbados Harbours Regulations, 1961* (L. N. 11/1961); *(b)* a valid permit under regulation 32 of the *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164); or *(c)* a valid Barbados Small Commercial Vessel Licence.".

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

STORM WATER MANAGEMENT ACT, 2024

OBJECTS AND REASONS

This Bill would provide for

(a) the management of storm water;

(b) the execution of works necessary to prevent flooding and control flooding and inundations caused by excessive rains and by high tides;

(c) the mitigation of injury to persons from the movement of storm water;

(d) the prevention and the mitigation of the effects of the movement of storm water on the health of persons;

(e) the reduction of property damage caused by flooding; and

(f) related matters.

STORM WATER MANAGEMENT ACT, 2024

Arrangement of Sections

1. Short title

2. Interpretation

3. Act binds the State

4. Administration of Act

5. Declaration of flood area

6. Coastal zone management

7. Flood works to be executed in accordance with plans

8. Power to execute flood works

9. Power to enter and execute flood works

10. Power to execute urgent flood works

11. Removal of buildings, trees, growing crops, etc.

12. Power to inspect

13. Requirement for storm drainage

14. Duty of land owner

15. Duty to submit plan

16. Duty to adhere to Building Code

17. Execution of works for protection of persons and lands from floods and inundations

18. Owner or occupier of land to pay for flood works

19. Building and crops prohibited in flood area without permission

20. Prohibition on disposal of storm water

21. Disposal of garbage, debris, etc.

22. Erection of fences, walls, etc.

23. Disposal of construction materials

24. Restriction on placement of infrastructure

25. Restriction on obstructing draining infrastructure

26. Power to remove obstruction in emergency

27. Power of the State to take lands

28. Compensation

29. Matters disregarded in computing compensation

30. Arbitration

31. Notices

32. Offences

33. Recovery of costs

34. Repeal

35. Commencement

BARBADOS

A Bill entitled

An Act to provide for the management of storm water, the execution of works necessary to prevent flooding and inundations caused be excessive rains and by high tides, mitigation injury to persons from the movement of storm water, the prevention and the mitigation of the effects of the movement of storm water on the health of persons, the reduction of property damage caused by flooding and for related matters

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Storm Water Management Act, 2024*.

Interpretation

2. In this Act,

"Chief Technical Officer" means the Chief Technical Officer in the Ministry of Transport and Works;

"Director of Planning and Development" has the meaning assigned to it by the *Planning and Development Act, 2019* (Act 2019-5);

"drainage reserve" means the regulated area adjacent to and including a drainage way;

"emergency works" includes flood works required to mitigate identified potential dangers, loss of life or damage to property, prior, during or after a rainfall event or past event that can result in a major floor hazard;

"flood area" means any area declared by the Minister to be a flood area under section 5;

"flood plain" means any land area susceptible to being inundated by flood waters from any source;

"flood works" includes

(a) the entire or partial construction, alteration, repair, improvement, cleaning, raising, lowering or grading of any bank, channel or watercourse or any land adjacent to such bank, channel or watercourse;

(b) the digging or clearing of wells and drains;

(c) the removal of any plant, trees, growing crops, building, structure or any other thing that prevents the free drainage of water

which is necessary for the protection of persons and lands from floods and inundations, prevention of damage to property and mitigation of flood risk to existing and future developments;

"flood zone" means the flood risk for a particular area;

"highways" has the meaning assigned to it by the *Highways Act*, Cap. 289;

"land" includes messauges, buildings, erections, tenements and hereditaments of any tenure, and rights and easements in, over, under or in respect of the same;

"Minister" means the Minister responsible for storm water management;

"owner" means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account, or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

"premises" includes lands and streets;

"storm water" means surface water or runoff generated rainfall;

"storm water infrastructure" means infrastructure associated with drainage of storm water;

"watershed" means an area of land that drains all the streams and rainfall to a common outlet such as the outflow of a reservoir, mouth of a bay, or any point along a stream channel.

Act binds the State

3. This Act binds the State.

Administration of Act

4. The Chief Technical Officer shall be responsible for the administration of this Act.

Declaration of flood area

5.(1) The Minister may, after consultation with the Chief Technical Officer, by order declare an area to be a flood area.

(2) The Minister shall, before he makes an order under subsection (1), lay before both Houses of Parliament, a map delineating the boundaries of the proposed flood area.

Coastal zone management

6. The Chief Technical Officer shall in exercise of his functions, have regard to the following:

(a) the coastal zone management plan referred to under the *Coastal Zone Management Act*, Cap. 394;

(b) the physical development plan referred to under the *Planning Development Act, 2019* (Act 2019-5);

(c) the *Marine Pollution Control Act*, Cap. 392A.

Flood works to be executed in accordance with plans

7.(1) The Chief Technical Officer may, from time to time, prepare or cause to be prepared plans for the approval of the Minister for the execution of flood works in any flood area.

(2) A land developer shall submit to the Chief Technical Officer and the Director of Planning and Development a plan or map detailing the outline of the watershed for consideration by the Chief Technical Officer and the Director of Planning and Development detailing the estimated amount of water runoff for the proposed land development.

(3) The plan or map referred to in subsection (2), shall be submitted through the office of the Director of Planning and Development, who shall forward the same to the Chief Technical Officer for consideration.

(4) The flood plans prepared under subsection (1) shall show the limits of the flood area, the line level and type of flood works which are in the opinion of the Chief Technical Officer, necessary for protecting persons and premises from floods and inundations.

(5) Where flood works or watershed plans have been approved, written notice thereof shall be given to any person whose land, premises, plants, trees or growing crops may be affected by such flood works.

(6) A copy of flood works or watershed plans shall be submitted to the office

(a) the Registrar of Titles; and

(b) the Director of Planning and Development.

(7) A person may apply to the Registrar of Titles to inspect the flood works or watershed plan free of charge.

(8) Where a land developer fails to submit a plan referred to in subsection (2), the development shall not be considered for approval.

Power to execute flood works

8. The Chief Technical Officer may execute, carry out and complete all or any of the flood works in such flood areas as are specified in the plan prepared under section 7.

Power to enter and execute flood works

9.(1) The Chief Technical Officer or anyone authorised by him

(a) may enter upon any premises for the purpose of doing any work necessary for

(i) the preparation of plans,

(ii) the estimation and preparation of flood works to be executed; or

(iii) an evaluation of compensation to be paid;

(b) may enter upon a private premises represented in a plan approved under section 7 and execute any flood works; or

(c) may, in the execution of flood works, carry the flood works through, along, across or under premises, sidewalk or cellar.

(2) For the purposes of entering upon premises pursuant to subsection (1) the Chief Technical Officer or any person authorised by him shall give notice in writing to the owner or occupier of the premises no less than 48 hours before entry.

(3) The Chief Technical Officer shall before executing planned flood works, give the owner or occupier of the land intended to be affected by the flood works, notice in writing no less than 14 days before the commencement of the proposed works.

Power to execute urgent flood works

10. Notwithstanding sections 5, 7, 8 and 9, where flooding occurs or there is immediate danger of flooding either

(a) in a location that is not included in an area declared to be a flood area; or

(b) in an area declared to be a flood area but in respect of which plans have not been prepared or approved in accordance with section 7,

the Chief Technical Officer may enter without prior notice, upon a private premises in such location or area and execute such flood disaster preparation or emergency response works as are necessary to prevent flooding or facilitate the drainage of flood waters.

Removal of buildings, trees, growing crops, etc.

11.(1) Whenever the flood works or any part of such works to be executed in a flood area consist of the removal of a building, structure or any plants, trees or growing crops, or any other matter or thing, the Chief Technical Officer may

by notice require the owner to remove the same within such time as the Chief Technical Officer thinks fit.

(2) When in the execution of any flood works a person is required to remove any building, structure, plants, trees, growing crops or any other thing as provided in subsection (1), the owner of the buildings, plants, trees, growing crops or other things shall be entitled to such reasonable allowance towards the expense of removing the same.

Power to inspect

12.(1) The Chief Technical Officer or any person authorised by him may enter any private premises for the purpose of inspecting drainage infrastructure and enforcing maintenance on the premises thereof.

(2) Where the Chief Technical Officer or any person authorised by him enters a premises pursuant to subsection (1) and finds that the premises are in need of maintenance he shall give notice to the owner or occupier of the premises.

(3) A notice under subsection (2) shall set out the nature of the maintenance required and the prescribed time for the maintenance to be completed.

(4) A land owner or occupier fails to comply with the notice issued under subsection (2), is guilty of an offence and is liable to a fine of $10 000.

Requirement for storm drainage

13.(1) A landowner shall install an on-site storm water disposal system.

(2) A landowner who resides in a known flood zone or flood prone area shall not dispose of storm water on a public road or public drainage infrastructure.

(3) A land developer shall construct or cause to be constructed in every land development projects adequate drainage systems to mitigate against flooding within the development area.

(4) A land developer shall comply with the Barbados National Building Code referred to in the *Planning Development Act, 2019* (Act 2019-5).

(5) A person who fails to comply with the subsection (2) and subsection (4) is guilty of an offence and is liable to a fine of $10 000.

Duty of land owner

14.(1) A land owner or occupier shall keep access to outfalls or to beaches, as the case may be, free and clear from all restriction for the purposes of this Act.

(2) A person who fails to comply with the requirements of subsection (1) is guilty of an offence and is liable on indictment to a fine of $20 000 or to imprisonment to a term of 2 years or to both.

Duty to submit plan

15.(1) A land developer shall submit to the Chief Technical Officer and the Director of Planning and Development a storm water drainage plan for the proposed development area

(2) The plan referred to in subsection (1) shall contain the following:

(a) name of the proposed development;

(b) location of the proposed development;

(c) location of the storm water drainage systems;

(d) number of systems to be installed;

(e) the estimate storm water generate from a one in 50 year return storm; and

(f) any other relevant information that the Chief Technical Officer or the Director of Planning and Development may require.

Duty to adhere to Building Code

16.(1) An owner or occupier of land shall adhere to the drainage requirements of the Barbados National Building Code in force as determined by the Barbados National Standards Institution.

(2) An owner or occupier who fails to adhere to the Barbados National Building Code, is guilty of an offence and is liable to a fine of $10 000.

Execution of works for protection of persons and lands from floods and inundations

17.(1) For the protection of persons and lands from floods and inundations every owner or occupier of lands on which there are suck wells shall, at least once a year, clean or cause the suck wells to be cleaned.

(2) Where it appears to the Chief Technical Officer that an owner or occupier of lands on which there are suck wells has refused to comply with the provisions of subsection (1) the Chief Technical Officer may serve or cause to be served on the owner or occupier of such lands a notice in writing signed by the Chief Technical Officer or by any person authorised by the Chief Technical Officer in that behalf requiring the owner or occupier to execute works as the Chief Technical Officer considers necessary.

(3) Where personal service of a notice under subsection (2) cannot be effected, whether by reason of absence of the owner or occupier from Barbados or otherwise, the Chief Technical Officer may, on an affidavit that the owner cannot be found, direct that notice be served

(a) by affixing a copy thereof to a conspicuous part of the premises; and

(b) by publishing the notice in a daily newspaper circulated in Barbados.

(4) A notice referred to in subsection (2) shall specify the nature of the works to be executed and the period of time for the execution of the works, after the expiration of which period the Chief Technical Officer may cause the works to be carried out if they have not previously been carried out.

(5) Where flood works are executed by the Chief Technical Officer in accordance with subsection (4) the Chief Technical Officer shall demand, from the owner or occupier of the land on which the flood works were carried out, payment of the actual costs incurred.

Owner or occupier of land to pay for flood works

18.(1) Where an owner or occupier of land injures, obstructs or alters a highway thereby adversely interfering with the drainage of the highway he shall pay to the State the actual costs of any flood works required to be carried out by the Chief Technical Officer to rectify the owner's injury, obstruction or alteration of the highway.

(2) Where a land owner or occupier builds or constructs any structure inclusive of enclosures that obstructs, blocks or prevents the proper inspection and or maintenance of storm water critical infrastructure, it shall be removed at the expense of the owner or occupier.

(3) A land owner or occupier who contrary to a warning by the Chief Technical Officer or his agent, builds or constructs any structure inclusive of enclosures that obstructs, blocks or prevents the proper inspection and or maintenance of storm water critical infrastructure, shall have that structure or enclosure removed at the expense of the owner or occupier.

(4) Any salvageable material removed under subsection (2) shall be stored at a depot for no more than 28 days after the removal pending the collection by the owner or occupier of the land.

(5) Where the owner or occupier fails to remove the material mentioned under subsection (2) within the period referred to in subsection (3), the material shall be disposed of and the owner or occupier shall not be entitled to any compensation relating thereto.

Building and crops prohibited in flood area without permission

19.(1) No person shall, on or in a flood area, erect or cause or permit to be erected any building therein or grow, cultivate or allow to be grown or cultivated any shrub, tree, plant or any growing crop therein without the written permission of the Minister and upon such terms and conditions as the Minister may prescribe.

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine of $25 000 or to a term of imprisonment for 3 years or to both.

Prohibition on disposal of storm water

20.(1) No person shall dispose of any water, waste water or any debris on or in a storm water infrastructure without the written permission of the Chief Technical Officer.

(2) Where the Chief Technical Officer issues permission pursuant to subsection (1) that permission shall be given on such terms and conditions as the Chief Technical Officer deems fit.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable to a fine of $20 000.

Disposal of garbage, debris, etc.

21. A person who disposes of garbage, debris, bulk waste or any other waste that blocks, causes to be blocked or threatens the free movement of water in or around drainage infrastructure, water courses or water drains is guilty of an offence and is liable to a fine of $20 000 or to imprisonment for a term of 2 years or to both.

Erection of fences, walls, etc.

22.(1) No person shall

(a) erect a fence;

(b) erect a wall or cause a wall to be erected;

(c) construct or develop any form of fence or hedge; or

(d) construct or caused to be constructed any encumbrance,

on or over any drainage infrastructure.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to a fine of $10 000 or to imprisonment to a term of 12 months or to both.

Disposal of construction materials

23.(1) No person shall dispose of or caused to be disposed any construction materials within any environs of the roads, water ways or drainage conveyance systems.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment to a term of 12 months or to both.

Restriction on placement of infrastructure

24.(1) No utility company, its agents or employees shall place or cause to be placed on, in or over any drainage infrastructure, any materials belonging to the company.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to a fine of $20 000.

Restriction on obstructing draining infrastructure

25. No person shall park any vehicle or place any object over any drainage infrastructure that restricts access to that infrastructure.

Power to remove obstruction in emergency

26.(1) Where an emergency access is required, the Chief Technical Officer or any person authorised by the Chief Technical Officer may move or caused to be moved any vehicle or thing that restricts access to the area where the emergency exists.

(2) The owner of the vehicle or thing removed, shall be liable for all costs associated with the removal of the vehicle under subsection (1).

Power of the State to take lands

27. Whenever for the purpose of executing any flood works in accordance with this Act, it is in the opinion of the Minister necessary to take any premises or lands, the State may take and use such premises and lands which may be required for the purpose of executing such works and shall for such purpose have and exercise all the powers conferred upon the State by the *Land Acquisition Act*, Cap. 228 in relation to the taking of lands for public purposes.

Compensation

28.(1) Subject to section 10, any person may claim compensation for any damage caused by the execution of flood works or in respect of any lands or interest taken, used or injuriously affected.

(2) When any person liable to execute flood works and the Minister are unable to agree as to the amount of compensation, if any, the same shall be determined by arbitration in accordance with this Act.

Matters disregarded in computing compensation

29.(1) No compensation shall be payable in respect of any of the following provisions in a flood area, namely any provision which

(a) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land, the erection of dwellings thereon would be likely to involve danger or injury to health or to the life and safety of the residents of such dwellings; or

(b) prohibits, otherwise than by way of prohibiting building operations, the use of land for a purpose likely to involve danger or injury to health or to the life and safety of persons resorting thereto or restricts, otherwise than by way of restricting building operations, the use of land so far as may be necessary for preventing such danger or injury.

(2) The fact that any land was used or capable of being used for the erection of dwellings prior to the date of commencement of this Act, shall not be taken into account in the assessment of compensation and no account shall be taken of the rental value of such land.

(3) Any enhancement of the value of other land shall be taken into account in the assessment of compensation.

(4) Where the Minister has declared an area to be a flood area in accordance with sections 5 and 7 and it is proved to the satisfaction of the Minister that the owner or occupier of any land or building in such area was given due notice prior to such declaration whether before or after the commencement of this Act to the effect that no building should be erected thereon, no compensation shall be payable in respect of any building in such flood area, the erection of which was begun after due notice was so given.

Arbitration

30.(1) Any question in dispute which is required by any provision of this Act to be settled by arbitration shall be referred to the determination of 2 arbitrators, one to be appointed by each party to the dispute or to an umpire in case such arbitrators fail to agree such umpire to be chosen by the arbitrators before entering upon the matters submitted to them.

(2) Where, for the space of 14 days after such dispute arises and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, is served by the one party on the other party to appoint an arbitrator, such last-mentioned party fails to appoint such arbitrator, then upon such failure the party making such request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matter which shall be in dispute.

(3) The award or determination of the question in dispute by a single arbitrator, the arbitrators or the umpire, as the case may be, shall be final and binding on the parties in difference and every submission to arbitration under this section shall be deemed to be an arbitration within the *Arbitration Act*,

Cap. 110, and be subject to the provisions relating to arbitration contained in that Act.

Notices

31.(1) Any notice under this Act may be served on the owner or occupier of any premises by leaving it with the occupier of such premises or with some other person in residence of his abode; and, if there is no occupier, by putting up such notice or plan in a conspicuous part of the premises.

(2) Where planned maintenance of drainage infrastructure is scheduled, the Chief Technical Officer shall issue notice to the land owners and occupiers in the location in which the planned drainage works are to be conducted.

(3) Notice issued under subsection (2) shall be not less than 7 days before the commencement of the drainage works.

Offences

32. Any person who

(a) assaults, resists, obstructs or intimidates the Chief Technical Officer or any person authorised by the Chief Technical Officer in the execution of his duties under this Act;

(b) uses abusive language, indecent or insulting language to the Chief Technical Officer or any person authorised by the Chief Technical Officer in the execution of his duties under this Act;

(c) interferes with or hinders the Chief Technical Officer or any person authorised by the Chief Technical Officer in the execution of his duties under this Act; or

(d) contravenes the provisions of this Act,

is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for a term of 12 month**s** or to both.

Recovery of costs

33. The costs of carrying out flood works by the Chief Technical Officer under sections 18 or 19 is a debt due to the State and is recoverable in summary proceedings before a magistrate for District "A" notwithstanding that the costs exceed the monetary limit on the jurisdiction of the Magistrate's Court.

Repeal

34. The *Prevention of Floods Act*, Cap. 235 is repealed.

Commencement

35. This Act shall come into operation on a date to be fixed by proclamation.

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

CRIMINAL PROCEDURE (AMENDMENT) ACT, 2024

OBJECTS AND REASONS

This Bill would amend the *Criminal Procedure Act*, Cap. 127 in order to enable an accused person to elect to be tried by a judge sitting alone.

CRIMINAL PROCEDURE (AMENDMENT) ACT, 2024

Arrangement of Sections

1. Short title

2. Repeal and replacement of section 3 of Cap. 127

3. Amendment of section 7 of Cap. 127

4. Insertion of sections 7B, 7C, 7D and 7E into Cap. 127

5. Repeal and replacement of section 8 of Cap. 127

6. Amendment of section 9 of Cap. 127

7. Repeal and replacement of section 9A of Cap. 127

8. Amendment of section 10 of Cap. 127

9. Insertion of Schedule into Cap. 127

10. Amendment to enactments

FIRST SCHEDULE

Form A

SECOND SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to amend the *Criminal Procedure Act*, Cap. 127 in order to enable an accused person to opt to elect to be tried by a judge sitting alone.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Criminal Procedure (Amendment) Act, 2024*.

Repeal and replacement of section 3 of Cap. 127

2. ***The Criminal Procedure Act, Cap. 127 in this Act referred to as the principal Act, is amended by deleting section 3 and substituting the following:***

"Mode of trial

3. Every person against whom a bill of indictment has been preferred shall, subject to the provisions of this Act, be tried by a Judge sitting with a jury unless he elects to be tried by a Judge sitting alone.".

Amendment of section 7 of Cap. 127

3. ***Section 7 of the principal Act is amended by deleting subsection (1) and substituting the following:***

"(1) The judge shall, if a person arraigned on indictment pleads "not guilty", inform the person that he may elect to be tried by a Judge sitting alone or a Judge sitting with a jury.

(1A) Where the person referred to in subsection (1) upon being arraigned, elects to be tried by a Judge sitting alone, the court shall only make an order that the person be tried by a judge sitting alone if it is satisfied that the person

(a) has sought and received legal advice from an attorney-at-law in relation to a trial by a Judge sitting alone; and

(b) has filed with the Registrar of the Supreme Court a certificate in the form set out as Form A in the *First Schedule*.

(1B) Where a person is not represented by an attorney-at-law and elects to be tried by a Judge sitting alone, the Court shall make an order that the person be tried by a Judge sitting alone if it is satisfied that the person

(a) is competent and has waived his right to consult an attorney-at-law for legal advice in relation to a trial by a Judge sitting alone; and

(b) has filed with the Registrar of the Supreme Court a certificate in the form set out as Form B in the *First Schedule*.

(1C) The Court shall not make an order for a trial by a Judge sitting alone unless it is satisfied that

(a) in the case of a joint trial, all other accused persons have elected to be tried by a Judge sitting alone and each accused person has filed a certificate in the form set out as Form A or B in the *First Schedule,* as the case may be, in accordance with subsection (1A) or (1B); and

(b) where 2 or more charges are to be tried together, the accused person has elected to be tried by a Judge sitting alone in respect of all the charges.

(1D) Subject to subsection (1E), where the first hearing after the filing of an indictment against an accused person took place before the commencement of this section

(a) the Registrar of the Supreme Court shall cause to be served on the accused person, a notice informing him that he may, at least 60 days before the date fixed for his trial, apply to the Court for a trial by a Judge sitting alone; and

(b) the person may apply to the Court for a trial by a Judge sitting alone.

(1E) The Court shall not proceed to try the person by a Judge sitting alone unless it is satisfied that the accused person understands the difference between a trial by a Judge sitting alone and a trial by a Judge sitting with a jury.

(1F) The Court shall not proceed to trial by a Judge sitting alone

(a) if there are 2 or more accused, unless all accused have elected to be tried by a Judge sitting alone; and

(b) if there are 2 or more charges in the indictment unless the accused has elected to be tried by a Judge sitting alone in respect of all charges.

(1G) An accused who has elected for trial by a Judge sitting alone may withdraw his election before his trial begins and elect to be tried by a Judge sitting with a jury.".

Insertion of sections 7B, 7C, 7D and 7E into Cap. 127

4. ***The principal Act is amended by inserting immediately after section 7A, the following new sections:***

"Jurisdiction of the Judge

7B. In a trial by a Judge sitting alone, the Judge shall have

(a) the power, authority and jurisdiction which he would have had in a trial by jury; and

(b) the power to determine any question and to make any finding which would have been required to be determined or made by a jury.

References to jury in other enactments

7C.(1) A reference in this Act or in any other enactment to a jury, the verdict of a jury or the finding of a jury shall be read, in relation to a trial by a Judge sitting alone, as a reference to the Judge, the verdict of the Judge or the finding of the Judge, as the case may be.

(2) For the purposes of a trial by a Judge sitting alone, the provisions of this Act or any other enactment, insofar as they are predicated on a trial by a Judge sitting with a jury, shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with a trial by a Judge sitting alone.

Judge to give reasons for decision

7D.(1) When the case on both sides is closed in a trial by a Judge sitting alone, the Judge shall, as soon as reasonably practicable and in any event before the expiration of 14 days, deliver his verdict and, in the case of a conviction, he shall give a written judgment setting out

(a) the principles of law applied by the Judge; and

(b) the findings of fact on which the Judge relied.

(2) If any other law requires a warning to be given to a jury in any such case, the Judge sitting alone shall take the warning into account in dealing with the case.

(3) Subject to subsection (4), where an accused person is acquitted in a trial by a Judge sitting alone, the Judge may give reasons for his verdict.

(4) Where the prosecution requests reasons for an acquittal, the Judge shall give reasons within 14 days of that request.

(5) Where a Judge fails to deliver his judgment or give reasons for an acquittal within the period specified in subsection (1) or (4), as the case may be, he shall convene the Court and inform the parties of the further time required for completion.

Right of accused to elect to be tried by Judge alone

7E. An accused person against whom an indictment was preferred before the commencement of this section may elect to be tried by a Judge sitting alone.

Person indicted for high treason or treason

7F. A person indicted for high treason or treason is not entitled to elect to be tried by a Judge sitting alone. ".

Repeal and replacement of section 8 of Cap. 127

5. ***Section 8 of the principal Act is deleted and the following is substituted:***

"Addressing the jury or judge sitting alone

8. Upon every trial on indictment for an offence, whether the prisoners or defendants or any of them are defended by an attorney-at-law or not, each and every such prisoner or defendant, or his or their attorney-at-law respectively, may, before addressing the jury or the Judge, as the case may be, at his discretion, elect to examine such witnesses as he or they may think fit and, when all the evidence is concluded, to address the jury or the Judge, and the right of reply and practice and course of proceedings, save as hereby altered, shall be as at present.".

Amendment of section 9 of Cap. 127

6. ***Section 9 of the principal Act is amended by deleting***

(a) ***subsection (1) and substituting the following:***

"(1) Where, upon the trial of any indictment for any arrestable offence, except murder or manslaughter, the indictment alleges that the defendant did wound any person and the jury are, or the judge is, satisfied that the defendant is guilty of the wounding charged in such indictment but not satisfied that the defendant is guilty of the arrestable offence charged in such indictment, then and in every such case the jury or the Judge may acquit the defendant of such arrestable offence and find him guilty of unlawfully wounding and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the offence of unlawfully wounding."; and

(b) ***subsection (3) and substituting the following:***

"(3) Where, upon the trial of any person charged with any offence, it appears to the jury or the Judge, as the case may be, upon the evidence that the defendant did not complete the offence charged but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted but the jury or the Judge shall be at liberty to return as the verdict that the defendant is not guilty of the offence charged but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular offence charged in the same indictment.".

Repeal and replacement of section 9A of Cap. 127

7. ***The principal Act is amended by deleting subsection 9A and substituting the following:***

> **"Special verdict where accused person found guilty, but insane at date of act charged**
>
> **9A.** Where, in an indictment, any act is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible according to law for his actions at the time when the act was done, then, if it appears to the jury or the Judge, as the case may be, before whom such person is tried that he did the act charged, but was insane when he did the act, the jury or the Judge, shall return a special verdict to the effect that the accused person is not guilty of the act charged against him, by reason of insanity.".

Amendment of section 10 of Cap. 127

8. ***Section 10 of the principal Act is amended by inserting immediately after subsection (2) the following:***

> "(3) Subsection (1) does not apply to a trial by a Judge sitting alone.".

Insertion of Schedule into Cap. 127

9. ***The principal Act is amended by inserting as the Schedule to the principal Act, the Schedule as set out in the First Schedule to this Act.***

Amendment to enactments

10. ***The enactments set out in Column 1 of the Second Schedule are amended in the manner set out opposite thereto in Column 2.***

FIRST SCHEDULE

(Section 9)

"SCHEDULE

(Section 7(1A) and (1B))

FORM A

No.

IN THE SUPREME COURT OF JUDICATURE

HIGH COURT

(Criminal Division)

BETWEEN:

The State

v

A.B

CERTIFICATE OF WAIVER OF LEGAL ADVICE ON ELECTING FOR A TRIAL BY JUDGE SITTING ALONE

I,_____, confirm that I have sought and received advice from the
(Name of Accused Person)

undersigned Attorney-at-law on electing to be tried by a Judge sitting alone. The undersigned Attorney-at-law has advised me of my rights, of possible defences, of the penalties and of the consequences and the implications of electing to be tried by a Judge sitting alone. I have had sufficient time to confer with the undersigned Attorney-at-law concerning this mode of trial.

First Schedule - (Cont'd)

I understand the implications of electing to be tried by a Judge sitting alone and agree to this mode of trial without reservation. No promise, inducement, threat, coercion or force of any kind was employed to secure my election of this mode of trial. I voluntarily and of my free will agree to it.

Dated this_____day of _____, 20__.

.....	
Name of Accused Person	*Name of Attorney-at-Law*
Signature of Accused Person	*Signature of Attorney-at-Law*

First Schedule - (Concl'd)

FORM B

No.

IN THE SUPREME COURT OF JUDICATURE

HIGH COURT

(Criminal Division)

BETWEEN:

The State

v

A.B

CERTIFICATE OF CONFIRMATION OF LEGAL ADVICE ON ELECTING FOR A TRIAL BY JUDGE SITTING ALONE

I, _____, confirm that I have not sought and received advice from
(Name of Accused Person)

any Attorney-at-law on the matter of me electing to be tried by a Judge sitting alone. I have waived my right to consult an Attorney-at-law for legal advice in relation to a trial by a Judge sitting alone. I elect to be tried by a Judge sitting alone and agree to it without reservation. No promise, inducement, threat, coercion or force of any kind was employed to secure my election of this mode of trial. I voluntarily and of my free will agree to it. I am satisfied with representing myself in this matter.

Dated this _____ day of _____, 20__.

_____
Name of Accused Person

_____
Signature of Accused Person".

SECOND SCHEDULE

(Section 6)

CONSEQUENTIAL AMENDMENTS

Column 1 *Enactments*	Column 2 *Amendments*
1. *Criminal Appeal Act,* Cap. 113A	1. In section 4(1)*(a)*, immediately after the word "jury" insert the words "or Judge, as the case may be.".
	2. In section 5, immediately after the word "jury" wherever it appears insert the words "or Judge".
	3. Delete section 7 and substitute the following: "**Conviction on special verdict** **7**. Where a special verdict had been found by a jury or a judge, then on an appeal against conviction, if the Court considers that a wrong conclusion was arrived at by the court of trial regarding the effect of the verdict, the Court may, instead of allowing the appeal, order such conclusion to be recorded as appears to the Court to be in law required by the verdict; and the Court may pass such sentence in substitution for the sentence passed at the trial as may be authorized by law.".
	4. In section 9(1), immediately after the word "jury" insert the words "or judge".
	5. In section 10(1), immediately after the word "jury" appearing in paragraphs *(a)* and *(b)* insert the words "or judge".

Second Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1 *Enactments*	Column 2 *Amendments*
1. *Criminal Appeal Act,* Cap. 113A - (Concl'd)	6. In section 10(3), immediately after the word "jury" insert the words "or judge".
	7. Delete section 12(1) and substitute the following: "(1) Where the question of a person's fitness to be tried is to be determined and the jury has returned, or the judge has made a finding of unfitness, the person may appeal to the Court against the finding.".
	8. In section 13(1)*(a)*, immediately after the word "jury" insert the words "or judge".
	9. Delete section 15(2)*(c)* and substitute the following: "*(c)* an offence charged in an alternative count of the indictment in respect of which the jury were discharged from giving or the judge declined to give a verdict in consequence of convicting him of the offence of which he was convicted at the original trial.".
	10. In section 17(1), immediately after the word "jury" insert the word "or judge".
2. *Evidence Act*, Cap. 121	1. Delete section 102(4) and substitute the following: "(4) Where *(a)* it is not reasonably open to find the accused guilty on the basis of identification evidence;

Second Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
Enactments	*Amendments*
2. *Evidence Act*, Cap. 121 - (Cont'd)	*(b)* there are no special circumstances of the kind mentioned in subsection (2)*(a)*; and *(c)* there is no evidence of the kind mentioned in subsection (2)*(b)* if there is a jury, the Judge shall direct the jury to acquit the accused or if the Judge is sitting alone, he shall acquit the accused.".
3. *Offences Against the Person Act*, Cap. 141	1. Delete section 4(6) and substitute the following: "(6) Where on a trial for murder *(a)* evidence is given that the accused was, at the time of the alleged offence, suffering from such abnormality of mind as is specified in subsection (1); and *(b)* the accused is convicted of manslaughter, the court shall, if there is a jury, require the jury to declare whether the accused was so convicted by them on the ground of such abnormality of mind, and, if the conviction was on that ground, the court may instead of passing such sentence as is provided by law for that offence, order the person so convicted to be detained in custody in such place as the Court appoints, until the State's pleasure is known and thereupon the State may give such order for the safe custody of the person during the State's pleasure.".

Second Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
Enactments	*Amendments*
3. *Offences Against the Person Act*, Cap. 141 - (Cont'd)	2. Delete section 5 and substitute the following: "**Provocation** **5**. Where on a charge of murder there is evidence on which the judge or jury, as the case may be, can find that the accused was provoked, whether by things done or by things said or by both together, to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the judge or jury; and in determining that question, the judge or jury shall take into account everything both done and said according to the effect which, in his or their opinion as the case may be, it would have on a reasonable man.". 3. Delete section 46 and substitute the following: "**Alternative verdicts** **46**. (1) If on the trial of an indictment for murder or manslaughter the jury are or the Judge is of the opinion that the accused aided, abetted, counselled or procured the suicide of the person in question, the jury or the Judge may find him guilty of that offence. (2) Where on the trial of a woman for the murder of her newly-born child the jury are or the Judge is of the opinion that she by any wilful act or omission caused its death, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from

Second Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1 *Enactments*	Column 2 *Amendments*
3. *Offences Against the Person Act*, Cap. 141 - (Concl'd)	the effect of giving birth to the child or by reason of the effect of lactation consequent on the birth of the child, the jury or the judge may return a verdict of infanticide. (3) Where any person tried for the murder of any child is acquitted thereof, it shall be lawful for the jury or the Judge by whose verdict such person is acquitted to find, where it so appears in evidence, that the child had recently been born and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.".
4. *Sexual Offences Act*, Cap. 154	1. Delete section 24(1) and substitute the following: "(1) Where at a trial for an offence under this Act the jury, if there is a jury has to consider whether a person believed that another was consenting to sexual intercourse or to any other sexual act, the Judge shall direct the jury that the presence or absence of reasonable grounds for such a belief, is a matter to which the jury is to have regard, in conjunction with any other relevant matter, in considering whether that person so believed.". 2. In subsections (1) and (2) of section 36 immediately after the word "jury" wherever it appears insert the words "or Judge".

Second Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - (Concl'd)

Column 1	Column 2
Enactments	*Amendments*
5. *Theft Act*, Cap. 155	1. Delete section 22(2) and substitute the following: "(2) Where on a trial of an indictment for theft, the jury or the Judge is not satisfied that the accused committed the theft, but it is proved to the satisfaction of the jury or the Judge that the accused committed an offence under subsection (1), the jury or the Judge may find the accused guilty of that offence.". 2. Delete section 30(2) and substitute the following: "(2) On the trial of 2 or more persons indicted for jointly handling any stolen property the jury or the Judge may find any of the accused guilty if the jury or the Judge is satisfied that he handled all or any part of the stolen property, whether or not he did so jointly with the other accused or any of them.".

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

ICC CRICKET WORLD CUP WEST INDIES ACT, 2024

OBJECTS AND REASONS

This Bill would make provision for the efficient and effective staging of ICC Cricket World Cup West Indies, 2024 and for related purposes.

ICC CRICKET WORLD CUP WEST INDIES ACT, 2024

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

PART II

CWC 2024 SPECIAL ARRANGEMENTS

3. Act to bind the State

4. Declaration of CWC 2024 venue and match period

5. CWI to have unrestricted control of CWC 2024 stadia during match period

6. Deliveries within CWC 2024 venues

7. Sale and distribution of CWC 2024 tickets

8. Work Permits

9. Import and export duties

10. Exemption from income and other taxes

11. Exemption from taxes on CWC 2024 tickets

12. Exemption from foreign exchange regulations

13. Entry into and exit from a stadium in a CWC 2024 venue

14. Unauthorized entry

15. Reserved areas and reserved seats

16. Members entitlements during a match period

17. Conduct within CWC 2024 venue

18. Prohibited or restricted items in CWC 2024 venue

19. Surrender of prohibited items

20. Sale of goods or services

21. Power to photograph certain persons

22. Requirement to state name and address

PART III

CONTROL OF ADVERTISING

23. Prohibition of certain advertisements on building and structures

24. Commercial broadcasting, telecasting, recording or filming

25. Prohibition of ambush marketing

26. Promotional use of CWC 2024 tickets

PART IV

PROTECTION OF CWC 2024 MARKS, INDICIA AND IMAGES

27. Prohibition of unauthorized use of CWC 2024 mark

28. Infringement of mark of IBC, ICC, CWI etc

29. CWC 2024 indicia and images

30. Application of CWC 2024 indicia and images

31. Licence to use CWC 2024 indicia or CWC 2024 images for commercial purposes

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FIRST SCHEDULE

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BARBADOS

A Bill entitled

An Act to make provision for the efficient and effective staging of ICC Cricket World Cup West Indies, 2024 and for related purposes.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *ICC Cricket World Cup West Indies Act, 2024.*

Interpretation

2. In this Act,

"advertisement" means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their notice in any manner with the intention to

(a) promote the sale or leasing of goods;

(b) encourage the use of any service; or

(c) draw attention to the nature, properties, advantages or uses of goods or any service or to the manner in, conditions on or prices at which

(i) goods may be purchased, leased or otherwise acquired; or

(ii) any service is rendered or provided;

"authorized person" means a person authorized in writing by CWI to represent it;

"Commissioner" means the Commissioner of Police;

"Comptroller" means the Comptroller of Customs;

"customs officer" means an officer within the meaning of the *Customs Act, 2021* (Act 2021-34);

"CWC 2024" means the ICC Cricket World Cup West Indies, 2024 and includes, a CWC 2024 activity;

"CWC 2024 activity" means a match, a CWC 2024 related function or other activity authorized by CWI;

"CWC 2024 logo" means any official logo of CWC 2024;

"CWC 2024 mark" means the CWC 2024 logo, CWC 2024 title, CWC 2024 mascot, and the image or likeness of the CWC 2024 trophy, the ICC mark, any mark belonging to CWI and any other marks, whether in the form of words, logos, devices, indicia, or anything else, developed for or used by or with the consent of IBC in connection with the CWC 2024, and includes all registrations or applications to register the same in Barbados but excludes any such marks to the extent that they are owned by an official sponsor, official supplier, official broadcaster or other media or commercial representative appointed and approved by CWI;

"CWC 2024 mascot" means the official mascot of CWC 2024;

"CWC 2024 official" means

(a) an employee of CWI; or

(b) a person authorized by CWC 2024 to carry out functions on its behalf;

"CWC 2024 ticket" means a ticket issued by CWI permitting entry to a CWC 2024 activity and includes a CWI accreditation;

"CWC 2024 title" means ICC Cricket World Cup West Indies 2024 or such other name as may be determined by IBC;

"CWC 2024 venue" means a place declared as such under section 4 for the purposes of CWC 2024;

"CWI" means Cricket West Indies Inc., a company incorporated under the laws of the British Virgin Islands;

"dangerous weapon" means any

(a) explosive;

(b) incendiary device or material;

(c) firearm;

(d) gas;

(e) material;

(f) weapon;

(g) glass of any description;

(h) article, object or instrument;

(i) object that may be used as a missile;

(j) such other object as may be prescribed as a dangerous object;

which may be used to maim, disfigure, disable or cause bodily harm or death to a person;

"designated person" means

(a) IBC, ICC, CWI and their respective employees, consultants, officials, agents and representatives;

(b) ICC members and their respective employees, consultants, officials, agents and representatives;

(c) members of the delegation of any participating team including players, coaches, medical doctors and officials;

(d) IBC partners or CWI partners and their respective employees, consultants, officials, agents and representatives;

(e) media representatives who are accredited by IBC in respect of the CWC 2024; and

(f) any other person who is accredited by IBC in respect of CWC 2024;

"document" means recorded information regardless of form or medium;

"IBC" means ICC Business Corporation FZ LLC, a company incorporated under the regulations of the Dubai Development Authority;

"ICC" means the International Cricket Council, a company limited by guarantee and incorporated in the British Virgin Islands;

"income" includes basic salary, appearance fees, endorsement fees, prize money, and man-of-the-match and man-of-the-series awards;

"licensed user" means a person in relation to whom a licence under section 31 is in force;

"match" means a match including a warm-up match, that forms part of CWC 2024 and includes a performance or formalities held or conducted in conjunction with a match;

"match period" means a period declared as such by the Minister under section 4 for the purposes of CWC 2024;

"Minister" means the Minister responsible for Sports;

"official broadcaster" means a broadcaster appointed and approved by IBC in relation to CWC 2024;

"official sponsor" means a sponsor appointed and approved by IBC in relation to CWC 2024;

"official supplier" means a supplier of products or services appointed as the official supplier of such products or services for CWC 2024 by IBC;

"participating team" means an ICC member country team competing in CWC 2024;

"permitted entrant" means

(a) the holder of a CWC 2024 ticket that entitles the holder to be within specific areas of a CWC 2024 venue;

(b) any other person who is, under a general or specific authorisation or accreditation granted by or on behalf of CWI, entitled to be in the CWC 2024 venue;

"person" means a natural person, a body corporate or an unincorporated body;

"playing field" means the playing field at which a match is being played or is to be played and includes any area between the playing field and any structure intended to be a barrier between the players and the spectators;

"police officer" means a member of the Barbados Police Service;

"promote" in relation to an activity, includes to organise, conduct or give publicity to that activity;

"reserved area" means an area within a CWC 2024 venue to which access is

(a) limited to persons holding certain types of CWC 2024 tickets; or

(b) otherwise restricted;

"service mark" means a visible sign used or to be used in connection with or in relation to any services for the purpose of distinguishing, in the course of trade or business, the services provided by one person from those provided by another person;

"sign" includes a word, personal name, design, letter, numeral, a colour, a combination of colours, the shape of goods or their packaging;

"squad" means the members of a participating team comprising 15 players and up to 6 non-playing officials;

"stadium" means the whole premises of any stadium, ground or place at which any match, the opening ceremony or the closing ceremony of CWC 2024 is scheduled to take place;

"tax" includes any fee, levy or surcharge;

"trade mark" means a visible sign used or to be used upon, with or in relation to any goods for the purpose of distinguishing, in the course of trade or business, the goods of one person from those of another person;

"vehicle" means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn.

PART II

CWC 2024 SPECIAL ARRANGEMENTS

Act to bind the State

3. This Act binds the State.

Declaration of CWC 2024 venue and match period

4.(1) The Minister, after consultation with the CWI, shall by notice published in the *Official Gazette* and in at least one newspaper in daily circulation in Barbados,

(a) declare any area within the control of CWI, that is reasonably required for the staging of a CWC 2024 activity, as a CWC 2024 venue;

(b) stipulate within the notice referred to in subsection (1) the date

(i) with effect from which the area will be regarded as a CWC 2024 venue; and

(ii) on which the area ceases to be regarded as a CWC 2024 venue, which date may not be later than 7 days after the completion or termination of CWC 2024; and

(c) declare a period as a match period.

(2) A notice published under subsection (1) shall state the reason for the declaration, and shall be subject to such conditions as the Minister may impose.

(3) For the purposes of subsection (l)*(a)*, areas reasonably required for the staging of a CWC activity

(a) may include areas that are to be used for a purpose ancillary to the holding of a CWC 2024 activity;

(b) may comprise 2 or more non-contiguous areas; and

(c) shall not include

(i) an airport or a seaport;

(ii) any area which is protected or reserved under any other enactment; or

(iii) any private property, except with the consent of the owner.

CWI to have unrestricted control of CWC 2024 stadia during match period

5.(1) CWI shall, for the duration of a match period have full and unrestricted control of a stadium so declared pursuant to section 4(1).

(2) The power given to CWI under subsection (1) shall be subject to the rights of any authority responsible for public health, disaster management or national security.

Deliveries within CWC 2024 venues

6.(1) The Commissioner may in relation to any match period issues direction, to

(a) regulate or prohibit the making of deliveries within any CWC 2024 venue;

(b) regulate or prohibit the loading or unloading of vehicles within any CWC 2024 venue; or

(c) impose restrictions, relating to the standing, stopping, or parking of vehicles within a CWC 2024 venue.

(2) A direction by the Commissioner under subsection (1) may apply

(a) to an entire CWC 2024 venue, or part of a venue;

(b) to vehicles of a specified class or description;

(c) on such days only as are specified in the direction;

(d) during such periods on those days as are specified in the direction; and

(e) subject to such conditions as are specified in the direction.

(3) A person who contravenes a direction under this section is guilty of an offence and is liable on summary conviction to a fine of $20 000.

(4) Nothing in this section limits the power of the Commissioner to restrict access to or use of any road pursuant to any other law.

Sale and distribution of CWC 2024 tickets

7.(1) CWI shall be responsible for the production and distribution of CWC 2024 tickets.

(2) No person shall, without the written authorisation of CWI sell any CWC 2024 ticket or an article that is represented to be such a ticket for admission to a CWC 2024 activity.

(3) For the purposes of subsection (2) "sell" includes

(a) sell by wholesale, retail, auction or tender;

(b) hire;

(c) barter or exchange;

(d) supply for profit;

(e) offer for sale or hire, receive for sale or hire, have in possession for sale or hire, or expose or exhibit for sale or hire;

(f) conduct negotiations for sale or hire;

(g) consign or deliver for sale or hire;

(h) solicit for sale or hire;

(i) donate, transfer or in any way dispose of a ticket for gain or profit; and

(j) cause or permit anything referred to in paragraphs *(a)* to *(i)*.

(4) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $50 000.

Work Permits

8.(1) Any permit to work in Barbados in relation to CWC 2024, and any approval or documentation required for such purpose by any designated person shall be provided by the Chief Immigration Officer within 7 days of being requested and shall remain valid and effective until the conclusion of CWC 2024.

(2) The work permits referred to in subsection (1) shall be provided within the period so stated where the applicant complies with the requirements stipulated by the Chief Immigration Officer.

Import and export duties

9.(1) Notwithstanding any provision of any law to the contrary

(a) personal effects;

(b) food, food supplements and beverages;

(c) medical supplies, medical instruments and pharmaceuticals;

(d) sporting equipment;

(e) promotional, signage and decorative materials;

(f) photographic and audio-visual equipment and supplies including broadcast equipment and supplies;

(g) documents, printed matter, computers and other office equipment;

(h) gifts, awards, trophies, medals and flags;

(i) uniforms, costumes and other clothing; and

(j) products that the licensee intend to distribute as promotional items and products of the licensee, including automobiles, which are supplied to CWI and IBC,

in connection with the organization and staging of CWC 2024, shall be exempt from import duty, or other impost in accordance with the *Customs Act, 2021* (Act 2021-34) or any other enactment relating to the imposition of duties.

(2) Notwithstanding any provision of any law to the contrary, a person who is participating in, organizing or staging the CWC 2024, shall be permitted to export such goods without any duty, or other impost in accordance with the *Custom Acts, 2021* (Act 2021-34) or any other enactment relating to the imposition of duties.

(3) For the purposes of subsection (1), "duty" includes any tax chargeable on the importation of goods into Barbados.

Exemption from income and other taxes

10.(1) Income arising from CWC 2024 earned by a designated person, who is not ordinarily resident of Barbados, shall be exempt from taxes and duties of every description.

(2) CWI, ICC and IBC, its subsidiaries and associates shall be exempt from taxes and duties of every description.

Exemption from taxes on CWC 2024 tickets

11. CWC 2024 tickets shall be exempt from taxes and duties of every description.

Exemption from foreign exchange regulations

12. Income arising from CWC 2024 earned by a designated person, who is not ordinarily resident of Barbados, shall be exempt from foreign exchange restrictions.

Entry into and exit from a stadium in a CWC 2024 venue

13.(1) No person shall enter a stadium during a match period unless he is a permitted entrant.

(2) No person shall enter or leave a stadium during a match period except through an entrance or exit designated by CWI or as otherwise permitted by CWI.

(3) A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of $20 000.

Unauthorized entry

14.(1) Unless authorized by CWI, no person shall, during a match period, enter or be present in or on

(a) any part of a playing field;

(b) any other part of a stadium if it is indicated that entry into that part is not permitted; or

(c) any part of any other CWC 2024 venue if it is indicated that entry into that part is not permitted.

(2) For the purposes of subsection (l)*(b)* and *(c)*, an indication that entry is not permitted may be given in the following manner:

(a) an advertisement;

(b) a pamphlet;

(c) the conditions attached to a CWC 2024 ticket;

(d) a direction of a police officer or an authorized person;

(e) a fence, chain or barrier around the part or across an entrance into the part; or

(f) a sign erected in, at or near an entrance.

(3) A person who contravenes subsection (1) may be

(a) ordered by a police officer or an authorized person to leave a CWC 2024 venue, or part thereof;

(b) removed from the CWC 2024 venue, or part thereof, by a police officer where that person refuses to comply with an order under paragraph *(a)*.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Reserved areas and reserved seats

15.(1) CWI may for the duration of a match period, set aside

(a) any area within a CWC 2024 venue as a reserved area; or

(b) any seat within a CWC 2024 venue as a reserved seat.

(2) No person shall enter or remain in a reserved area or occupy a reserved seat unless that person is

(a) the holder of a CWC 2024 ticket conferring entitlement to do so; or

(b) otherwise authorized so to do by or on behalf of CWI.

(3) A police officer or an authorized person who has reasonable grounds to suspect that a person who is in a reserved area or reserved seat is not entitled to be in the area or seat, may request that person to produce evidence of his entitlement to enter or remain in the reserved area or to occupy the reserved seat.

(4) A person who fails to comply with a request under subsection (3) may be ordered by a police officer or an authorized person to leave the reserved area, reserved seat or the CWC 2024 venue.

(5) A person who refuses to comply with an order given under subsection (4)

(a) may be removed from the CWC 2024 venue by a police officer; and

(b) is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Members entitlements during a match period

16.(1) This section applies to the members of any organisation, association, club or similar body or a person who has any entitlement in a stadium whether through the exercise of rights or otherwise.

(2) During a match period

(a) a member referred to in subsection (1), is not entitled to exercise any right, entitlement or privilege of membership;

(b) the holder of a club card or guest card or similar facility is not entitled to exercise any right or privilege otherwise conferred on the holder; and

(c) a person otherwise entitled or privileged, is not entitled to exercise any right, entitlement or privilege,

in relation to a stadium, or any part of it, including the right to obtain entry to the stadium or to use any facilities for seating, eating, drinking, sport or recreation provided at or in relation to the stadium.

(3) A person referred to in subsection (2) who seeks to exercise any right, entitlement or privilege may be

(a) ordered by a police officer or an authorized person to leave the stadium; or

(b) removed from the stadium, by a police officer where that person refuses to comply with an order given under paragraph *(a)*.

(4) The owners of the stadium, CWI, ICC, or IBC shall not be liable as a result of the operation of this section

(a) for any suit, action or proceeding;

(b) to pay compensation to a member, guest or club card holder or to any other person referred to under subsection (2); or

(c) to reimburse any person referred to in paragraph *(b)*, for the whole or a portion of any payment made by such person to obtain certain rights, entitlements or privileges.

Conduct within CWC 2024 venue

17.(1) A person shall not in any CWC 2024 venue

(a) misuse, deface, damage or tamper with any building, vomitory, seat, chair, table, structure, vehicle, craft, truck, pipe, tap, tap-fitting, conduit, electrical equipment, wiring or sign;

(b) excavate or cause to be excavated any part of a CWC 2024 venue unless authorized by CWI;

(c) erect any structure, erect or display any sign, banner or other thing, in contravention of this Act unless authorized by CWI;

(d) block any stair, step, aisle, gangway, overpass, underpass, pontoon, bridge, entry, exit or other thoroughfare unless authorized by CWI;

(e) throw any stone, bottle or missile, or throw or use any other dangerous object;

(f) disrupt, interrupt, or behave in a manner that may disrupt or interrupt, any CWC 2024 activity or disrupt, or interfere with, the comfort of persons at a CWC 2024 activity;

(g) interfere with the equipment of a person taking part in a CWC 2024 activity;

(h) operate or use a loud hailer, public address system or other broadcast device or any other device that may interfere with electronic or radio communications unless authorized by CWI;

(i) conduct public surveys or opinion polls, or solicit money, donations or subscriptions from members of the public unless authorized by CWI;

(j) act or conduct himself in such a way as to

(i) adversely affect the safety of the public within the stadium or other CWC 2024 venue;

(ii) interfere with any person taking part in a CWC 2024 activity;

(iii) interfere with the equipment of a person taking part in a CWC 2024 activity; or

(iv) adversely affect the efficient operation and staging of a CWC 2024 activity; or

(k) engage in the conduct described in section 25.

(2) A police officer may dismantle or remove any structure erected or any sign, banner or other thing displayed in contravention of this section.

(3) A person who contravenes subsection (1)

(a) may be

(i) ordered by an authorized person or a police officer to leave the CWC 2024 venue; or

(ii) removed from the CWC 2024 venue by a police officer if that person refuses to comply with an order under paragraph *(a)*; and

(b) is guilty of an offence and is liable on summary conviction to a fine of $50 000.

(4) A police officer may take possession of anything used or capable of being used to contravene this section.

(5) Where possession of an item is taken under subsection (4), the item shall be lodged with CWI.

(6) An item lodged with CWI shall, except where the person is charged, be available for collection within 48 hours after possession of it was taken at such place as is notified to the person from whom it was taken.

(7) For the purposes of subsection (1)*(j)*(ii) and section 18(2)*(f)*, "a person taking part in a CWC 2024 activity" means

(a) a member of a squad;

(b) a person, including an umpire or a match referee, engaged in the control or management of the CWC 2024 activity;

(c) a member of a class of persons authorized to enter the playing field; or

(d) any person involved in the production, transmission or broadcast of a CWC activity whether by television, radio, internet, or wireless service or otherwise.

Prohibited or restricted items in CWC 2024 venue

18.(1) No person shall, bring into or have in his possession at a CWC 2024 venue, during a match period

(a) any weapon or dangerous object or article capable of being used as a weapon;

(b) any animal other than a guide dog if the person is blind; or

(c) any article specified in Part I of the *First Schedule*.

(2) No person shall, bring into or have in his possession at a CWC 2024 venue during a match period, any article

(a) which may be used to

(i) erect a structure;

(ii) deface or damage any structure within that venue;

(iii) adversely affect the safety of the public within that venue;

(iv) disrupt or interrupt a CWC 2024 activity;

(v) interfere with the comfort of persons within the CWC 2024 venue or their enjoyment of a CWC 2024 activity;

(vi) distract, hinder or interfere with a person taking part in a CWC 2024 activity or the equipment of that person;

(vii) engage in conduct prohibited under section 25;

(viii) otherwise affect the efficient operation and staging of a CWC 2024 activity; or

(b) specified in Part II of the *First Schedule* except where those articles are sold at the venue.

(3) A person who contravenes subsection (1) may be

(a) ordered by an authorized person to leave the CWC 2024 venue; or

(b) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with an order under paragraph *(a)*.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50 000.

Surrender of prohibited items

19.(1) An authorized person may request a person to surrender any item that

(a) is prohibited under section 18(1) or restricted under section 18(2)*(b)* or that may be used in a manner to contravene section 18(2), which is in his possession at any security point or entrance of a CWC 2024 venue; or

(b) has been brought into a CWC 2024 venue

(i) in contravention of section 18(1), 18(2)*(b)*; or

(ii) that may be used to contravene section 18(2).

(2) A person who refuses to surrender an item when requested to do so under

(a) subsection (l)*(a)* may be refused entry to a CWC 2024 venue; or

(b) subsection (l)*(b)* may be

(i) ordered by an authorized person to leave the CWC 2024 venue; or

(ii) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with an order under subparagraph (i).

(3) An authorized person, on taking possession of an item under this section shall give a receipt to the person from whom it was taken, indicating the nature of the item and the date and time when possession of it was taken by the authorized person.

(4) An item referred to in subsection (3) shall

(a) be lodged with CWI; and

(b) except where the person is charged, be available for collection within 48 hours after possession of it was taken at such place as is notified to the person from whom it was taken.

Sale of goods or services

20.(1) No person shall, without the written authorization of CWI

(a) hawk, sell, offer, display for sale or distribute to members of the public, any goods, services, flyers or pamphlets;

(b) collect money or orders from members of the public for goods or services,

in a CWC 2024 venue during a match period.

(2) A person who contravenes subsection (1) may be

(a) ordered by an authorized person to leave the CWC 2024 venue; or

(b) removed from the CWC 2024 venue by a police officer where that person refuses to comply with an order under paragraph *(a)*.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $5 000.

Power to photograph certain persons

21.(1) An authorized person who suspects, on reasonable grounds, that a person in a CWC 2024 venue has committed or has been involved in the commission of an offence in contravention of this Part may take a photograph or make another form of image including a closed circuit television recording of that person.

(2) A photograph taken under subsection (1)

(a) may only be used for the purpose of identification; and

(b) except where the person is charged, shall be destroyed by CWI within 7 days of the completion or termination of CWC 2024.

Requirement to state name and address

22.(1) A police officer who suspects, on reasonable grounds, that a person in a CWC 2024 venue has committed, or has been involved in the commission of, a contravention of this Part may require the person to state his full name and address.

(2) A person who fails, without reasonable cause to comply with a requirement under subsection (1) or who, in purported compliance with such a requirement, furnishes information that the person knows to be false or misleading in a material particular is guilty of an offence and is liable on summary conviction to a fine of $5 000 and may be

(a) ordered by a police officer to leave the CWC 2024 venue; or

(b) removed from the CWC 2024 venue by a police officer where that person refuses to comply with an order under paragraph *(a)*.

PART III

CONTROL OF ADVERTISING

Prohibition of certain advertisements on building and structures

23.(1) Subject to existing contractual rights, a person who is the owner or occupier of, or the holder of a lease or licence relating to land, a building or structure on land within a CWC 2024 venue shall not cause or permit any advertisement or advertising material to be displayed or fixed to or placed on, or to remain on, the land, building or structure except as authorized in writing by CWI.

(2) CWI or an authorized person may erase or remove any advertisement or advertising material fixed or placed on any land, building or structure in contravention of subsection (1).

(3) In exercising its powers under subsection (2), CWI shall take such steps as are necessary to ensure that as little damage as possible is caused.

Commercial broadcasting, telecasting, recording or filming

24.(1) No person shall, other than for personal use, broadcast, narrowcast, telecast, transmit, record, publish, disseminate, reproduce or circulate by any means, including without limitation utilizing

(a) television;

(b) radio;

(c) satellite;

(d) the internet; or

(e) any wireless service

any audio, video, photograph, text or data or any other information relating to a CWC 2024 activity or any part of such activity, without the approval of CWI.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $75 000.

(3) An application for approval under this section shall be made to CWI in such form and manner as may be determined by CWI.

(4) Any approval granted under subsection (3) shall be subject to such conditions as CWI thinks fit.

(5) A police officer may take possession of any item that is used in contravention of this section if

(a) the police officer has directed, the person concerned to stop the use of the article; and

(b) the person continues to use the article in contravention of this section.

(6) A person who uses any article in contravention of this section may be

(a) ordered by an authorized person to leave the CWC 2024 venue; or

(b) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with an order under paragraph *(a)*.

(7) The broadcasting, telecasting, recording or filming of any information relating to a CWC 2024 activity for the purpose of provision of information or for the purposes of criticism or review is not by itself sufficient to amount to a contravention of subsection (1).

(8) A police officer on taking possession of an item under this section shall give the item to an authorized person who shall give a receipt to the person from whom it was taken.

(9) The receipt referred to in subsection (9) shall indicate the nature of the item and the date and time when possession of it was taken by the authorized person.

(10) The item referred to in subsection (9) shall

(a) be lodged with CWI; and

(b) except where the person is charged, be available for collection within 48 hours after possession of it is taken at such place as is notified to the person from whom it was taken.

Prohibition of ambush marketing

25.(1) Except with the written authorization of CWI, a person shall not wilfully broadcast, display, make, publish or televise any advertisement, communication, statement, mark or image or cause or authorize any advertisement, communication, statement, mark or image to be broadcast, displayed, made, published, televised, or carried on, cause or authorize any other activity which

(a) relates to or is connected with CWC 2024;

(b) implies or suggests a contractual or other connection or association of that person with CWC 2024 or a person officially associated or involved in CWC 2024; and

(c) is intended to

(i) associate that person with CWC 2024 or exploit the publicity or goodwill of CWC 2024, in order for that person to gain a benefit of any kind;

(ii) diminish the status of an official sponsor, official supplier, official broadcaster or other licensee with regard to CWC 2024; or

(iii) imply that the person is an official sponsor, official supplier, official broadcaster or other licensee with regard to CWC 2024.

(2) No person shall, in relation to CWC 2024, use or cause to be used, a mark, image, statement or brand in a manner calculated to achieve publicity for that mark, image, statement or brand with which that mark, image, statement or brand is associated and thereby deriving any special promotional benefit from CWC 2024 without the prior authority of CWI.

(3) For the purpose of subsection (2), the use of a mark, image or statement includes

(a) any visual representation of the mark, image or statement upon or in relation to goods or in relation to the rendering of services;

(b) any audible representation of the mark, image or statement in relation to goods or the rendering of services; or

(c) the use of the mark, image or statement in promotional activities

which in any way directly or indirectly, is or is intended to be brought into association with, imply a connection with or allude to CWC 2024.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $75 000.

Promotional use of CWC 2024 tickets

26.(1) No person shall use a CWC 2024 ticket in relation to any form of commercial activity or as a prize in any lottery, competition, game or promotion without the prior written approval of CWI.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $40 000.

PART IV

PROTECTION OF CWC 2024 MARKS, INDICIA AND IMAGES

Prohibition of unauthorized use of CWC 2024 mark

27.(1) No person shall use a CWC 2024 mark without the written authorization of the owner of that mark.

(2) Registration by IBC of a CWC 2024 mark under the *Trade Marks Act*, Cap. 319 shall vest in IBC, from the date of registration until 31st December, 2025

(a) the right to its exclusive use in connection with the goods or services for which they are registered; and

(b) the exclusive right to prevent any other person from using any such mark without the authority of IBC.

(3) Subsection (2)*(b)* extends to the use of an identical or confusingly similar mark in connection with goods or services where the use

(a) has caused or is likely to cause confusion; or

(b) takes unfair advantage of or is detrimental to, the distinctive character or the repute of a CWC 2024 mark.

Infringement of mark of IBC, ICC, CWI etc

28.(1) This section applies to goods, material, and articles described in section 49C of the *Trade Marks Act*, Cap. 319 that infringe a CWC 2024 mark or any other mark of IBC, ICC or CWI.

(2) A person who, with intent to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor of the mark in question, buys, sells, imports or exports any goods to which this section applies is guilty of an offence and is liable on summary conviction to

(a) in the case of a first conviction, to a fine of $40 000; and

(b) in the case of a second or subsequent conviction, to a fine of $75 000.

(3) The provisions of *Trade Marks Act, Cap. 319* shall apply in the determination of whether or not a mark has been infringed.

CWC 2024 indicia and images

29.(1) For the purposes of this Part

"CWC 2024 indicia" means

(a) any item set out in Part I of the *Second Schedule*; or

(b) a combination of any of the items listed in Part II of the *Second Schedule*,

and where appropriate, includes a CWC 2024 mark;

"CWC 2024 images" means any visual or aural representations or a combination of both that, to a reasonable person, in the circumstances of the presentation, would suggest a connection with CWC 2024 including the picture, whether photographic or otherwise, likeness or image of any squad member, squad or part of a squad and where appropriate, includes a CWC 2024 mark;

"covering" includes packaging, frame, wrapper, container, stopper, lid or cap;

"label" includes a band or ticket.

(2) CWC 2024 indicia that are represented in a language other than English are to be taken to be CWC 2024 indicia.

(3) Indicia and images so closely resembling CWC 2024 indicia or CWC 2024 images as are likely to be mistaken, by a reasonable person, shall be regarded as CWC 2024 indicia or CWC 2024 images.

Application of CWC 2024 indicia and images

30.(1) For the purposes of this Part, CWC 2024 indicia or CWC 2024 images are applied to goods or services if such indicia or images are

(a) in the case of goods,

(i) woven in, impressed on, worked into, affixed or annexed to the goods; or

(ii) applied to any covering, document, label, reel or thing in or with which the goods are, or are intended to be, dealt with or provided in the course of trade or the promotion of trade; or

(b) in the case of goods or services,

(i) used on a signboard or in an advertisement, including a television or radio advertisement, that promotes the goods or services; or

(ii) used in an invoice, price list, catalogue, brochure, business letter, business paper or any other commercial document or any promotional material that relates to the goods or services.

(2) For the purposes of subsection (1), an advertisement promotes goods or services where

(a) it promotes a particular person who provides goods or services; and

(b) a reasonable person would conclude, that it was designed to enhance the commercial image of the person referred to in paragraph *(a)*.

(3) If

(a) goods are imported into Barbados for the purpose of sale or distribution by a person; and

(b) when imported, the goods have applied to them any CWC 2024 indicia or CWC 2024 images,

that person shall be taken to have applied the indicia or images to the goods.

Licence to use CWC 2024 indicia or CWC 2024 images for commercial purposes

31.(1) CWI or IBC may license a person to use all or any one or more of CWC 2024 indicia or CWC 2024 images for commercial purposes in such circumstances as may be determined by CWI or IBC.

(2) A licensed user may only use for commercial purposes the CWC 2024 indicia or CWC 2024 images that he is licensed to use and may only use such indicia or images in accordance with the licence.

Prohibition of unlicensed use of CWC 2024 indicia or CWC 2024 images

32.(1) No person, other than CWI, IBC or a licensed user, shall use

(a) any CWC 2024 indicia listed in Part I of the *Second Schedule*; or

(b) any other CWC 2024 indicia or any CWC 2024 images

for commercial purposes.

(2) CWC 2024 indicia or CWC 2024 images are used by a person for commercial purposes if that person causes such indicia or images

(a) to be applied to his goods or services

(i) for advertising or promotional purposes; or

(ii) in a manner that is likely to enhance the demand for the goods or services; and

(b) to a reasonable person, the application would suggest that, that person is or was a sponsor of a CWC 2024 activity, or is or was associated or connected with CWC 2024 or a CWC 2024 activity.

(3) Where goods or services which have applied to them CWC indicia or CWC images are used for commercial purposes by a person other than CWI, IBC or a licensed user, any person who

(a) supplies, or offers to supply, such goods or services;

(b) exposes such goods for supply; or

(c) keeps such goods for supply, whether or not by him,

shall be taken to have used the CWC 2024 indicia or images for commercial purposes.

Provision of information

33. The use of a CWC 2024 mark, CWC 2024 indicia or CWC 2024 images for the purposes of, or in connection with, the provision of information or for the purposes of criticism or review is not by itself sufficient to

(a) amount to a contravention of section 27; or

(b) suggest a sponsorship, or the provision of other support, for the purposes of section 32(2)*(b)*.

Powers of custom officers in relation to certain imports

34.(1) Where goods have applied to them any CWC 2024 mark, CWC 2024 indicia or CWC 2024 images which the importer is not authorized or licensed under this Act to use for commercial purposes, a customs officer may detain the goods for further investigation.

(2) Goods detained under this section shall be kept in such secure place as the Comptroller directs.

Notice of detention

35.(1) Where goods have been detained or confiscated under section 34, the Comptroller shall notify CWI or IBC of the detention.

(2) CWI, or IBC or a licensed user may, within 21 days of the receipt of the notice make an application for an injunction under section 39 and shall give the Comptroller written notice of such application.

Release of goods: no application for injunction

36.(1) The Comptroller shall release goods detained under section 34

(a) unless within the period mentioned in section 35(2), CWI, IBC or a licensed user has

(i) made an application for an injunction under section 39 in relation to the goods; and

(ii) given to the Comptroller written notice of the application;

(b) where CWI, IBC or if applicable the licensed user, has by written notice to the Comptroller consented to the release of the goods.

(2) Except where the Comptroller has been notified in accordance with subsection (1) that an application has been made in relation to the goods, the Comptroller may, in his own determination, release the seized goods before the expiration of the period mentioned in section 35(2) if the Comptroller, having regard to information that has come to his knowledge after the goods were detained, does not have reasonable grounds for believing that section 27 or 32 would be contravened by the importation of the goods.

Power of Comptroller to retain control of goods

37. Nothing in this Part authorizes the Comptroller to dispose of any detained goods where the Comptroller is required or allowed to retain control of the goods under any other law.

Preservation of existing rights

38.(1) The provisions of this Act relating to CWC 2024 indicia or CWC 2024 images, shall not affect rights conferred by law on a person in relation to

(a) a trademark that is registered under the *Trade Marks Act*, Cap. 319; or

(b) an industrial design that is registered under the *Industrial Designs Act*, Cap. 309A

which was so registered before the commencement of this Act in relation to the indicia or image.

(2) Nothing in this Act affects the use of the indicia or image by a person who, before the commencement of this Act, was entitled to prevent another person from using the indicia or image or similar indicia or image, for the purpose of passing off.

(3) This Act does not apply to the use of a business name in connection with a business where

(a) the name is registered in relation to the business under the *Registration of Business Names Act*, Cap. 317; and

(b) the name was so registered immediately before the commencement of this Act in relation to the business.

(4) This Act does not apply in relation to the use of the name of an incorporated company where the company

(a) was in existence immediately before the date of commencement of this Act;

(b) uses the name in connection with a business carried on by the company; and

(c) used the name in connection with the business immediately before the commencement of this Act.

PART V

REMEDIES

Injunctions

39.(1) Where a person has engaged, is engaging, or is proposing to engage in conduct in contravention of sections 7, 20, Part IV and Part V, the Court may on application by CWI, IBC or a licensed user, grant an injunction

(a) restraining the person from engaging in the conduct; and

(b) where, in the Court's opinion, it is desirable to do so, requiring the person to take such action as the Court sees fit, including, in the case of a sign, the erasure or removal of the sign.

(2) The Court may grant an interim injunction pending the determination of an application under subsection (1).

(3) Nothing in this Part limits or shall be construed as limiting any rights or remedies available under the *Trade Marks Act*, Cap. 319.

(4) For the purpose of this Part "Court" means the High Court.

Corrective advertisements

40. Where, on an application under section 39 the Court is satisfied that a person has engaged in conduct constituting a contravention of section 27 or 32, the Court may make an order requiring the person

(a) by such means, including a broadcast or internet publication, as the Court thinks fit;

(b) at the person's own expense; and

(c) at the times specified in the order,

to publish advertisements, in accordance with the order.

Damages

41. Where CWI, IBC or a licensed user suffers loss or damage as a result of anything done in contravention of section 27 or 32 , the amount of the loss or damage may be recovered by action in the Court.

Account of profits

42. Where, on the application of CWI, IBC or a licensed user, the Court is satisfied that a person has engaged in conduct in contravention of section 27 or 32, the Court may make an order granting relief by way of an account of profits.

Limitation

43. CWI, IBC or a licensed user is not entitled, in respect of the same contravention of section 27 or 32, to both

(a) the recovery of loss or damages under section 41; and

(b) damages based on an account of profits under section 42.

Destruction or delivery of goods

44.(1) Where, on the application of CWI, IBC or a licensed user, the Court is satisfied that a person has contravened section 27 or 32 in relation to goods, the Court may order that the goods be

(a) destroyed;

(b) delivered up to CWI, IBC or to the licensed user; or

(c) otherwise dealt with in such manner as the Court thinks fit.

(2) A Court may make an order under this section whether or not an injunction is granted under section 39.

(3) Where the Court makes an order under this section, the person against whom the order is granted shall bear the expenses occasioned by the order.

Other remedies

45.(1) The remedies provided under this Part are in addition to any remedy provided by any law

(a) that confers any rights or powers on CWI, IBC or a licensed user in relation to conduct of a kind that constitutes a contravention of section 27 or 32;

(b) relating to engaging in conduct that is misleading or deceptive and, in particular, in relation to representations

(i) that goods or services have sponsorship or approval that they do not have; or

(ii) that a corporation has a sponsorship, approval or affiliation that it does not have.

(2) The reference in subsection (1) to particular representations does not preclude the application of any law to conduct of a kind that constitutes a contravention of section 27 or 32.

(3) The Court may make any order, the effect of which would be to deprive an offender of any economic gain from the goods in relation to which the contravention occurred.

Compensation

46.(1) Where by virtue of any provision of this Act, any right of a person under any law is infringed, that person is entitled to compensation as assessed by the Court.

(2) In determining claims for compensation for the infringement of any right under this Act, the Court may take into consideration

(a) in the case of infringement of property rights, the market value of the property on the date of the infringement;

(b) any damage sustained by the person at the time of awarding compensation;

(c) the damage, if any, sustained by the person at the time of awarding compensation by reason of the infringement affecting his other rights or his earnings; or

(d) if in the consequence of the infringement the person is compelled to change his residence or place of business, the reasonable expenses incidental to the change.

(3) The Court in assessing compensation to be paid under subsection (1), shall not take into consideration

(a) the degree of urgency or necessity which has led to the infringement;

(b) any disinclination of the person to consent to the infringement; or

(c) any damage sustained by the person which, if caused by a private person, would not render the private person liable to an action.

(4) In determining claims for compensation for infringement of property rights, the Court shall have power to consider and award to the person in respect of compensation for the infringement, in addition to the matters specified in subsection (2), any sum not exceeding $10 000 000.

(5) Nothing in this section limits or shall be construed as limiting any written law respecting compensation for the infringement of rights.

Offences by corporations

47.(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Regulations

48.(1) The Minister may make regulations prescribing matters

(a) required or permitted by this Act to be prescribed; or

(b) for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1),

(a) the regulations may provide for

(i) the organisation, management and control of a CWC 2024 activity and the carrying out of works or activities, or providing services for the safe and orderly conduct of such CWC activity;

(ii) the control, management and use of a CWC 2024 venue and the carrying out of works or activities or providing services in, on or near a CWC 2024 venue for the safe and orderly management and use of the CWC 2024 venue;

(iii) the prohibition or regulation of entry into a CWC 2024 venue or part of such venue; or

(iv) the prohibition or regulation of the conduct or activities of persons for the purpose of the safe and orderly conduct of CWC 2024 activities or the safe and orderly use of a CWC 2024 venue; or

(b) the Minister responsible for Immigration may pursuant to section 31 of the *Immigration Act*, Cap. 190 make regulations with respect to

(i) any visa or class of visas in respect of a person who requires a visa for entry into and departure from Barbados; and

(ii) any approval or document required for such purpose.

References

49. In this Act, a reference to

(a) "the provision of information" includes a reference to the reporting of news and the presentation of current affairs; and

(b) "criticism" or "review" includes a reference to criticism or review

(i) in a newspaper, magazine or similar periodical;

(ii) in a broadcast; or

(iii) in a cinematograph film.

Amendment by order schedules

50. The Minister may by order amend any of the *Schedules* to this Act.

Expiry of Act

51. This Act expires on 30th June, 2024.

FIRST SCHEDULE

(Sections 18(1)(c) and 18(2)(b))

PART I

Prohibited Items

The following items shall be prohibited at all CWC 2024 venues:

1. Animals (other than service animals).
2. Bicycles.
3. Commercial Video/Photographic/Audio Equipment.
4. Compressed gas cannisters and other flammable items.
5. Dangerous Items/Weapons (including but not limited to firearms, explosive, knives, flares, fireworks and laser pointers).
6. Drones or unmanned aerial vehicles.
7. Glass bottles or metal cans.
8. Narcotics (other than prescribed).
9. Offensive or Political signage.
10. Promotional or Commercial Material.

First Schedule - (Concl'd)

PART II

Restricted Items

The following items shall be restricted at all CWC 2024 venues:

1. Coolers/lunch boxes larger than 30x30x30cm.
2. Fold up chairs not intended for mounds.
3. Large banners and flags, flag sticks above 1.6m in length.
4. Musical instruments that cannot fit under your seat or on your lap or is louder than 70 dB.
5. Tents/Umbrellas not intended for mounds.

SECOND SCHEDULE

(Sections 29(1)(a) and (b), 32(1)(a))

PART I

Twenty20 World Cup

T20 World Cup

World Cup Cricket

Twenty20 2024

T20 2024

PART II

Any combination of words, one part of which is from Column 1 and one part of which is from Column II.

Column I	Column II
Antigua	Twenty20 World Cup
Antigua and Barbuda	T20 World Cup
Barbados	World Cup Cricket
Barbuda	Twenty20 2024
Caribbean	T20 2024
Guyana	
St. Lucia	
St. Vincent	
St. Vincent and the Grenadines	

Second Schedule - (Cont'd)

PART II - *(Concl'd)*

Column I	Column II
The Grenadines Trinidad Trinidad and Tobago Tobago West Indies Windies	

Second Schedule - (Concl'd)

Column I	Column II
Cricket Venues	
Antigua Recreational Ground	
Arnos Vale Cricket Ground	
Arnos Vale 2	
Bourda Cricket Ground	
Brian Lara Cricket Academy	
Coolidge Cricket Ground	
Darren Sammy Cricket Ground	
Diego Martin Sporting Complex	
Everest Cricket Ground	
Gros Islet Cricket Field	
Guyana National Stadium	
Guyana Police Force Cricket Ground	
Kensington Oval	
Mindoo Philip Park	
Police Sports Club Cricket Ground at Weymouth	
Queens Park Oval	
Sion Hill Cricket Ground	
Sir Frank Worrel Cricket Ground (UWI Spec)	
Sir Vivian Richards Stadium	
Three W's Oval	
Windward Cricket Ground	

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

VISITING POLICE FORCES (ICC CRICKET WORLD CUP 2024) ACT, 2024

OBJECTS AND REASONS

This Bill would regulate the performance of official duties in Barbados by members of police forces visiting Barbados and civilian personnel attached to those forces during the period of Cricket World Cup, 2024 and for related matters.

VISITING POLICE FORCES (ICC CRICKET WORLD CUP 2024) ACT, 2024

Arrangement of Sections

Preliminary

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3. Act to bind the State

4. Application

5. Designated States

6. Operational direction

Powers and Immunities of Visiting Police Forces

7. Status of members of visiting police forces

8. Immunity from prosecution

Jurisdiction

9. Criminal Jurisdiction

10. Certificate concerning official duty

11. Trial by court having primary right

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Claims Against Visiting Police Forces

13. Claims against designated States

14. Enforcement of judgement

15. Ships

16. Official duty

17. Arbitration

Taxation

18. Tax and residence

19. Salaries

20. Service vehicle

21. Customs duties and other taxes

Miscellaneous

22. Enactments relating to the police service

23. Coroner’s inquest

24. Expiry of Act

SCHEDULE

Designated States

BARBADOS

A Bill entitled

An Act to regulate the performance of official duties in Barbados by members of police forces visiting Barbados and civilian personnel attached to those forces during the period of Cricket World Cup, 2024 and for related matters.

ENACTED by the Parliament of Barbados as follows:

Preliminary

Short title

1. This Act may be cited as the *Visiting Police Forces (ICC Cricket World Cup 2024) Act, 2024*.

Interpretation

2. In this Act,

"CARICOM" means the Caribbean Community established by the Revised Treaty of Chaguaramas signed in the Bahamas on 5th July, 2001;

"civilian personnel" means the civilian component of a visiting police force;

"Commissioner" means the Commissioner of Police of Barbados;

"court" means a court of ordinary criminal jurisdiction in Barbados and includes a court of summary jurisdiction;

"designated state" means a state that is designated under section 5;

"Police Service" means the Barbados Police Service;

"Member State" means a Member State of CARICOM;

"Treaty on Security Assistance" or "the Treaty" means the Treaty on Security Assistance among CARICOM Member States signed at Basseterre in St. Kitts and Nevis on 6th July, 2006, including any amendments or protocols thereto;

"visiting police force" means the members of any police force of a designated state present in Barbados in connection with official duties for the purposes of this Act.

Application of the Act

Act to bind the State

3. This Act binds the State.

Application

4. This Act applies in respect of visiting police forces and the civilian personnel of a state designated pursuant to section 5.

Designated States

5.(1) The countries listed in the *Schedule* are designated states for the purposes of this Act.

(2) The Minister may by order amend the *Schedule*.

Operational direction

6. For the purposes of this Act and Article 10 1.(a) of the Treaty, the Commissioner shall be responsible for the operational direction of the visiting police forces.

Powers and Immunities of Visiting Police Forces

Status of members of visiting police forces

7.(1) Any member of a visiting police force who is sent to Barbados to perform police duties similar to duties performed by him in his State during Cricket World Cup, 2024 shall, while on duty in Barbados, perform the same duties under and in accordance with the directions of the Commissioner in the same manner and in all respects as if he were a member of the Police Service.

(2) Subject to this Act, the members of a visiting police force shall have the same rights, powers, privileges and immunities as are conferred by law on

members of the Police Service as may be necessary for the performance of their duties.

Immunity from prosecution

8.(1) Notwithstanding section 7(2), the members of a visiting police force shall be immune from prosecution in criminal court proceedings in Barbados in respect of actions taken in the course of their official duties.

(2) The immunity specified in subsection (1) may be waived in respect of any member of a visiting police force, by the competent authority of the designated state of the visiting police force.

Jurisdiction

Criminal Jurisdiction

9.(1) Subject to subsection (2) and section 8, the court has the primary right to exercise jurisdiction in respect of any act that constitutes an offence against any law in force in Barbados that is committed by a member of a visiting police force.

(2) With respect to the alleged commission of an offence by a member of a visiting police force in relation to

(a) the property or security of the designated state; or

(b) the person or property of another member of the visiting police force,

the competent court of the relevant designated state has the primary right to exercise jurisdiction.

Certificate concerning official duty

10. A certificate of the Commissioner that anything alleged to have been done by a member of a visiting police force of a designated state was or was not done in the performance of official duty, is receivable in evidence in any court and for the purposes of this Act is *prima facie* proof of that fact.

Trial by court having primary right

11. Where under section 9 a competent court of a designated state has the primary right to exercise jurisdiction, the court having the primary right has the right to deal with charges against alleged offenders in the first instance, but that right may be waived by the designated state.

Firearms

12. Members of a visiting police force acting in the course of their duties, may, if authorized to do so by the Commissioner, possess and carry explosives, ammunition and firearms.

Claims Against Visiting Police Forces

Claims against designated States

13. For the purposes of the *Crown Proceedings Act*, Cap. 197

(a) a tort committed by a member of a visiting police force while acting within the scope of his official duties or employment shall be deemed to have been committed by a public officer within the meaning of the section 2 of the *Public Service Act*, Cap. 29 while acting within the scope of his official duties or employment;

(b) property owned, occupied, possessed or controlled by a visiting police force shall be deemed to be owned, occupied, possessed or controlled by the State; and

(c) a service motor vehicle of a visiting police force shall be deemed to be owned by the State.

Enforcement of judgement

14. A member of a visiting police force is not subject to any proceedings for the enforcement of any judgment given against him in Barbados in respect of

a matter that arose while he was acting within the scope of his official duties or employment.

Ships

15. Except where section 13 may be made applicable by order of the Minister in respect of the ships of any particular designated state, that section does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of cargo, unless the claim is a claim arising out of death or injury to the person.

Official duty

16. Where a question that cannot be settled by negotiation between the parties arises under sections 13 to 17 as to whether

(a) a member of a visiting police force was acting within the scope of his official duties or employment; or

(b) a matter in respect of which judgment was given against a member of a visiting police force arose while he was acting within the scope of his official duties or employment,

the question must be submitted to an arbitrator appointed in accordance with section 17, and for the purposes of sections 13 to 17, the decision of the arbitrator is final and conclusive.

Arbitration

17.(1) An arbitrator must be appointed for the purposes of section 16 by agreement between the designated state concerned and Barbados from among the nationals of Barbados who hold or have held high judicial office.

(2) If the designated state and Barbados are unable, within 2 months, to agree upon an arbitrator, either the designated state or Barbados may request any person designated in an agreement with the designated state or acceptable to the

designated state and Barbados to appoint the arbitrator from among the nationals of Barbados who have held high judicial office.

Taxation

Tax and residence

18. Where the liability for any form of taxation in Barbados depends upon residence or domicile, a period during which a member of a visiting police force is in Barbados by reason of his being a member of the visiting police force shall, for the purposes of that taxation, be deemed not to be a period of residence in Barbados and not to create a change of residence or domicile.

Salaries

19.(1) A member of a visiting police force is exempt from taxation in Barbados on the salary and emoluments paid to him as a member of a visiting police force by a designated state and in respect of any tangible movable property that is in Barbados temporarily by reason of his presence in Barbados in that capacity.

(2) For the purposes of section 18 and this section, the term "member of a visiting police force" does not include a citizen of Barbados who is resident or ordinarily resident in Barbados.

Service vehicle

20. No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting police force or in respect of the use of those vehicles on any road in Barbados.

Customs duties and other taxes

21.(1) A visiting police force may import into Barbados, equipment, provisions, supplies and other goods for the exclusive use of the visiting police force free of customs duty and any tax.

(2) A member of a visiting police force may, at the time of his first arrival to take up service in Barbados, import his personal effects free of customs duty and any tax.

(3) No customs duty or any tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting police force during the performance of the official duties of the members of the visiting police force.

Miscellaneous

Enactments relating to the police service

22.(1) Where under any enactment a power is exercisable by any authority or person,

(a) respecting the Police Service, its members, or any person connected therewith; or

(b) respecting any property used or to be used for the purposes of the Police Service, or for taking possession of any property to be so used, or for acquiring, whether by agreement or compulsorily, any property so used or to be so used,

the Minister may by order provide that the power be exercisable by that authority or person, as the case may be, in the case of a visiting police force to any extent to which it would be exercisable if the visiting police force were a part of the Police Service.

(2) The Minister may by order

(a) exempt a visiting police force or its members, any other person connected therewith or any property used or to be used for the purposes thereof from the operation of any enactment specified in the order to any extent to which the force, members, persons or property would be, or would be capable of being exempted, if the visiting police force were a part of the Police Service; and

(b) confer on that visiting police force or any members, persons or property referred to in paragraph *(a)* any other privilege or immunity specified in the order, being a privilege or immunity that would be enjoyed by or would be capable of being conferred on the visiting police force, members, persons or property, if the force were part of the Police Service.

(3) Where under any enactment the doing of anything is prohibited, restricted or required in relation to

(a) the Police Service, its members, or any other person connected therewith; or

(b) any property used or to be used for the purposes of the Police Service,

the Minister may by order extend the prohibition, restriction or requirement to any visiting police force in the same manner as if the visiting police force were a part of the Police Service.

(4) An order made under this section may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary for the purposes of the order, including provisions for applying, modifying, adapting or suspending any enactment.

(5) Subsections (1) and (4) apply whether the power is exercisable, or the prohibition, restriction or requirement is imposed, by a provision expressly relating to the Police Service or by a more general provision; and subsection (3) applies whether the exemption, privilege or immunity subsists, or is capable of being conferred, by virtue of such a provision or by reason of any enactment not binding the State.

Coroner’s inquest

23.(1) Where a coroner who has jurisdiction to hold a coroner's inquest into a death is satisfied that the deceased person at the time of his death had a relevant association with a visiting police force, then, unless the President otherwise

directs, the coroner may not hold the inquest, or, if the coroner has started the inquest but has not completed it, the coroner shall adjourn the inquest.

(2) Subject to subsection (1), a coroner referred to in that subsection shall, unless the President otherwise directs, adjourn the inquest if the coroner is satisfied

(a) that a person who is subject to the jurisdiction of the competent courts of a designated state has been charged before such court with the homicide of the deceased person referred to in subsection (1), whether or not that charge has been dealt with; or

(b) that a person referred to in paragraph *(a)* is being detained by an authority of a visiting police force with a view to being so charged.

(3) Where an inquest is adjourned under this section, the coroner may resume the inquest only on the direction of the President.

(4) Where an inquest that was adjourned under this section is resumed, the coroner shall proceed in all respects as if the inquest had not been previously begun.

(5) In this section,

(a) "homicide" includes murder, manslaughter, infanticide and any offence under the law of the country in question that is analogous to any of those offences;

(b) references to a person having a relevant association with a visiting police force are references to his being at the time

(i) a member of the visiting police force or a member of a civilian component of that force; or

(ii) a person who, not being a citizen of Barbados or a permanent resident thereof within the meaning of the *Immigration Act*, Cap. 190, is a member of the visiting police force or of a civilian component of that force.

(6) In determining for the purposes of this section whether a person is, or was at any time, a permanent resident of Barbados, no account shall be taken of any period during which he has been, or intends to be present in Barbados,

(a) as a member of a visiting police force or of a civilian component of such a force; or

(b) as a dependant of a member of a visiting police force or of a civilian component of such a force.

Expiry of Act

24. This Act expires on 30th June, 2024.

SCHEDULE

(Section 5(1))

Designated States

1. Member States of the Caribbean Community

2. Associate Members states of the Caribbean Community

3. South Africa

4. Canada

5. United Kingdom

6. France

7. The Netherlands Antilles

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

BARBADOS

The Official Gazette Part A 29th April, 2024

Statutory Instrument

S.I. 2024 No. 15

LAND ACQUISITION ACT, CAP. 228
(Notice under Section 5)

The acquisition for a public purpose of the parcels of land described in the Schedules hereto with the appurtenances having been decided on by the Minister responsible for Lands with the approval of both Houses of Parliament, it is hereby declared in pursuance of Section 5 of the Land Acquisition Act, Cap. 228 that the parcels of land have been acquired for the public purpose of regularising a squatters' housing area.

FIRST SCHEDULE

ALL THAT land the property of Arthur Pounder situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 9 853.1 square metres or thereabouts abutting and bounding on a road in common leading to Highway 5 in one direction on a right of way 4.88 metres wide on lands now or late of Martha Hawkesworth on lands now or late of Kevin Gobin et al on lands now or late of Jonathan Henry on lands now or late of Reynold White on Lots 4, 3 and 2 on lands now or late of Scofield Alleyne (Lot 1) and on a public road or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

SECOND SCHEDULE

FIRSTLY ALL THAT land the property of Reynold White situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 43.2 square metres in road or thereabouts abutting and bounding on other lands now or late of Reynold White on lands now or late of Maureen Butcher (Lot 9) and on a public road

or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

SECONDLY ALL THAT land the property of Reynold White situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 86.1 square metres in road or thereabouts abutting and bounding on lands now or late of Arthur Pounder on lands now or late of Jonathan Henry on a road and other lands now or late of Reynold White or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

THIRD SCHEDULE

ALL THAT land the property of Jonathan Henry situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 2 377.3 square metres (including 187.5 square metres in road) or thereabouts abutting and bounding on lands now or late of Arthur Pounder on lands now or late of Kevin Gobin et al on lands now or late of Beresford Smith and on a road two sides and on other lands now or late of Reynold White or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

FOURTH SCHEDULE

ALL THAT land the property of Beresford Smith situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 1678.5 square metres or thereabouts abutting and bounding on lands now or late of Gwendolyn Browne on lands now or late of Abel Scott on a road on lands now or late of Jonathan Henry and on lands now or late of Kevin Gobin et al or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

FIFTH SCHEDULE

ALL THAT land the property of Kevin Gobin et al situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 1000.6 square metres or thereabouts abutting and bounding on lands now or late of Martha Hawkesworth on lands now or late of Gwendolyn Browne on lands now or late of Beresford Smith on lands now or late of Jonathan Henry and on lands now or late of Arthur Pounder or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

SIXTH SCHEDULE

ALL THAT land the property of Martha Hawkesworth situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 992.4 square metres (including 156.7 square metres in right of way) or thereabouts abutting and bounding on a right of way 4.88 metres wide on lands now or late of Elizabeth Alleyne on lands now or late of Gwendolyn Browne on a lands now or late of Kevin Gobin et al and on lands now or late of Arthur Pounder or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

SEVENTH SCHEDULE

ALL THAT land the property of Gwendolyn Browne situate at Work Hall in the parish of Saint Philip in this Island containing by admeasurement 141.0 in square metres in right of way or thereabouts abutting and bounding on a right of way 4.88 metres wide on lands now or late of Elizabeth Alleyne on a right of way 4.88 metres wide which leads to a cul-de-sac in one direction and on other lands now or late of Gwendolyn Browne and on lands now or late of Martha Hawkesworth or however else the same may abut and bound as shown and delineated on a plan certified on the 7th day of March, 2022 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of May, 2022 as Plan No. 819/2022.

Dated this 11th day of April Two Thousand and Twenty-Four.

S. MASON
PRESIDENT

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