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Resolution No. 6/2024 Ref. No.: M.P. 5303/104/1Vol. I

PARLIAMENT

WHEREAS by virtue of section 2 of the *Special Loans Act*, Cap. 105 the Government is authorised from time to time to borrow from another government, any bank, corporation, company or other institution sums of money not exceeding in the aggregate BBD 2,500,000,000 on such terms as may be agreed upon between the Government and the lender of any such sum of money;

AND WHEREAS by section 3 of the said Act it is provided that any money borrowed under the authority of the Act shall be appropriated and applied to such purposes as Parliament may approve by resolution and that such money and any interest payable thereon is charged upon the general revenues and assets of Barbados;

AND WHEREAS the Government considers it necessary to borrow the sum of up to USD 12,400,000 from the CARICOM Development Fund to co-finance and augment the 3R's (Reduce, Reuse and Recycle) for the Climate Resilient Wastewater Systems Project;

AND WHEREAS the said sum of up to USD 12,400,000 is borrowed on the terms and conditions contained in the Loan Agreement, the main provisions of which are set out in the *Schedule*;

AND WHEREAS the said sum of up to USD 12,400,000 is within the authorised borrowing limit given to the Government under section 2 of the said Act;

AND BE IT RESOLVED therefore that Parliament approve the borrowing of the said sum of up to USD 12,400,000 from the CARICOM Development Fund to co-finance and augment the 3R's (Reduce, Reuse and Recycle) for the Climate Resilient Wastewater Systems Project on the terms and conditions contained in the Loan Agreement, the main provisions of which are set out in the *Schedule*.

APPROVED by the House of Assembly this 11th day of June, Two Thousand and Twenty-four.

A. HOLDER
Speaker.

APPROVED by the Senate this 17th day of July, Two Thousand and Twenty-four.

R. FARLEY
President.

I assent
S. MASON
President of Barbados
2024-07-24.

Resolution No. 6/2024 – *Cont'd*

SCHEDULE

TERMS AND CONDITIONS

Borrower:	Government of Barbados
Lender:	CARICOM Development Fund
Executing Agency:	Barbados Water Authority
Purpose:	To co-finance and augment the 3R's (Reduce, Reuse and Recycle) for the Climate Resilient Wastewater Systems Project
Amount:	USD 12,400,000
Term Period:	12 years including the Grace Period
Grace Period:	2 years applied to principal payments
Repayment Period:	10 years
Repayment:	40 equal and consecutive quarterly payments
Interest rate:	Fixed - 3% per annum
Frequency of Payment:	Quarterly

BARBADOS

The Official Gazette Part A 26th July, 2024

Act 2024-21

NOTARIES PUBLIC ACT, 2024-21

Arrangement of Sections

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2. Interpretation

3. Appointment as a notary public

4. Application and authorisation to be appointed as Notary public

5. Appointment of notary public

6. Notary Public Certificate

7. Roll of notaries public

8. Renewal and payment of fees

9. Notarial acts

10. Fees

11. Proceedings for misconduct: suspension or revocation

12. Notarial Acts Register

13. Duty to notify Registrar of changes and events

14. Power to obtain information

15. Penalty for misfeasance

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THIRD SCHEDULE

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FIFTH SCHEDULE

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SEVENTH SCHEDULE

Notarial Acts and Fees

EIGHTH SCHEDULE

Notarial Acts Register

BARBADOS

I assent
S. MASON
President of Barbados
24th July, 2024.

2024-21

An Act to revise the law relating to the appointment and regulation of Notaries Public in Barbados and provide for related matters.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Notaries Public Act, 2024*.

Interpretation

2. In this Act,

"attorney-at-law" has the meaning assigned to it by the *Legal Profession Act*, Cap. 370A;

"Minister" means the Minister responsible for notaries public;

"Registrar" means the Registrar of the Supreme Court.

Appointment as a notary public

3.(1) A person may be appointed as a notary public if he satisfies the requirements for appointment under this Act.

(2) Any person holding or acting in a public office specified in the *First Schedule* shall be *ex officio* a notary public for Barbados.

(3) A person may be appointed as a notary public if that person

(a) is a citizen or permanent resident of Barbados;

(b) is the holder of a CARICOM Skilled National Certificate and is ordinarily resident in Barbados;

(c) has never been convicted of an offence punishable by imprisonment;

(d) has never been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this Act;

(e) has not been adjudged bankrupt; and

(f) meets any of the criteria specified in this section.

(4) A person referred to in subsection (3) is eligible for appointment if that person

(a) is an attorney-at-law

(i) who has been practising law in Barbados for at least 15 years; and

(ii) who is in good standing with the Barbados Bar Association; or

(b) is a certified public or chartered accountant

(i) who has been practising in Barbados for at least 15 years; and

(ii) who is in good standing with a recognised accounting body.

(c) possesses at least 15 years professional or business experience in Barbados and is of good character.

(5) Every person other than an attorney-at-law shall complete a course of training prescribed by the Attorney-General.

Application and authorisation to be appointed as Notary public

4.(1) Subject to subsection 3, a person who wishes to be appointed as a notary public shall submit an application in writing to the Registrar in the form set out in the *Second Schedule*.

(2) An application made under subsection (1), shall be accompanied by the following documents:

(a) proof of the applicant's citizenship or permanent residence;

(b) 2 character references, one from among the following persons:

(i) an employer or former employer;

(ii) a Justice of the peace;

(iii) a notary public;

(iv) a minister of religion;

(v) a police officer of the rank of inspector or above,

(vi) a certified public or chartered accountant;

(vii) an attorney-at-law;

(viii) a medical doctor; or

(ix) a member of Parliament.

(c) a police certificate of character issued within 3 months of the date of the application;

(d) a photograph of the applicant, certified by any one of the persons listed at paragraph *(b)* to be a true likeness of the applicant;

(e) proof of admission to practise law in Barbados;

(f) proof of qualification as a certified public accountant or chartered accountant; and

(g) any other information that the Registrar may require**.**

(3) The Registrar shall, upon receipt of the application, review the application and if satisfied that he is fit for appointment, appoint the applicant or if not so satisfied refuse to appoint him.

Appointment of notary public

5.(1) On receipt of the application, pursuant to

(a) section 4(3)*(a)* and upon the applicant subscribing to the oath set out in the *Fourth Schedule*, the Registrar may appoint the applicant; or

(b) section 4(3)*(b)* refuse to appoint the applicant.

(2) If the Registrar refuses to appoint an applicant, the Registrar shall inform the applicant giving the applicant the reasons for refusal.

(3) Every person appointed as a notary public shall deposit with the Registrar an impression of the embossed notarial seal, in the form set out in the *Third Schedule*, to be used by him in his capacity as notary public and pay the prescribed fee to the Registrar.

Notary Public Certificate

6.(1) Upon appointment as a notary public, and the payment of the registration fee set out in the *Fifth Schedule*, the Registrar shall issue a Notary Public Certificate to the person appointed a notary public, in the form set out in the *Sixth Schedule*.

(2) The Notary Public Certificate referred to in subsection (1) shall be valid until the 31st day of January in the following year in which it was issued.

(3) The Registrar shall cause to be published in the *Official Gazette*,

(a) in the month of February in every year, an alphabetical list of persons who have at the 31st January in that year obtained a Notary Public Certificate;

(b) as soon as practicable after he obtains a Notary Public Certificate, the name of any person obtaining a Notary Public Certificate after the 31st January in any year.

Roll of notaries public

7.(1) The Registrar shall keep a register, which may be in an electronic form, to be known as the "Register of Notaries Public" in which the Registrar shall register

(a) the name of every person appointed as a notary public under this Act;

(b) the date of appointment of the person;

(c) the address of the person; and

(d) the profession of the person.

(2) The Registrar shall endorse the Register of Notaries Public with an appropriate notation if an appointment

(a) lapses under section 8;

(b) lapses by virtue of the notary public's residency outside of Barbados for more than 12 months; or

(c) is suspended or renewed.

(3) The Registrar shall remove from the roll, the name of any person whose appointment has been revoked under this Act.

(4) The Registrar shall cause to be published annually, a list of all current notaries public in the *Official Gazette* and any relevant Government websites.

Renewal and payment of fees

8.(1) A notary public shall, on or before the 31st day of January in each year following the year of his first appointment, pay the prescribed annual renewal fee as set out in the *Fifth Schedule*.

(2) Where a notary public fails to pay the prescribed renewal fee by the date specified in subsection (1), his appointment as a notary public shall lapse and he shall cease to perform any notarial act.

(3) Subject to subsection (5), a notary public may pay an annual renewal fee at a later date, with an additional penalty equal to one-half of the annual fee.

(4) Upon payment of the penalty and the fee subsection (3), the lapsed appointment shall be reinstated and an endorsement for renewal made on the date of the payment.

(5) Where an appointment lapses for a period of more than 6 months, without reasonable cause or excuse, the notary public's appointment shall be revoked.

Notarial acts

9.(1) A notary public may perform

(a) the notarial acts set out in the column I of the *Seventh Schedule*;

(b) any act that is required to be performed by a notary public

(i) under any other enactment; and

(ii) in accordance with the provisions of any treaty or agreement to which Barbados is a party; or

(c) all the powers and authorities exercisable by custom to a notary public.

(2) Notwithstanding the requirement in law to exercise the powers of a notary public in the physical presence of an individual, regulations made under this Act may prescribe the conditions for the notary public to exercise his notarial powers remotely.

(3) In any case where the circumstances surrounding a request for the notary public to do any act referred to in subsection (1) appears suspicious, the notary public shall refuse to act.

(4) When any notarial act shall be refused to be noted or done, the notary public so refusing shall mark in the logbook, bill of exchange or other document, his refusal with his signature and the date of refusal subscribed thereon.

(5) A person aggrieved by the refusal of a notary public to perform a notarial act may apply to Registrar for a review of the notary public's refusal.

Fees

10.(1) A notary public shall charge for each notarial act set out in column I the *Seventh Schedule*, the fee set out in column II of that *Schedule*.

(2) A notary public who charges a high fee than that prescribed for a notarial act commits an act of misconduct.

(3) All fees collected by a notary public who is a public officer listed in the *First Schedule*, shall be paid into the Consolidated Fund.

(4) Notwithstanding subsection (1), a notary public, other than a notary public *ex officio*, may waive the fee set out in the *Seventh Schedule* for any notarial act done.

(5) The sum set out in the *Seventh Schedule* shall apply notwithstanding any enactment providing for a different sum for that notarial act.

Proceedings for misconduct: suspension or revocation

11.(1) The appointment of a notary public may be suspended by the Registrar if the notary public

(a) allows his name to be used by another person to perform notarial acts;

(b) charges or accepts a fee for a notarial act in contravention of section 9; or

(c) fails to file a notice in accordance with section 13, with the Registrar.

(2) The appointment of a notary public may be revoked, if the notary public is

(a) convicted of an offence punishable by imprisonment;

(b) adjudged bankrupt;

(c) deemed unfit and the High Court has made an order appointing a receiver for that notary public; or

(d) found guilty of any act that constitutes misconduct whether in his capacity as a notary public or in his profession or occupation; or

(e) has been or has been found negligent in the discharge of his duty;

(2) Where the appointment of notary public is

(a) suspended; or

(b) revoked,

the Registrar shall endorse a notation of the suspension in the Register of Notaries Public or remove the name of the notary public from the register, as the case may be.

(3) A person who has reason to believe that a notary public has committed an act of misconduct, may make a complaint on oath to the Registrar setting out the nature of the alleged misconduct.

(4) The Registrar shall refer the complaint referred to in subsection (3) to the Attorney General.

(5) The Attorney General shall investigate the complaint made in accordance with subsection (3) and report his findings to the Registrar and give the Registrar such directions as the Attorney General deems fit and the Registrar shall following those directions.

(6) Notwithstanding subsections (1) to (6), the Registrar may revoke the appointment of any notary public if the Registrar has reasonable cause to believe that the notary public is unfit, incapable or incompetent to carry out the duties of the office.

(7) Where a notary's public appointment has been suspended or revoked, the Registrar shall cause a notice of the suspension or revocation to be published in the *Official Gazette* and by any other means that would bring it to the attention of members of the public.

(8) A notary public who is aggrieved by a decision of the Registrar given under subsection (6) may appeal to the Attorney General.

Notarial Acts Register

12.(1) Every notary public shall keep and maintain a register to be called a "Notarial Acts Register" in the form set out in the *Eighth Schedule* in which he shall record the details of every notarial act done by him and shall preserve the record for a period of at least 7 years from the execution of the act.

(2) A notary public whose appointment has

(a) lapsed;

(b) been suspended; or

(c) been revoked,

shall within 14 days of the date of the lapse, suspension or revocation, as the case may be, deliver all Notarial Acts Registers in his possession to the Registrar.

(3) A person who, not being a notary public, comes into possession of a Notarial Acts Register shall immediately deliver the Register to the Registrar.

(4) A notary public or any other person who contravenes this section is guilty of an offence and is liable to a fine of $1 000.

Duty to notify Registrar of changes and events

13.(1) A notary public shall, within 30 days of the occurrence of any of the following events, notify the Registrar in writing of

(a) a change to his name under the *Change of Name Act*, Cap. 212A or under any other enactment;

(b) a change of his address;

(c) a change of his status, nationality or permanent resident; and

(d) a change of his profession or occupation.

(2) A notary public shall, with 7 days of the occurrence of any of the following events, notify the Registrar in writing

(a) if he is convicted of an offence punishable by imprisonment;

(b) of the decision by a professional body that he is guilty of professional misconduct; or

(c) of an adjudication that he is bankrupt.

(3) The Registrar shall revoke the appointment of a notary public to whom subsection (2), applies.

Power to obtain information

14. The Registrar may, for the purpose of ascertaining whether a notary public is in compliance with this Act, and the conditions of his appointment, by notice in writing require the notary public to

(a) furnish the information required to be kept by the notary public under section 7(1);

(b) produce a copy of the Notarial Acts Register required to be kept by the notary public under section 11; and

(c) produce any other information that the Registrar requires.

Penalty for misfeasance

15. Any notary public who

(a) wilfully certifies or propounds any false statement or document; or

(b) fraudulently or with intent to deceive, conceals, withholds or perverts any fact pertinent to the subject of a notarial 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 3 years or to both and in addition, the Registrar shall revoke his appointment.

Offences

16.(1) A person who

(a) performs any notarial act without having been appointed as a notary under this Act; or

(b) holds himself out to be a notary public or receives any fees or reward as a notary public,

without having been appointed as a notary public is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for a term of 3 years or to both.

(2) A notary public who performs any notarial act while his appointment has been suspended or revoked is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for a term of 3 years or to both.

(3) This section does not affect the power of any consular officer in Barbados to do any notarial act which he is authorised to do.

Regulations

17. The Minister may make regulations prescribing

(a) the fees which may be charged for the execution of any notarial act;

(b) the fees payable upon the application and renewal as a notary public;

(c) the conduct of notaries, including record keeping protocols;

(d) the manner in which the Registrar shall store, preserve or dispose of seals and certificates submitted to the Registrar;

(e) training courses and other educational materials for notaries;

(f) the accreditation of any person, agency or educational institution for the delivery of training courses;

(g) any other matter related to the discharge of the duties or functions of notaries; and

(h) anything that is authorised or required by this Act to be prescribed.

Amendment of Schedules

18. The Minister may by Order amend the *Schedules* to this Act.

Repeal of Act 2017–9

19. The *Notaries Public Act, 2017* (Act 2017-9) is repealed.

Commencement

20. This Act shall come into operation on a date to be fixed by proclamation.

FIRST SCHEDULE

(Section 3(2))

Notaries Public - Ex Officio

(a) Solicitor-General
(b) Deputy Solicitor-General
(c) Permanent Secretary in the Ministry responsible for Foreign Affairs
(d) Permanent Secretary in the Ministry responsible for Home Affairs
(e) Permanent Secretary in the Ministry responsible for International Business
(f) Permanent Secretary in the Office of the Attorney General
(g) Permanent Secretary in the Prime Minister's Office
(h) Deputy Permanent Secretary in the Ministry responsible for Foreign Affairs
(i) Deputy Permanent Secretary in the Ministry of Home Affairs
(j) Deputy Permanent Secretary in the Ministry responsible for International Business
(k) Deputy Permanent Secretary in the Ministry responsible for the Office of the Attorney General
(l) Supervisor of Insolvency
(m) Registrar of the Supreme Court
(n) Deputy Registrar of the Supreme Court
(o) Assistant Registrar of the Supreme Court
(p) Registrar of Corporate Affairs and Intellectual Property Office
(q) Deputy Registrar of Corporate Affairs and Intellectual Property Office
(r) Assistant Registrar of Corporate Affairs and Intellectual Property Office
(s) Registrar of the Land Registry
(t) Deputy Registrar of the Land Registry
(u) Assistant Registrar of the Land Registry
(v) Director of International Business
(w) Deputy Director International Business
(x) Cabinet Secretary, Cabinet Office

SECOND SCHEDULE

(Section 4(1))

Notaries Public Act, 2024
(Act 2024-21)

Place passport sized photograph of applicant here

Notary Public Application

1. Name of the applicant:_____

_____

2. Gender: ☐ Male ☐ Female

3 Date of birth:_____

4. Place of birth:_____

5. Nationality:_____

6. Address:_____

_____

Second Schedule - (Cont'd)

7. Contact information: _____ *(Telephone number) (Home)* _____ *(Telephone number) (Cell)*

_____ *(Telephone number) (Work) (Ext.)* _____ *(Facsimile number)*

_____ *(Email address)*

8. Status in Barbados: ☐ Citizen ☐ Permanent resident

9. Employment status: ☐ Employed ☐ Self-employed ☐ Retired

10. If employed, state your profession or occupation: _____

_____

11. Professional or other qualifications: _____

_____

12. Work experience: _____

_____

.

13. Has your application to become a notary public ever been denied: ☐ Yes ☐ No

14. If your answer to question 13 is "yes", please give reason for this below:

_____

_____

_____

Second Schedule - (Cont'd)

15. Were you previously appointed as a Notary Public? ☐ Yes ☐ No

16. If your answer is "yes", please state when you were appointed a notary public and in which jurisdiction you were appointed a notary public.

17. If your answer to question 15 is "yes", was your appointment revoked, suspended, or lapsed? If so, please provide an explanation.

I,_____ _____of apply, in accordance with the *Notaries Public Act*, *2024* (Act 2024-21) to be appointed as a notary public. I certify that the information set out in this application concerning myself is true and that I have not been convicted of any crime punishable with imprisonment, nor have I been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this act.

Dated this_____ day of_____, 20___.

Signed:_____
(Applicant)

Second Schedule - (Concl'd)

INSTRUCTIONS TO APPLICANT

This application form shall be accompanied by the following documents:

(a) two character references provided by an employer or former employer, a justice of the peace, a notary public, a minister of religion, a police officer of the rank of inspector or above, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law;

(b) police certificate of character;

(c) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer of the rank of inspector or above, a medical doctor, a certified public or chartered accountant, a member of Parliament or an attorney-at-law to be a true likeness of the applicant;

(d) proof of professional or other qualification;

(e) proof of citizenship or permanent residency status;

(f) certificate of good standing as required by section 3(3)*(a)* for an attorney-at-law and section 3(3)*(b)* for a certified public or chartered accountant; and

(g) such other documents as the Registrar or the President may require.

An applicant may provide the information required at items 10, 11 and 12 in a curriculum vitae of no more than three (3) pages.

THIRD SCHEDULE

(Section 5(3))

Notaries Public Act, 2024
(Act 2024-21)

Impression of Notarial Seal

Place Impression of Notarial Seal here

FOURTH SCHEDULE

(Section 5(1)(a))

Form of Oath

I, do swear that I will faithfully exercise the office of a notary public. I will faithfully carry out such notarial duties as may be required for any party or between any parties requiring the same, and I will not add or diminish anything without the knowledge and consent of such party or parties that may alter the substance of the facts. I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud or is contrary to law; and in all things I will act uprightly and justly in the business of a notary public according to the best of my skill and ability.
So help me God.

FIFTH SCHEDULE

(Sections 6(1) and 8(1))

Notaries Public Act, 2024
(Act 2024-21)

Application, Registration and Renewal Fees

Type of Fee	Amount payable $
1. Registration Fee	1000.00
2. Annual Renewal Fee	1000.00

SIXTH SCHEDULE

(Section 6)

Notaries Public Act, 2024
(Act 2024-21)

Notary Public Certificate

Pursuant to the *Notaries Public Act, 2024* (Act 2024-21) it is hereby certified that _____ whose name is registered on the Roll is entitled to practise as a Notary Public during the year 20 _____ and for ensuing January.

Dated this _____ day of _____ 20 _____.

_____
Registrar of the Supreme Court

SEVENTH SCHEDULE

(Sections 9(1)(a), 10(1), 10(4) and 10(5))

Notaries Public Act, 2024
(Act 2024-21)

Notarial Acts and Fees

Column I Column II

Notarial Act	Fees $
Issue of a notarial certificate	50.00
Certification of exhibits (per exhibit)	10.00
Affixing notarial seal (per seal)	50.00
Witnessing the execution of any document	20.00
Attestation of any document	50.00
Administering of oaths and affirmations	50.00
Presenting and noting protest on:	
Bill of Exchange or promissory note	50.00
Extending protest on Bill of Exchange or promissory note	50.00

Seventh Schedule - (Concl'd)

Column I - *(Concl'd)* Column II - *(Concl'd)*

Notarial Act	Fees $
Minute or noting ship protest	25.00
Extending ship protest according to complication and length	50.00
Furnishing copy of extended protest	20.00
Declaration to ship protest for the Master and each additional declarant	50.00
Any act not specified in this *Schedule* or in any other enactment	50.00

EIGHTH SCHEDULE

(Section 12(1))

Notaries Public Act, 2024
(Act 2024-21)

Notarial Acts Register

Nature of Notarial Act	Date of Notarial Act	Title and date of document (if applicable)	Name of parties to document	Name of person whose signature has been verified or to whom oath administered	Fee charged

BARBADOS

The Official Gazette Part A 26th July, 2024

Act 2024-22

SHIPPING (DOMESTIC VESSELS) ACT, 2024-22

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BARBADOS

I assent
S. MASON
President of Barbados
24th July, 2024.

2024-22

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.

[Commencement: 26th July, 2024]

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.

Barbados Small Commercial Vessel Licence

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.

Wrecks

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; and

(b) the request is accompanied by reasons and supporting evidence.

(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*.

FIRST SCHEDULE

(Sections 197(3), 198(3) and 306)

Shipping (Domestic Vessels) Act
(Act 2024-22)

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 2024-22)

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 2024-22).".
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 2024-22);"; 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 *Enactments*	Column 2 *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.".

BARBADOS

The Official Gazette Part A 26th July, 2024

Statutory Instrument

S.I. 2024 No. 37

Tourism Development Act

CAP. 341

TOURISM DEVELOPMENT (WEST WE GO) NOTICE, 2024

The Minister, in exercise of the powers conferred on him by section 5 of the *Tourism Development Act*, gives the following Notice:

1. This Notice may be cited as the *Tourism Development (West We Go) Notice, 2024*.

2. Interim approval has been granted, with the approval of the Cabinet, to the applicant Glenn Tucker Trust Limited, in respect of a tourism project for the construction of a vacation rental property to be known as "West We Go" situate at lots 4A and 5A Sandy Lane in the parish of St. James.

Given by the Minister this 22nd day of July, 2024.

G. P. I. GOODING-EDGHILL

Minister responsible for Tourism

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