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Bill re Sustainable Fisheries Management and Development Act, 2024.
Bill re Maritime and Underwater Heritage Act, 2024.

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S.I. 2024 No. 71: Road Traffic (Barbados Auto Racing League Inc.) "International Acceleration Test" Directions, 2024.

SUSTAINABLE FISHERIES MANAGEMENT AND DEVELOPMENT (SEAFOOD MARKETS AND BUSINESSES) ACT, 2024

OBJECTS AND REASONS

This Bill would provide for

(a) a regulatory regime for the management and operation of seafood markets and seafood businesses;

(b) a regulatory system for the management of the seafood supply chain sector; and

(c) related matters.

SUSTAINABLE FISHERIES MANAGEMENT AND DEVELOPMENT (SEAFOOD MARKETS AND BUSINESSES) ACT, 2024

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BARBADOS

A Bill entitled

An Act to provide for

(a) a regulatory regime for the management and operation of seafood markets and seafood businesses;

(b) a regulatory system for the management of the seafood supply chain sector; and

(c) related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Sustainable Fisheries Management and Development (Seafood Markets and Businesses) Act, 2024*.

Interpretation

2.(1) In this Act,

"aquaculture" has the meaning assigned to it by the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-);

"authorized officer" has the meaning assigned to it by the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-);

"Chief Fisheries Officer" means the public officer appointed under section 3 of the *Public Service Act*, Cap. 29;

"cold store" means any premises or place used for keeping and preserving by a refrigerating process any fish or other articles intended for human consumption;

"fishery protection officer" has the meaning assigned to it by the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-);

"fishing industry notice" has the meaning assigned to it by the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-)

"fishing trawler" means a factory vessel that catches and processes seafood on board;

"fishing trawler's licence" means a fishing trawler licence issued under section 26;

"mariculture" has the meaning assigned to it by the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-);

"maritime law enforcement officer" means

(a) a member of the Marine Police Unit of the Barbados Police Service; and

(b) an officer or soldier of the Barbados Defence Force serving as a member of the Barbados Coast Guard pursuant to section 208 of the *Defence Act*, Cap. 159;

"marketable commodities" mean fish;

"Minister" means the Minister responsible for Fisheries;

"primary seafood processing" means physically altering the body of seafood for human consumption by the following methods:

(a) removing the heads and fins;

(b) scaling;

(c) eviscerating or gutting;

(d) skinning;

(e) filleting;

(f) de-boning;

(g) producing cuts;

(h) removing shells or cephalothoraxes; or

(i) any other similar method of primary seafood processing;

"primary seafood processor" means a person or an organization that processes seafood using any of the primary seafood processing methods;

"SSCTVC" means seafood supply-chain transparency verification certificate

"seafood" means

(a) any marine, estuarine or freshwater fish;

(b) any other aquatic vertebrate animal, except crocodile;

(c) any aquatic invertebrate animal;

(d) any product of animals referred to in paragraphs *(a)* to *(c)*; or

(e) any other food or class of food prescribed to be seafood for the purposes of this Act;

"seafood business" means a business that

(a) is registered in accordance with the *Companies Act*, Cap. 308; and

(b) not less than 90 per cent of its production involve the processing and handling of seafood intended for human consumption;

"seafood markets" mean public markets established for the sale of marketable seafood commodities;

"seafood markets sellers' licence" means a licence issued under section 7;

"secondary seafood processing "

(a) means the modification of seafood for human consumption by

(i) smoking;

(ii) salting;

(iii) fermenting;

(iv) breading;

(v) forming;

(vi) battering;

(vii) canning; or

(viii) any other similar method of secondary seafood processing; and

(b) includes the processing of seafood for

(i) animal feed;

(ii) fertilizer;

(iii) silage;

(iv) leather; and

(v) any other non-human consumption purpose;

"secondary seafood processor" means a person or an organization that processes seafood using any of the secondary seafood processing methods; and

"traditional fisheries knowledge commerce" means any commercial enterprise that exchanges traditional fisheries knowledge for payment.

PART II

SEAFOOD MARKETS

Establishment of a seafood market

3.(1) The Minister may

(a) establish, maintain, manage, and regulate public seafood markets for the sale of marketable commodities; and

(b) provide for the convenient use of such seafood markets.

Register of seafood markets

4. The Chief Fisheries Officer shall maintain a register of all seafood markets.

Services and fees

5. The Minister may, by regulations, make provision with respect to the services to be provided by seafood markets and prescribe fees for such services.

Sales in public seafood markets

6. No person shall sell marketable commodities in a public place

(a) except such place is established as a public seafood market; and

(b) unless the person is the holder of

(i) a seafood market sellers' licence issued by the Chief Fisheries Officer; and

(ii) a health certificate issued by the Chief Medical Officer.

Application for seafood market sellers' licence

7. An application for the grant of a licence to sell marketable commodities in a seafood market shall be submitted to the Chief Fisheries Officer in the form prescribed in the *First Schedule* and shall be accompanied by the prescribed application fee to be published by a fishing industry notice.

Power to charge for the use of stalls, etc.

8.(1) The Chief Fisheries Officer may impose a fee payable by a person who

(a) occupies or uses any stall, stand, table, shed or place in a public seafood market;

(b) brings into any market any marketable commodity or any article which is permitted to be sold therein; and

(c) uses any weighing or measuring instrument provided for use, and kept in any market.

(2) The fee referred to in subsection (1) shall be paid at such time and in such manner as may be prescribed by the Chief Fisheries Officer.

(3) A fee due and owing under this section is a debt to the State and may be recovered by the Chief Fisheries Officer in summary proceedings before the Magistrates' Court.

Assaulting or obstructing an officer

9. A person who assaults or obstructs

(a) the Chief Fisheries Officer;

(b) any other Fisheries Officer; or

(c) any person authorized to act on behalf of the Chief Fisheries Officer,

whilst in the execution of his duty, from receiving any stall rent, toll or charge is guilty of an offence and is liable on summary conviction to a fine of $7 000 or to imprisonment for one year or to both.

Disorderly behaviour in public seafood markets

10. A person who, in a public market, behaves in a disorderly manner is guilty of an offence and is liable on summary conviction to a fine of $1 000 or to imprisonment for one month.

Power of security guard

11. A security guard at a public seafood market may, pursuant to the *Private Investigators and Security Guards Act*, Cap. 372E, arrest without warrant, any person who behaves in a disorderly manner in a seafood market, and take the person forthwith to a police station.

PART III

SEAFOOD BUSINESSES

Register of seafood businesses

12. The Chief Fisheries Officer shall maintain a register of all seafood businesses.

Application for licence

13.(1) An application for the grant of a licence to carry on a seafood business shall be submitted to the Chief Fisheries Officer in the form prescribed in the *Second Schedule* together with the prescribed application fee and shall include a valid

(a) food business licence issued by the Ministry of Health, with respect to that business;

(b) health certificate issued by the Ministry of Health, with respect to the seafood handler; and

(c) SSCTVC issued by the Fisheries Division, with respect to that business.

(2) Subsection (1) does not apply to a seafood business that involves primary seafood production, until the expiration of 6 months from the date this section becomes operative.

(3) In this section, "primary seafood production"

(a) means the production of seafood by growing, raising, cultivating, picking, harvesting, collecting, or catching; and

(b) includes

(i) transporting or delivering seafood on, from or between the premises on which it was grown, raised, cultivated, picked, harvested or caught;

(ii) packing, treating or sorting seafood on the premises on which it was grown, raised, cultivated, picked, harvested or caught;

(iii) storing seafood in a silo that is not connected to a food processing operation;

(iv) transporting or delivering seafood to or between silos;

(v) selling seafood at sale yards;

(vi) transporting or delivering seafood to and from sale yards; and

(vii) any other seafood production prescribed by regulations made under this Act;

(c) but does not include

(i) any processing involving the substantial transformation of seafood whether the process is carried out on the premises where seafood was grown, cultivated, picked, harvested or caught;

(ii) selling or serving seafood to the public; or

(iii) any other prescribed seafood production activity.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $1 000 or to imprisonment for 3 months or to both.

Requirement for SSCTVC: initial survey

14.(1) The Chief Fisheries Officer may issue a SSCTVC to enable a seafood business to operate a service or to continue service where

(a) an initial survey has been carried out in respect of the seafood business by the Chief Fisheries Officer;

(b) the Chief Fisheries Officer is satisfied that the seafood business has a corporate policy

(i) to reduce illegal fisheries trade practices;

(ii) to promote seafood stewardship; and

(iii) to promote seafood supply-chain transparency; and

(c) there is a system to trace seafood and seafood products that are imported to or exported from Barbados.

Requirement for SSCTVC: renewal survey

15.(1) The Chief Fisheries Officer may issue a SSCTVC to enable a seafood business to operate or to continue to operate where

(a) a renewal survey has been carried out by the Chief Fisheries Officer;

(b) the Chief Fisheries Officer is satisfied that the corporate policy of the seafood business aims

(i) to reduce illegal fisheries trade practices;

(ii) to promote seafood stewardship; and

(iii) to promote seafood supply-chain transparency; and

(c) the Chief Fisheries Officer is satisfied that the seafood business

(i) is seafood supply-chain transparent; and

(ii) maintains a system to ensure that seafood and seafood products imported to or exported from Barbados are traceable.

(2) Renewal surveys referred to in subsection (1)*(a)* are to be carried out every 5 years.

Periodic inspections

16.(1) The Chief Fisheries Officer shall ensure periodic inspections after granting the initial SSCTVC and after each renewal SSCTVC to ensure that the requirements of the SSCTVC are continually met.

(2) Where the SSCTVC requirements in subsection (1) are met, the Chief Fisheries Officer shall endorse the SSCTVC in the form set out in the *Third Schedule*.

PART IV

PROCESSORS OF FISH AND OTHER SEAFOODS

Fish processors scheme

17.(1) There shall be a scheme known as the "National Scheme for Processors of Fish and Other Seafoods".

(2) The scheme shall aid the development and implementation of initiatives, programmes and other activities to benefit fish processors and processors of other kinds of seafood.

The purpose of the scheme

18. The purpose of the scheme is to

(a) set standards for formalities, procedures and documentary requirements for improving efficiency in the seafood processing sector;

(b) develop, for the consideration of the Ministry of Finance, concessionary proposals for processors of seafood;

(c) identify and develop financing and other mechanisms to facilitate international compliance in the seafood processing sector;

(d) provide a means by which input for the benefit and advancement of the sector can be made by stakeholders; and

(e) promote economic, social and sustainable development in the seafood processing sector.

Requirements for participation in the scheme

19. Processors of seafood may participate in the scheme where

(a) they are primary or secondary fish processors or processors of other kinds of seafood;

(b) they are registered as participants to the scheme;

(c) they pay a registration and an annual scheme fee of $100;

(d) they are the holders of a seafood processor identification card, issued by the Fisheries Division; and

(e) they comply with the requirements to participate in the scheme.

Notification of the scheme to the Ministry of Finance

20. The Chief Fisheries Officer shall

(a) notify the Ministry of Finance, in writing, of the scheme; and

(b) seek to obtain concessions on behalf of the participants of the scheme.

PART V

FISHING TRAWLING COMMERCIAL OPERATIONS

National register of fishing trawlers

21.(1) The Chief Fisheries Officer shall maintain a register called the "National Register of Fishing Trawlers".

(2) The following information shall be recorded in the Register of Fishing Trawlers:

(a) fish trawling commercial operations by Barbados-registered fishing trawlers; and

(b) fish trawling commercial operations by foreign-registered Barbados fishery-endorsed fishing trawlers,

operating in the waters of Barbados or on the High Seas, for the benefit of Barbados.

(3) In this Part, reference to "fishing trawling" includes trawling activities that involve processing activities.

Barbados fishing trawler's programme

22.(1) There shall be a programme called the "Barbados Fishing Trawler's programme".

(2) The programme shall be administered and managed by the Fisheries Division.

(3) The Chief Fisheries Officer shall create a document known as the "Barbados Fishing Trawler's Code of Operations" to develop the fish trawling industry in relation to

(a) the substantive and procedural elements of environmental sustainability;

(b) livelihood support; and

(c) economical viability.

Reasons for the programme

23. The programme shall

(a) detail monetary and non-monetary contributions made by participants;

(b) specify benefit sharing arrangements in relation to persons engaged in fish trawling on Barbados-registered fishing trawlers;

(c) specify benefit sharing arrangements in relation to persons engaged in fish trawling on foreign-registered Barbados fishery-endorsed fishing trawlers; and

(d) make any other provision for the effective management, development and functioning of the programme.

Requirements for participation in and benefiting from the programme

24. Persons interested in participating in and benefiting from the programme shall

(a) register as a participant to the programme;

(b) pay a registration and an annual programme fee of $100; and

(c) be the holder of a fishing trawler's licence issued by the Fisheries Division.

Foreign-registered fishing trawlers

25.(1) All foreign-registered fishing trawlers operating in the waters of Barbados or operating on the High Seas for the benefit of Barbados, shall be endorsed as Barbados fishery-endorsed fishing trawlers.

(2) For the purposes of this Part, "Barbados fishery-endorsed" means that the foreign-registered fishing trawler

(a) is listed in the National Register of Fishing Trawlers in accordance with section 21(2)*(b)*;

(b) is a registered participant in the Barbados fishing trawler's programme in accordance with section 24*(a)*;

(c) holds a fishing trawler's licence, issued by the Fisheries Division in accordance with section 24*(c)*;

(d) carries a complement of Barbadian fisheries observers, nominated by the Chief Fisheries Officer in accordance with the *Sustainable Fisheries Management and Development Act, 2024* (Act 2024-); and

(e) adheres to the prescribed requirements for development and contributes to the development of the fisheries sector.

(3) For the purposes of this Part, "foreign-registered fishing trawler operating on the High Seas for the benefit of Barbados" means that the foreign-registered fishing trawler is engaged in fish trawling with a view to provide the benefits specified in

(a) the programme referred to at section 23; and

(b) the fish trawling agreement between Barbados and the State of the foreign-registered fishing trawler.

Fishing trawler's licence

26.(1) No person shall carry on fish trawling unless the person holds a licence for the purpose.

(2) An application for the grant of a licence to carry on fish trawling shall be submitted to the Chief Fisheries Officer in the prescribed form and shall include

(a) the application fee;

(b) a certificate of seaworthiness;

(c) a fish trawling sustainable operations plan;

(d) a marine environment and species restoration plan, in respect of

(i) the area to be trawled;

(ii) the species to be caught; and

(iii) the species not intended for catch but were caught; and

(e) any other information as the Chief Fisheries Officer sees fit.

(3) Subject to this Act or any other enactment, a fishing trawler's licence is sufficient for a fish trawler to operate for the purposes of subsection (2)*(a)* and *(b)*.

(4) The Chief Fisheries Officer may on receiving an application for a fishing trawlers licence

(a) request that matters identified for rectification be addressed to his satisfaction;

(b) approve the application and grant the licence; or

(c) deny the grant of a licence.

(5) Where the Chief Fisheries Officer identifies matters for rectification pursuant to subsection (4)*(a)*, he shall suspend consideration of the application and notify the applicant in writing of the matters for rectification.

(6) Where the Chief Fisheries Officer is satisfied that a fish trawling licence should be issued, he shall notify the applicant in writing that the licence will be issued on payment of the prescribed fee and subject to such terms and conditions as the Chief Fisheries Officer sees fit, including

(a) obtaining environmental liability insurance for marine environmental damage;

(b) obtaining environmental liability insurance for harm to fisheries stock and habitat; or

(c) both *(a)* and *(b)*.

(7) Where the Chief Fisheries Officer is not satisfied that a fish trawling licence should be issued, the Chief Fisheries Officer shall notify the applicant in writing of the decision.

(8) A person who is denied a fish trawling licence may make a written request for the reasons for the decision in accordance with section 14 of the *Administrative Justice Act*, Cap. 109B.

(9) A fishing trawler's licence issued under subsection (6) is not transferable.

No-trawl areas

27. The Minister, in consultation with the Chief Fisheries Officer and stakeholders, may identify areas in Barbados waters as no-trawl areas.

No-trawl seasons

28. The Minister, in consultation with the Chief Fisheries Officer and stakeholders, may declare seasons in which trawling is prohibited or restricted as no-trawl seasons.

Fish trawling protection and management

29.(1) The Chief Fisheries Officer shall develop a fish trawling protection plan and a fish trawling management plan.

(2) There shall be no fishing trawling except in compliance with

(a) a fish trawling protection and management plan; and

(b) a marine spatial plan.

Penalty

30. A person who contravenes this Part is guilty of an offence and is liable on conviction on indictment to a fine of $500 000 or 5years imprisonment or to both and in addition is liable to

(a) mandatory participation in a fisheries management protection programme; or

(b) make a financial contribution to marine environmental and species restoration.

PART VI

TRADITIONAL FISHERIES KNOWLEDGE COMMERCE

Access to traditional fisheries knowledge

31. A person with marine specific traditional knowledge may in any seafood market or seafood business, charge customers for access to the traditional fisheries knowledge in accordance with national maritime heritage laws.

Traditional fisheries knowledge commercial enterprise programme

32. The Minister, in consultation with the Chief Fisheries Officer, may develop a traditional fisheries knowledge commercial enterprise programme to facilitate the commercial exploitation of traditional fisheries knowledge to the benefit of fisherfolk and others in the seafood industry.

Scope of traditional fisheries knowledge commercial enterprise programme

33. The traditional fisheries knowledge commercial enterprise programme may

(a) outline a mechanism for distributing traditional fisheries knowledge resources;

(b) develop and exchange traditional fisheries knowledge-based products and services;

(c) develop a system for enabling, facilitation and supporting the mobilisation, sharing or exchange of traditional fisheries knowledge among knowledge holders and users; or

(d) specify any other activities that promote a knowledge economy in respect of fisheries.

PART VII

ENFORCEMENT

General powers of authorised officers

34.(1) An authorised officer may take any action that is necessary to ascertain whether a seafood business is in compliance with this Act.

(2) For the purpose of subsection (1), an authorised officer may,

(a) enter, inspect and examine premises, except residential premises, if there is any document, material, equipment or vehicle found therein and there is reasonable grounds to believe that the premises are used for

(i) handling of seafood intended for sale for human consumption;

(ii) conducting a seafood business; or

(iii) conducting business in a public seafood market;

(b) enter, inspect and examine any vehicle if there are reasonable grounds to believe that it is used for

(i) handling of seafood intended for sale for human consumption;

(ii) conducting a seafood business; or

(iii) conducting business in a public seafood market;

(c) stop and detain any vehicle referred to in subparagraph *(b)*;

(d) require a person to produce documents relating to seafood;

(e) require a person to

(i) give the person's name and address; and

(ii) provide such other information as the authorized officer may require;

(f) seize any document, seafood, seafood product or material;

(g) take copies or extracts from any document;

(h) take samples of any seafood, seafood products or materials;

(i) open or cause to be opened any package, container or receptacle that contains seafood or where there are reasonable grounds to believe that it contains seafood;

(j) conduct or cause to be conducted an examination or analysis to determine the composition or safety of seafood;

(k) take and analyse samples of water, soil or any thing in the environment where the seafood was handled, to determine whether the environment poses a risk to the safety of the seafood for human consumption;

(l) take photographs, audio recordings or visual recordings;

(m) take measurements, sketches, drawings or any other type of record; or

(n) monitor functions carried out by any person holding specified qualifications.

(3) The owner of seafood examined or analysed pursuant to subsection (2) *(j)* may, on payment of the prescribed fee, receive a certificate of the results of the examination.

(4) The owner of a vehicle referred to in subsection (2) shall provide an authorized officer with any assistance necessary in the exercise of his duties under this Part.

(5) In this section, handling of seafood

(a) means

(i) harvesting or collecting seafood;

(ii) the business of aquaculture;

(iii) the business of mariculture;

(iv) maintaining live shellfish, crustaceans and echinoderms for later processing;

(v) the depuration of shellfish;

(vi) processing seafood, including skinning, gilling, gutting, filleting, shucking, smoking, preserving, canning, curing, drying, extracting, mincing, blending, slicing, mixing with other substances, cooking, other than cooking for immediate sale for human consumption without further processing, or packaging, storing and transporting; but

(b) does not include maintaining or otherwise handling live finfish for processing, or maintaining or handling live seafood for the purpose of growing.

Powers of an authorized officer

35.(1) Where an authorized officer enters premises and suspects or has reasonable grounds to suspect that the premises, vehicles, plant, machinery or equipment is in an insanitary substandard condition or that the seafood intended for sale for human consumption is unfit for human consumption or is a risk to public health, the authorized officer may, order

(a) the owner or operator of the business to clean and disinfect the premises, vehicle, plant, machinery and equipment;

(b) prohibit the use of specified areas of the premises, vehicles, plant, machinery or equipment;

(c) prohibit the removal of seafood from the premises for a specific period of time;

(d) search for, seize and remove the seafood; or

(e) that seafood be disposed of or destroyed.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction for a fine of $50 000 or to imprisonment for 12 months or to both.

(3) The Chief Fisheries Officer shall revoke the licence of a person referred to in subsection (1).

Power to seize and destroy tainted or unwholesome seafood

36.(1) The Chief Fisheries Officer may seize tainted or unwholesome seafood exposed for sale in any seafood market.

(2) Subject to subsection (3), seafood seized under subsection (1) shall be destroyed in such manner as the Chief Fisheries Officer determines.

(3) The owner of seafood seized under subsection (1) may request that the Chief Fisheries have the said seafood examined by a veterinary officer or public health inspector and have the fitness of the seafood pronounced in his presence.

(4) Where, after the examination of the seafood in subsection (3), the seafood is not found to be tainted or unwholesome, it shall be returned to the owner.

(5) A person who, in a seafood market, offers or exposes for sale any tainted or unwholesome seafood, is guilty of an offence and is liable on summary conviction to a fine of $7 000 or to imprisonment for 3 months or to both.

PART VIII

MISCELLANEOUS

Application of international seafood safety standards

37. The owner or operator of a seafood business shall comply with the following international seafood safety standards:

(a) CODEX Alimentarius food standards;

(b) Hazard Analysis and Critical Control Point standards;

(c) International Organisation for Standardisation; and

(d) any other international seafood safety standards.

Seafood event permit

38.(1) Any person who intends to host a seafood event in any public seafood market shall obtain a Seafood Event Permit.

(2) For the purposes of this section, a “Seafood Event Permit” means a permit required for events specified by the Chief Fisheries Officer in a Fishing Industry Notice.

Application for a seafood event permit

39.(1) An application for a Seafood Event Permit shall be submitted to the Chief Fisheries Officer at least 30 days prior to the date of the event.

(2) An application referred to in subsection (1) shall contain

(a) the name, address, telephone number and email address of the event organizer;

(b) the name and type of event;

(c) the date of the event;

(d) the duration of the event;

(e) the proposed location of the event; and

(f) any other information that the Chief Fisheries Officer may require.

Suspension, cancellation, or revocation of licences, permits, etc.

40. The Chief Fisheries Officer may suspend, cancel or revoke any licence, permit, certificate or other instrument where the holder contravenes this Act or any condition contained in the licence, permit or other instrument.

Regulations

41.(1) The Minister may by regulations

(a) prescribe the fees for the grant of licences, certificates or permits for the purposes of this Act;

(b) prescribe and regulate the pattern, description and use of weighing or measuring instruments to be used by persons selling marketable commodities in a seafood market;

(c) provide for the prevention of nuisances and obstructions in markets and for maintaining cleanliness in markets;

(d) prescribe goods that may be sold in any public seafood market;

(e) prescribe, regulate, and collect fees, rents, tolls and charges payable by owners or operators who use public seafood markets;

(f) provide for the inspection and examination of marketable commodities sold or offered for sale in public seafood market;

(g) fix the days and hours for which public seafood markets shall be open;

(h) impose conditions for the use of stalls, stands, tables, sheds, or places in a public seafood market;

(i) provide for the maintenance of order and prevention of disturbances in public seafood markets;

(j) provide for the removal and exclusion from public seafood markets of persons suffering from infectious or contagious diseases;

(k) provide for the inspection and licensing of cold stores;

(l) provide for the licensing of seafood processors;

(m) provide for the inspection and examination of seafood;

(n) regulate the sale of fresh seafood and seafood from cold stores;

(o) provide for the management, governance and use of public seafood markets and cold stores;

(p) generally for giving effect to the provisions of this Act; and

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

(2) Regulations made under this Act are subject to negative resolution.

Fishing industry notices

42. The Chief Fisheries Officer may, with the approval of the Minister, issue fishing industry notices for the management and regulation of the seafood industry.

Codes of practice and guidelines

43. The Chief Fisheries Officer, in consultation with the fishing industry, health industry and the agriculture industry, may develop codes of practice and guideline to enhance the management and regulation of the seafood industry.

Amendment of schedules

44.(1) The Minister may by order amend the *Schedules*.

(2) An order made under subsection (1) is subject to negative resolution.

Power to waive fees

45. The Minister may by order wholly or partly waive any fee imposed under this Act.

FIRST SCHEDULE

(Section 7)

APPLICATION FOR SEAFOOD SELLER'S LICENCE

Application No.: _____

Name of Applicant: _____

Address of Applicant: _____

_____

Telephone numbers: _____(Home)_____(Mobile)

Email address: _____

Fisher ID No.: _____

Company Name: _____

Company Registration No.: _____

Customs Registration No.: _____

First Schedule - (Cont'd)

CEO/Directors: _____

_____

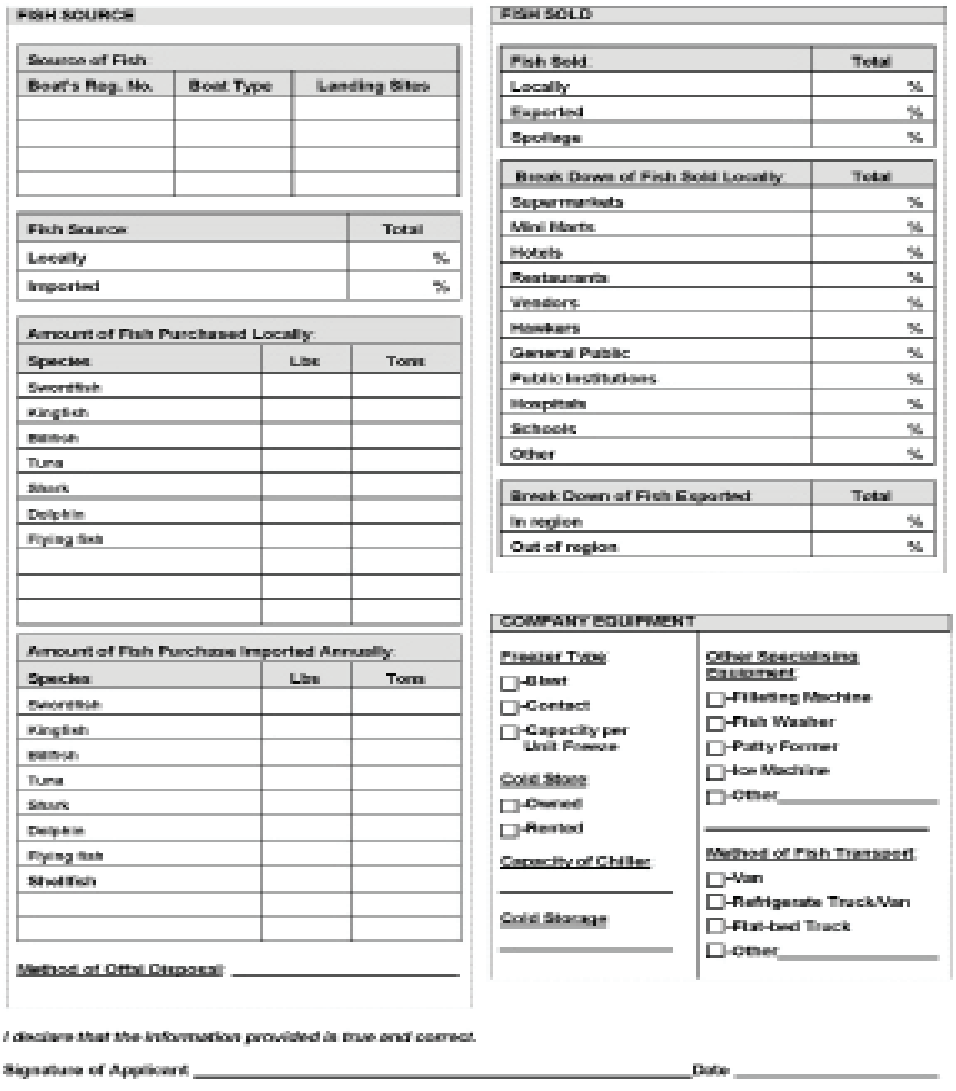
_____

_____

_____

Place of operation: _____

First Schedule - (Concl'd)



FISH SOURCE

Source of Fish		
Boat's Reg. No.	Boat Type	Landing Sites

Fish Source	Total
Locally	%
Imported	%

Amount of Fish Purchased Locally:

Species	Lbs	Tons
Swordfish		
Kingfish		
Billfish		
Tuna		
Shark		
Dolphin		
Flying fish		

Amount of Fish Purchase Imported Annually:

Species	Lbs	Tons
Swordfish		
Kingfish		
Billfish		
Tuna		
Shark		
Dolphin		
Flying fish		
Shellfish		

Method of Offal Disposal: _____

FISH SOLD

Fish Sold	Total
Locally	%
Exported	%
Spoilage	%

Break Down of Fish Sold Locally	Total
Supermarkets	%
Mini Marts	%
Hotels	%
Restaurants	%
Vendors	%
Hawkers	%
General Public	%
Public Institutions	%
Hospitals	%
Schools	%
Other	%

Break Down of Fish Exported	Total
In region	%
Out of region	%

COMPANY EQUIPMENT

Freezer Type:
- ☐-Blast
- ☐-Contact
- ☐-Capacity per Unit Freeze

Cold Store:
- ☐-Owned
- ☐-Rented

Capacity of Chiller: _____

Cold Storage: _____

Other Specializing Equipment:
- ☐-Filleting Machine
- ☐-Fish Washer
- ☐-Patty Former
- ☐-Ice Machine
- ☐-Other_____

_____

Method of Fish Transport:
- ☐-Van
- ☐-Refrigerate Truck/Van
- ☐-Flat-bed Truck
- ☐-Other_____

I declare that the information provided is true and correct.

Signature of Applicant _____Date _____

SECOND SCHEDULE

(Section 13)

Sustainable Fisheries Management and Development
(Seafood Markets and Businesses) Act, 2024
(Act 2024-)

SEAFOOD SUPPLY - CHAIN TRANSPARENCY VERIFICATION CERTIFICATE (SSCTVC)

Issued under the authority of the Government of Barbados by the Fisheries Division

Particulars:

Name of Processor of Fish or other Seafood:_____
(Processor's name)

Name of Processor's Business:_____
(Name of business)

Place of business operation:_____
(Address of business operation)

THIS IS TO CERTIFY:

1. That the seafood business has been surveyed in accordance with the *Sustainable Fisheries Management and Development (Seafood Markets and Businesses) Act, 2024* (Act 2024-).

Second Schedule - (Concl'd)

2. That the survey shows that the seafood business has one of the following:

   (a) corporate policy;

   (b) procedures;

   (c) program;

   (d) plan of action;

   (e) strategy; or

   (f) initiative,

   to reduce illegal fisheries trade practices, promote seafood stewardship and seafood supply-chain transparency.

3. There is in place a system to ensure that fish and other seafood products entering or exiting Barbados through the import or export activities of the seafood business are fully traceable.

Completion date of survey on which this certificate is based:_____
(dd/mm/yyyy)

Issued at:_____
(Place of issue)

Date of issue:_____
(dd/mm/yyyy)

This certificate expires:_____
(dd/mm/yyyy)

Signature of Chief Fisheries Officer:_____
(Signature)

THIRD SCHEDULE

(Section 16(2))

ENDORSEMENT ON SSCTVC

This endorsement is made under section 16 of the *Sustainable Fisheries Management and Development (Seafood Markets and Businesses) Act, 2024* (Act 2024 -).

Particulars of Seafood Business

Particulars of Seafood Business Owner/Operator

Third Schedule - (Concl'd)

Details of Intermediate Inspection

This is to certify that:

1. An initial SSCTVC was issued in respect of _____
(Name of seafood business)

2. _____ was inspected on _____,
(Name of seafood business) *(Day/Month/Year)*

the particulars of which are stated above;

3. The said seafood business continues to meet the requirements for seafood business as specified in the *Sustainable Fisheries Management and Development (Seafood Markets and Businesses) Act, 2024* (Act 2024 -)*;* and

4. In consequence of continually meeting these requirements, the SSCTVC has been endorsed as evidence of continued compliance.

*This endorsement remains valid until next periodic intermediate inspection and becomes invalid upon execution of a renewal SSCTVC survey, at which time the SSCTVC is renewed.

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

SUSTAINABLE FISHERIES MANAGEMENT
AND DEVELOPMENT ACT, 2024

OBJECTS AND REASONS

This Bill would establish the enabling conditions for

(a) the sustainable utilization of fisheries;

(b) aquaculture and mariculture resources;

(c) strategic development of the fisheries sector;

(d) the responsible management of fisheries activities; and

(a) to provide for related matters.

SUSTAINABLE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2024

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BARBADOS

A Bill entitled

An Act to establish the enabling conditions for the sustainable utilization of fisheries, aquaculture and mariculture resources, strategic development of the fisheries sector, the responsible management of fisheries activities and provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Sustainable Fisheries Management and Development Act, 2024*.

Interpretation

2. In this Act

"abandoned vessel" means a vessel that has been left unattended or unclaimed on either public or private property for more than 30 days without the written consent or contrary to the instructions of the owner or person in control of the property;

"access agreement" means an agreement concluded between Barbados and another State or entity for the purpose of exploiting fisheries resources;

"adaptation" means

(a) the process by which adverse or beneficial effects are considered, evaluated and appropriately addressed, to prevent or minimize the damage that may be cause; or

(b) taking advantage of opportunities that may arise;

"agent" means a person designated in writing by the owner of the vessel to conduct business related to the vessel on behalf of the owner;

"aquaculture" means the freshwater cultivation, propagation or farming of fish, or other living aquatic resources whether from eggs, spat or seed, including

(a) rearing fish lawfully taken from the wild or lawfully imported into Barbados; or

(b) collecting and holding live fish or invertebrates;

"aquatic flora" includes seaweeds and other aquatic plants;

"authorized officer" means any fisheries, customs or police officer or any officer or soldier of the Barbados Defence Force serving as a member of the Barbados Coast Guard;

"Barbados Fishing Vessel Operators' Licence" means a licence issued under section 128;

"Barbados Maritime Transport Administration" means the division within the Ministry responsible for Shipping concerned with maritime transport affairs;

"Barbados registered fishing vessel" means a vessel used exclusively to engage in fishing activities that is accorded the nationality of Barbados by virtue of registration of the vessel under the Barbados flag, and includes

(a) a fishing vessel registered in Barbados and operating in Barbados and the wider Caribbean Trading Area; and

(b) an international sea-going fishing vessel registered in Barbados;

"Barbados waters" or "waters of Barbados" includes the internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf of Barbados;

"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;

"charter fishing vessel agreement" means an agreement for the chartering or hiring of a fishing vessel whereby no crew or provisions are included as part of the agreement;

"Chief Fisheries Officer" means the public officer appointed under the *Public Service Act*, Cap. 29;

"climate change" means any change in climate over time, whether due to natural variability or as a result of human activity;

"commercial fishing" means fishing for the purpose of selling all or any of the fish caught;

"conservation" means the multiple use and actions to protect fish stocks, habitats and ecosystem functions in order to provide for a healthy and sustainable fishery for the future;

"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, United Nations Convention on the Law of the Sea (UNCLOS), 1982;

"CZMU"means the Coastal Zone Management Unit;

"derelict vessel" means a vessel whose condition or state of disrepair

(a) constitutes a hazard or obstruction to the use of the waters of Barbados;

(b) endangers human health and safety or environmental health and safety; or

(c) presents a risk to property, or inhibits the use of public or private property;

"designated officer" means a person designated in writing by the Chief Fisheries Officer to perform a specific function under this Act;

"disaster risk management" means the systematic process of using administrative directives, organizations, and operational skills and capacities to implement

strategies, policies and improve coping capacities to lessen the adverse impacts of hazards and the possibility of disaster;

"ecosystem approach to fisheries" means an approach that balances diverse societal objectives by

(a) taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions; and

(b) applying an integrated approach to fisheries within ecologically meaningful boundaries;

"endangered species" means any fish species that is at an extremely high risk of extinction in the near future;

"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;

"FAO" Food and Agriculture Organization of the United Nations;

"fish" means an aquatic animal, whether piscine or not and includes any shell-fish, turtle, mollusc, crustacean, coral, sponge, echinoderm, its young, eggs or part thereof;

"fish aggregating device" or "FAD" means any man-made or partly man-made floating or submerged device, whether anchored or not, used for aggregating fish and includes any natural floating object on which a device has been placed to facilitate its location;

"fisher" means a person who catches fish for a living or for recreation;

"fisherfolk" means any person who is associated with fishing or related activities and includes a fisher;

"fisheries management plan" means a plan for the protection, management and development of fishery;

"fishery" means

(a) an organized effort to raise or harvest fish or other aquatic species; and

(b) comprises the

(i) people involved;

(ii) species or type of fish;

(iii) area of water or seabed;

(iv) method of fishing;

(v) class of boats; and

(vi) purpose of the activities;

"fishing" means

(a) searching for or taking fish;

(b) attempting to search for or take fish;

(c) engaging in any activity, which can reasonably be expected to result in locating or taking fish;

(d) placing, recovering or searching for any fish aggregating device or associated electronic equipment, including radio beacons;

(e) any operation at sea in support of or in preparation for any activity in relation to a fishing vessel described in paragraphs *(a)* to *(d)*; or

(f) any use of an aircraft which is related to any activity described in paragraphs *(a)* to *(d)*, but does not include flights involving the health or safety of a crew member or the safety of the vessel in an emergency;

"fishing gear" means any equipment, implement or other device that can be used in the act of fishing or related activities and includes any net, rope, line, float, trap, hook, hookah gear, scuba gear, winch, boat, craft or aircraft carried onboard a vessel, or aircraft or vehicle used in association with the act of fishing;

"fishing industry notice" means a fishing industry notice published pursuant to section 439;

"fishing licence" means any licence issued under this Act;

"fishing related activities" mean

(a) storing, trans-shipping, processing or transporting fish, fishery products or aquatic flora up to the time they are first landed;

(b) on-shore storing, buying, or processing fish or fish products from the time they are first landed;

(c) refueling or supplying fishing vessels, selling or supplying fishing equipment or performing other activities in support of fishing operations;

(d) exporting fish or fish products from the country; and

(e) attempting or preparing to do any of the activities listed in paragraphs *(a)* to *(d)*;

"fishing vessel" means any vessel, boat, ship, or other craft that is equipped and used for fishing or in support of such activity and includes any vessel aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing preparation, supply, storage, refrigeration, transportation or processing;

"fishing vessel inspector" means a person appointed under the *Public Service Act*, Cap. 29;

"foreign fishing vessel" means any fishing vessel other than a fishing vessel registered in Barbados;

"foreign fishing vessel licence" means a licence issued in respect of a foreign fishing vessel to operate in Barbados waters;

"high seas" means the area of the sea as described by Article 86, United Nations Convention on the Law of the Sea, 1982;

"human element in fisheries" mean a complex multi-dimensional issue that affects maritime safety, security, marine environmental protection and maritime labour, involving the entire spectrum of human activities performed by sea-going and shorebased fish workers, shore-based fisheries management and regulatory fisheries bodies;

"IUU fishing" means illegal, unreported and unregulated fishing;

" IMO" means International Maritime Organization;

"inspection" means the examination of a vessel to determine its compliance with the provisions of this Act and its fitness to endure the ordinary perils of the sea;

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

"international conservation and management measure" means a measure to conserve or manage one or more species of living marine resources that is adopted and applied consistently with the relevant rules of international law;

"licence" means a licence issued under this Act;

"livelihood assets" mean

(a) natural assets, that is to say, fisheries resources, ecosystem services and supporting ecosystems;

(b) human assets, that is to say, skills, knowledge, health and the ability to work;

(c) social assets, that is to say, relationships, networks and communities;

(d) physical assets, that is to say, boats, gear equipment and infrastructure; and

(e) financial assets, that is to say, income, saving, credit, debt and insurance;

"locally-based foreign fishing vessel" means any foreign-registered fishing vessel operating in Barbados, which lands all its fish-catch in Barbados;

"mariculture" means the seawater cultivation, propagation or farming of marine flora and fauna, including rearing of fish or other marine living resources lawfully taken from the wild or lawfully imported into Barbados, for the rearing of marine fish and invertebrates, in the marine environment;

"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 any other enactment; and

(b) includes fishery protection officers under this Act;

"master" means the person having command or charge of a fishing vessel but does not include a pilot onboard a vessel solely for the purpose of navigation;

"Minister" means the Minister responsible for Fisheries;

"monitor, control and surveillance" means the activities undertaken by the fishery enforcement system to ensure compliance with this Act and constitutes

(a) monitoring, that is to say, the collection of data or information on the fisheries or management measures imposed on the fisheries and resource yields including catch, effort, species composition and area of operations;

(b) control, that is to say, the regulatory conditions under which the exploitation of the resource or activities in the fisheries may be conducted, including legislation, regulations, policies and international agreements;

(c) surveillance, that is to say observing, checking and supervising fishing activity to ensure compliance with the regulatory controls imposed on fishing activities;

"open vessel" means a vessel without a superstructure;

"over exploitation" means the harvesting of a fisheries resource above the optimal yield or effort level which is unsustainable in the long term and may result in significant depletion or collapse of the stock;

"precautionary approach" means a decision-making principle that acknowledges that where there is a threat of serious or irreversible environmental harm, lack of scientific certainty shall not be used as a reason to prevent or postpone action to mitigate the environmental harm;

"prescribed standards" means the minimum standards set in respect of

(a) seaworthiness of fishing vessels, safety equipment and safety of the crew;

(b) sanitary and phytosanitary conditions and fish handling practices; or

(c) safe working conditions for fishers and fish workers;

"Principal Registrar" means the Principal Registrar of International Sea-going Fishing Vessels;

"prohibited fishing gear" means

(a) any net, the mesh size of which is less than the prescribed minimum mesh size for that type of net, for that fishery;

(b) any trap or other fishing gear which does not conform to any standard prescribed for that type of trap or other fishing gear for that fishery; or

(c) any other net or fishing gear which is prohibited by any other enactment made under this Act or fisheries policies for a specified fishery;

"recreational fishing" means fishing for the purposes of recreation, pleasure, competition or personal consumption;

"regional fisheries management organization" or "RFMO" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures, including measures concerning transshipment;

"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 that Fund and its member countries as a form of currency against which countries' actual monetary currencies may be pegged;

"seaworthy" means that a fishing vessel

(a) is in such condition to

(i) travel safely on the sea; and

(ii) endure the ordinary perils of the sea; and

(b) is safe in terms of

(i) being manned by a skilled and competent crew; and

(ii) environmental performance, in that the vessel's condition does not pose harm to the marine environment;

"subsistence fishing" means non-commercial fishing or aquaculture for obtaining fish for personal consumption;

"support vessel" means a vessel carrying out operations in connection with and support of a fishing vessel including preparation, supply, storage, refrigeration, transportation or processing;

"sustainable utilization" means using at such a rate, that the fish population does not decline over time and is exploited in such a manner that the needs and requirements of the present are met without compromising the ability of future generations, to meet their need and requirements;

"sustainable use" includes

(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of a future generation;

(b) avoiding, remedying or mitigating any adverse effects of fishing on the aquatic environment; or

(c) conserving, using, enhancing and developing fisheries resources to provide continuous social, economic and cultural wellbeing for the people of Barbados;

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

"test-fishing operations" mean any fishing operations, undertaken over a limited period of time with the approval of

(a) the Chief Fisheries Officer, in case of local entities; and

(b) the Minister, in case of foreign entities,

under the authority of a licence issued under this Act, for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally based fishery operations;

"VMS" means vessel monitoring system.

Application

3. This Act applies to all aspects of fisheries, aquaculture and mariculture including

(a) activities engaged in by Barbados-registered fishing vessels within and beyond Barbados waters;

(b) activities engaged in by foreign-registered fishing vessels in Barbados waters;

(c) fisheries resources, fishing and related activities, utilization of fish and genetic material derived from them and any other matter falling within the scope of this Act; and

(d) persons, vessels, vehicles, aircraft, processing plants or facilities, export or import facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act.

Act binds the State

4. This Act binds the State.

PART II

ADMINISTRATION

Responsibilities of Minister

5. The Minister shall be responsible for the administration of this Act.

Functions of Minister

6. The Minister may

(a) give direction and guidance on matters within the scope of this Act after consultation with the Chief Fisheries Officer;

(b) publish in the *Official Gazette* approved fisheries policies and fisheries management measures;

(c) approve fisheries, aquaculture and mariculture work plans, budgets and annual reports;

(d) make regulations for the management and development of fisheries in the waters of Barbados;

(e) prescribe fees to be paid by fisherfolk for services provided for their benefit by Government;

(f) consult with the Chief Fisheries Officer, other authorities or stakeholders on matters relating to fisheries; and

(g) where necessary, represent Barbados at regional and international fisheries fora.

Functions of the Chief Fisheries Officer

7. The Chief Fisheries Officer shall

(a) manage, conserve and develop fisheries including public fish markets, boatyards, fish-landing facilities and seafood handling facilities;

(b) safeguard fisheries and other marine living resources and their habitats;

(c) provide advice to stakeholders in the fisheries, aquaculture and mariculture sectors;

(d) optimize the economic and social benefits from exploitation of the fisheries resources, aquaculture and mariculture production;

(e) facilitate the development of the international seagoing fishing sector;

(f) advance the seafood and seafood product export sector, including the overall promotion of regional and international fisheries trade;

(g) promote regional and international trade in seafood and seafood products; and

(h) provide guidance on the management and development of the fisheries sector to the Minister.

PART III

FISHERIES ADVISORY COUNCIL

Establishment of Fisheries Advisory Council

8.(1) There is established a council to be known as the Fisheries Advisory Council.

(2) The Fisheries Advisory Council shall advise the Minister and make recommendations, at the request of the Minister, on matters relating to fisheries including

(a) aquaculture conservation, management and development;

(b) mariculture conservation, management and development;

(c) effective use of livelihood assets; and

(d) combating the vulnerabilities impacting the fisheries sector.

(3) The *First Schedule* has effect with respect to the constitution of the Fisheries Advisory Council and otherwise in relation to the Council.

PART IV

FISHERIES MANAGEMENT AND DEVELOPMENT

Management objectives

9.(1) Fisheries, aquaculture and mariculture resources and other livelihood assets shall be developed, managed and conserved in accordance with this Act.

(2) Conservation and management measures and assets referred to in subsection (1)

(a) shall be developed to the extent possible in consultation with stakeholders; and

(b) may be implemented by enactments made under this Act or by any other method approved by the Minister.

Management plan

10. The Chief Fisheries Officer shall, in consultation with stakeholders, prepare, implement and keep under review a fisheries management plan, in this Act referred as a Sustainable Management and Development Plan for the effective management, development and sustainability of fisheries.

Content of management plan

11. The plan shall contain

(a) a description of the fishery;

(b) defined goals for the management and development of the fishery;

(c) an assessment of the strengths, weaknesses, opportunities and threats to fishery;

(d) specification of any measures for the long-term sustainability of livelihood assets;

(e) a plan of action for rebuilding the fishery, where over-fished;

(f) strategies for

(i) developing and sustainably using the livelihood assets;

(ii) collecting accurate and reliable data and information;

(iii) involving stakeholders in monitoring, control and surveillance, evaluating, enforcement and decision making;

(iv) monitoring, control, surveillance and evaluating the impact of fishing activities and management measures on the fishery resource and its habitat;

(v) combating IUU fishing and preventing overfishing, over capacity and ecosystem degradation;

(vi) safeguarding the fishery resource and associated ecosystems from negative impacts of vulnerabilities arising from climate change and natural disasters;

(vii) protecting the genetic resources to ensure the fair and equitable sharing of benefits arising from the utilization of these resources;

(viii) ensuring a safe and sustainable supply of seafood from the fishery;

(ix) such other strategies as may be necessary to provide for the proper management, development and sustainable use of the fishery resource and other livelihood assets;

(x) implementing the management plan; and

(g) research needs for the fishery and possible means of funding and conducting the research.

Submission of management plan

12. The Chief Fisheries Officer shall submit the draft management plan to the Minister for review, comment and further instructions.

Approval of management plan

13.(1) The Minister may approve the draft management plan submitted under section 12 without modifications or subject to such modifications as the Minister considers necessary.

(2) Where the Minister approves the draft management plan under subsection (1), the Minister shall by order publish the management plan in the *Official Gazette*.

Amendment to management plan

14.(1) The Chief Fisheries Officer may at any time prepare and propose, for the approval of the Minister, draft amendments to the management plan.

(2) Any amendments made to the management plan pursuant to subsection (1), shall be made in accordance with section 10 and section 13 and when approved and published under section 13, the management plan as amended shall constitute the fisheries management plan established under that section.

Review of management plan

15. At least once in every 5 years after the date on which the fisheries management plan first comes into effect under section 13(2), the Chief Fisheries Officer shall carry out a full review of the plan and submit to the Minister a report on the review together with proposals for any amendments which appear to him to be necessary.

Compliance with management plan

16.(1) Subject to subsection (2), persons engaged in fishing and fisheries related activities shall comply with the management plan.

(2) A person referred to in subsection (1) may deviate from the management plan where it is necessary for saving life or protecting the marine environment.

Withdrawal of the management plan

17.(1) The Minister may withdraw the management plan, where he considers it appropriate to do so.

(2) Where the Minister withdraws the management plan, he shall publish a notice of withdrawal in the *Official Gazette*, and the management plan ceases to have effect on the date of such publication.

(3) The Minister shall also take such further steps as he considers appropriate to ensure that the withdrawal of the Plan is brought to the attention of interested persons.

(4) The Minister shall not withdraw an existing management plan unless a prospective one is prepared and ready for implementation.

(5) In this section "interested persons" means person appearing to the Minister to be likely to be interested in, or affected by, the withdrawal of the Sustainable Management and Development Plan.

Protection of endangered species

18.(1) No person shall hunt, capture, possess, trade in, intentionally kill, injure or harass any endangered species.

(2) A person shall report to the Chief Fisheries Officer any accidental catches of species prohibited under subsection (1).

(3) Any endangered aquatic species caught, either intentionally or unintentionally shall be released immediately and returned to the water from which it was taken with the least possible injury.

(4) The Chief Fisheries Officer shall maintain lists of endangered species and threatened species.

(5) A person who contravenes subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of $500 000 or to imprisonment for 5 years or to both and may be ordered to

(a) undergo a period of training in fisheries management and protection; or

(b) make a financial contribution not exceeding $20 000 to species restoration.

Notification of fisheries agreements

19. The Minister shall give notice in the *Official Gazette* of any

(a) international or regional fisheries agreement;

(b) international conservation and management measure; and

(c) norms and best practices

recognized or supported by Barbados.

PART V

DATA AND INFORMATION

Supply of data and information

20.(1) A person who

(a) engages in fishing or fishing related activities;

(b) engages in overseas trade in fish and fish products; or

(c) processes, cultures or sells fish or fish products,

shall supply to the Chief Fisheries Officer, data or information in respect of his activities in such manner and at such time as the Chief Fisheries Officer requires.

(2) The data or information in respect of subsection (1) may include

(a) any data or information relating to fishing, fisheries, aquaculture, landings, research, storage, food safety, processing, buying, selling, exports or imports of fish and other related activities; and

(b) accounts, records, returns and documents.

(3) The Chief Fisheries Officer may, for purposes of verification of accounts, records, documents, returns, data or information supplied under subsection (2),

require from any person further information, clarification or explanation of that data and information.

(4) A person who

(a) refuses to supply any data or information or any record or document which that person has in his possession and which is required by the Chief Fisheries Officer; or

(b) knowingly supplies false data, information, records or documents to the Chief Fisheries Officer,

is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for 3 months or to both.

Confidentiality of data and information

21.(1) The Minister may classify any data or information as confidential in the interest of national security.

(2) Every person, having an official duty under this Act or being employed or otherwise connected with the administration of this Act shall, before assuming duty, subscribe to an oath to keep all information received secret and confidential.

(3) Every person who had an official duty under this Act or was employed in the administration of this Act shall maintain, after such duty or employment is terminated, the confidentiality of all information or documents received during the course of that duty or employment.

(4) Notwithstanding subsections (1), (2) and (3), confidential data or information shall be disclosed where

(a) required by law enforcement agencies for the purpose of law enforcement, national security, surveillance, search and rescue and other emergencies;

(b) the entity or person providing the data and information authorizes the disclosure;

(c) necessary to advise the Minister on matters relating to national security.

(5) The Minister may, in consultation with the Chief Fisheries Officer, declassify any data or information that is classified as confidential.

(6) A person who contravenes subsection (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Fisheries sector census questionnaire

22. The Chief Fisheries Officer shall institute every 2 years a fisheries sector census which shall be conducted in accordance with the forms as set out in the *Second Schedule*.

PART VI

FISHING GEAR AND FISHING METHODS

Prohibited fishing gear and fishing methods

23.(1) No person shall

(a) use any prohibited fishing gear or fishing method; or

(b) use, permit the use of or carry onboard for the purpose of fishing

(i) any fish aggregating device unless authorized to do so;

(ii) any firearm, electric shock device, explosive, poison, or other noxious substance; or

(iii) any other object used for disabling or killing fish or rendering fish more easily caught.

(2) No person shall have in his possession any explosive, electric shock device, poison or other noxious substance in circumstances indicating an

intention of using such substance for any of the purposes of fishing or conducting fisheries related activities.

(3) No person shall land, sell, receive, or have in his possession any fish caught by any of the means prohibited in subsections (1) and (2).

(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 12 months or to both and the vessel, fishing gear and catch may be forfeited.

(5) The Minister shall, after consultation with the Chief Fisheries Officer, publish a list of all prohibited fishing gear and fishing methods in the *Official Gazette*.

Seizure of prohibited fishing gear

24.(1) An authorized officer may seize without warrant any

(a) fishing vessel or fishing gear which the authorized officer believes, on reasonable grounds, is being or has been used in the commission of an offence under section 23;

(b) fish which the authorized officer believes, on reasonable grounds, are being or have been taken, killed, transported, bought, sold or found in possession of any person in contravention of section 23; or

(c) any article, record, document, or thing which the authorized officer believes, on reasonable grounds, is evidence of the commission of an offence under section 23.

(2) The authorized officer shall provide a written receipt in respect of anything seized under subsection (1) to the person from whom the items were seized.

(3) A receipt issued under subsection (2), and a duplicate or copy thereof, shall be signed by the authorized officer and the person from whom the items were seized.

Certificate of the cause and manner of death or injury of fish

25.(1) A certificate as to the cause and manner of death or injury of any fish shall be signed by a person qualified to pronounce on the cause of death of the fish.

(2) For the purposes of subsection (1) the Chief Fisheries Officer shall set out in a fishing industry notice a list of persons qualified to pronounce on the cause of death of fish.

Prohibition of damage, destruction or interference with fishing gear

26.(1) No person shall damage, destroy or interfere with any fishing gear that belongs to another person.

(2) Where a vessel becomes entangled with fishing gear, the master shall undertake to minimize any damage caused by the gear and

(a) where practicable return the gear to the sea and log the position; and

(b) make a full report of the incident and steps taken by him to the Chief Fisheries Officer within 21 days of the incident.

(3) Where the gear referred to in subsection (2) is so damaged that it is incapable of fishing effectively and may ghost fish if left at sea, the master shall return the gear to shore and notify the Chief Fisheries Officer and the owner of the gear if the owner is known.

(4) Where any person has been injured or harmed in any way by the gear referred to in this section or fallen over board, the Master shall immediately:

(a) rescue such person from the sea;

(b) administer first aid or treatment for which he is trained to perform; and

(c) seek further medical treatment.

(5) Where a person dies at sea, the body shall be transported directly to port and a full report of the incident made to the police.

(6) A person who contravenes this section is guilty of an offence and liable on conviction on indictment to a fine of $200 000 or to imprisonment for 3 years or to both.

Stowage of gear

27.(1) The fishing gear of any

(a) foreign fishing vessel not authorized to fish in the waters of Barbados; or

(b) Barbados registered fishing vessel not authorized to fish in a particular area with a particular gear,

shall be stowed in the manner prescribed under the Act or any other enactment.

(2) Any fishing gear onboard a fishing vessel in the waters of Barbados that is not stowed in the prescribed manner is deemed to be intended to be used for fishing.

(3) Where a fishing vessel is licensed to fish by means of a particular type of fishing gear in any specified area of the waters of Barbados, any other fishing gear onboard the vessel shall be stowed in the prescribed manner while the vessel is within that fishing area or within any other area of the waters of Barbados where it is not licensed to fish.

(4) The master, owner or charterer of a fishing vessel that has fish onboard:

(a) prior to entering the fishing area for which a licence is granted; or

(b) prior to the vessel leaving an area in which the vessel has permission to operate,

shall notify the Chief Fisheries Officer of the amounts, species, area where caught and preservation of fish onboard the vessel.

(5) A person who contravenes this section is guilty of an offence and is liable on conviction on indictment to a fine of $200 000 or imprisonment for 3 years or to both.

PART VII

MARINE ENVIRONMENTAL PROTECTION FROM FISHERIES ACTIVITIES

Prohibition on polluting fishing area

28.(1) No person shall introduce into any fishing area any deleterious matter or noxious substance that is harmful to fish or the marine environment or that may adversely affect the habitat or health of fish.

(2) Where the owner or master of a fishing vessel

(a) accidentally introduces any matter or substance referred to in subsection (1) into fishing waters; or

(b) encounters such matter or substance in fishing waters,

the owner or master of the vessel shall immediately report the incident to the Chief Fisheries Officer and give him the information set out in subsection (3).

(3) The information referred to in subsection (2) is

(a) the name, registration number and call sign, if any, of the vessel from which the matter or substance was introduced or encountered;

(b) the nature of the matter disposed or substance introduced or encountered;

(c) the location of the matter or substance; and

(d) the time and date of the incident.

Design of fishing vessels and pollution prevention equipment

29.(1) All fishing vessels shall, to the extent practicable,

(a) comply with MARPOL 73/78, as amended, including the design and pollution prevention equipment provisions; and

(b) be operated in compliance with MARPOL 73/78, as amended.

(2) Subsection (1) does not apply to fishing vessels constructed before the commencement of this Act.

Discharge of pollutants

30.(1) No person shall discharge from a fishing vessel any oil, plastics, synthetic ropes or synthetic fishing nets or other pollutant or harmful substance into Barbados waters.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both and shall be liable to pay the cost for the cleanup operation.

(3) This section does not apply to a discharge

(a) that was necessary for the purpose of securing the safety of a fishing vessel or saving life at sea;

(b) resulting from damage to a vessel or its equipment where all reasonable precautions were taken after the occurrence of the damage or discovery of the discharge in order to prevent or minimize the discharge; and

(c) for purposes of

(i) legitimate scientific research into pollution abatement or control; or

(ii) combating specific pollution incidents in order to minimize the damage from pollution, as permitted by the Chief Fisheries Officer in accordance with section 35.

(4) Subsection (3) shall not apply if the owner or master acted with intent to cause damage or was reckless as to whether damage would be caused.

Discharge of ballast water

31.(1) No owner or master of a fishing vessel shall discharge ballast water containing non-indigenous harmful aquatic organisms or pathogens from a fishing vessel into Barbados waters.

(2) The owner or master who contravenes subsection (1) is guilty of an offence and liable on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both.

(3) The owner or master of a fishing vessel who discharges ballast water in Barbados waters shall comply with any voluntary or mandatory ballast water management requirements issued by the IMO in force at the time of the discharge.

(4) The master of a fishing vessel who intends to discharge ballast water in Barbados waters shall, prior to doing so, submit a written request to the Coastal Zone Management Unit.

(5) It is a defence for a person charged with an offence under this section to show that all reasonable measures to comply with any voluntary or mandatory ballast water management requirements issued by the International Maritime Organization in force at the time were taken to ensure that no ballast water containing non-indigenous harmful aquatic organisms or pathogens were discharged from the fishing vessel into Barbados waters.

Hull scraping and cleaning

32.(1) No person shall scrape or clean the hull or any other external surfaces of fishing vessels in a manner that may result in the introduction of non-indigenous harmful aquatic organisms or pathogens into Barbados waters.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $150 000 or to imprisonment for 2 years or to both.

Anti-fouling paints

33.(1) No one shall use or apply anti-fouling paints or systems which contain organotin compounds on fishing vessels over 24 metres in length in Barbados waters.

(2) The owner or master, referred to in subsection (1) and any other person who uses or applies anti-fouling paints or systems containing organotin compound in Barbados is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Vessel repair facilities

34.(1) No person shall discharge, dispose or cause to escape any

(a) hull scrapings;

(b) paints or paint residues;

(c) abrasive blasting mediums;

(d) harmful matter or substances;

(e) effluent containing pollutants; or

(f) any other pollutants,

into Barbados waters from vessel repair facilities.

(2) The owner or operator of a vessel repair facility shall have in place systems for the effective containment and recovery of all

(a) hull scrapings;

(b) paints or paint residues;

(c) abrasive blasting mediums;

(d) harmful matter or substances;

(e) effluent containing pollutants;

(f) any other pollutants;

(g) recycling;

(h) treatment; or

(i) disposal,

in Government-approved waste management facilities on-shore.

(3) The owner or operator of a vessel repair facility who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $100 000 or for imprisonment of 12 months or to both.

Discharge permits

35.(1) A person who wishes to discharge into Barbados waters, a pollutant or harmful substance

(a) for the purpose of legitimate scientific research; or

(b) to combat a specific pollutant that was discharged,

shall apply in writing to the Environmental Protection Department for a discharge permit.

(2) A person who applies for a discharge permit shall provide the following information in writing to the Environmental Protection Department:

(a) the name and full contact details of the person responsible for the proposed discharge;

(b) the reasons for the proposed discharge;

(c) the likely benefits of the proposed discharge;

(d) the location of the proposed discharge;

(e) the nature of the pollutant or harmful substance proposed to be discharged including

(i) the correct technical name;

(ii) the International Maritime Dangerous Goods Code;

(iii) the United Nations number;

(iv) the chemical composition;

(v) the physical and chemical properties; and

(vi) the biological toxicity.

(f) the quantity or volume of pollutant or harmful substance proposed to be discharged;

(g) the proposed method of discharge;

(h) the details of the measures to be used to control, mitigate and monitor the environment at the impact of the discharge; and

(i) documentary evidence of financial ability to meet the total cost of any clean-up operation necessary to restore the environment to its original condition.

(2) The Environmental Protection Department shall, when assessing an application for a Discharge Permit, take the following into consideration

(a) the protection of human life, health and safety;

(b) the environmental impact likely to occur from the proposed discharge vis-a-vis the environmental impact likely to occur if the proposed discharge is not permitted; and

(c) any other relevant consideration.

(3) The Environmental Protection Department may, when issuing a discharge permit impose such conditions as it deems fit, including a requirement for the permit holder to pay the total costs of any clean-up operation necessary to restore the environment to its original condition.

(4) The holder of a discharge permit who fails to comply with the conditions set out in the permit is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Fish waste reception facilities

36.(1) The Minister may

(a) regulate the provision of fish waste reception facilities at Barbados ports to enable fishing vessels to discharge waste generated from their operations, consistent with national laws on waste reception facilities for fishing vessels or any other applicable waste handing standards for the fishing industry; and

(b) withhold the provision of fish waste reception facilities where the waste may cause environmental damage.

(2) The Minister shall provide fish waste reception facilities that are adequate to meet the needs of fishing vessels without causing undue delay.

(3) The cost of providing and operating fish waste reception facilities, may be covered by

(a) a general port charge; or

(b) any means as specified in any other enactment.

(4) Nothing in this section shall be construed as allowing pollutants to be discharged into any fish waste reception facilities.

Duty to report discharges

37.(1) The owner, master or person in charge of a vessel from which any pollutant or harmful substance is discharged into Barbados waters shall immediately and by the quickest available means report the occurrence to the

(a) Chief Fisheries Officer; and

(b) Environmental Protection Department.

(2) The report mentioned in subsection (1) shall contain the following information

(a) the time of the discharge;

(b) position of the discharge, including latitude and longitude, if possible;

(c) the event to which the discharge is directly attributable;

(d) the precise source of the discharge;

(e) the weather and sea conditions at the time of the discharge and at the time when the report was made;

(f) where oil has been discharged, the quantity and description of each type of oil that was discharged;

(g) the quantity and description of each type of oil remaining onboard;

(h) where a pollutant other than oil has been discharged, the quantity and description of each type of pollutant discharged including their correct technical names, International Maritime Dangerous Goods Code Classification and United Nations number, if applicable;

(i) the quantity and description of each type of pollutant other than oil remaining onboard;

(j) where garbage or sewage has been discharged, the quantity, description and concentration that was discharged;

(k) the types, quantity and condition of the rest of the cargo carried;

(l) the existence of any slick and the direction and speed of its movement; and

(m) the measures that have been taken to

(i) stop or reduce the discharge;

(ii) contain the pollutant and prevent it's spread;

(iii) remove the pollutant from the sea or to disperse it; and

(iv) minimize damage or the possibility of damage resulting from the discharge;

(n) the identity and full contact details of the person making the report.

(3) If any vessel becomes stranded, wrecked or is abandoned in Barbados waters or if a Barbados vessel becomes stranded, wrecked or is abandoned in any waters, then the owner or master or person in charge shall immediately and by the quickest available means report the occurrence to the Chief Fisheries Officer, giving

(a) full details of the vessel and damage sustained;

(b) the types, quantity and condition of the cargo carried;

(c) a complete list of all pollutants carried, including the types, quantity and condition;

(d) the details required in subsection (2), if a discharge has occurred; and

(e) the identity and full contact details of the person making the report.

(4) Every person who

(a) fails to reasonably comply with this section; or

(b) makes a report containing any information that to his knowledge is false or misleading,

is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for 3 months or to both.

Environmental related inspections

38.(1) Fishery protection officers or any other authorized officer specified under section 365 shall report to the Chief Fisheries Officer

(a) whether the marine environmental protection provisions of the Act have been complied with;

(b) what measures were taken to prevent the discharge of pollutants;

(c) whether fish waste reception facilities are adequate to meet the needs of fishing vessels using the facilities without causing undue delay.

(2) Every fishery protection officer or authorized officer specified in section 365 may

(a) inspect any fishing vessel and any apparatus used for the storage, transfer or processing of pollutants, as the case may be;

(b) test any equipment with which the fishing vessel is required to be fitted in accordance with any International Maritime Convention to which Barbados is party and any requirement of this Act;

(c) require the production of any records required to be kept and shall have the power to copy records and require the person by whom the records are to be kept to certify the copy as a true copy;

(d) board the fishing vessel to ascertain the circumstances relating to an alleged discharge of a pollutant from the vessel into Barbados waters or from a Barbados registered fishing vessel into any waters; and

(e) board the vessel and take, or require to be taken, soundings of tanks, spaces, and bilges, and any sample or samples of any pollutant from the vessel for analysis.

(3) A person exercising any powers conferred by this part shall not unnecessarily detain or delay the fishing vessel from proceeding on any voyage.

(4) Every person who

(a) fails to reasonably comply with any requirement of this section; or

(b) obstructs a person acting in the exercise of any power conferred by this section,

is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Regulating translocation of live fish

39.(1) No person shall introduce any species of live fish in any fishing area without approval in writing by the Chief Fisheries Officer.

(2) A person who wishes to introduce any species of live fish in any fishing area, shall apply, in writing, to the Chief Fisheries Officer, stating the following:

(a) the reasons for the introduction of the species;

(b) the likely impact for the introduced species on the habitat and existing species;

(c) the program for monitoring and evaluating the impact of the introduced species; and

(d) any other information which the Chief Fisheries Officer may require.

(3) The Chief Fisheries Officer shall in considering the application, take into account the fact that reintroducing the same species grown elsewhere can also introduce pathogenes.

(4) The Chief Fisheries Officer shall give reasons for his decision and where the application is approved, set out the conditions subject to which the approval was granted.

(5) A person who contravenes this section is guilty of an offence and is liable

(a) on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both; or

(b) for the payment of compensation for loss or damage to the habitat and the cost of restoring the habitat or fishery resource.

Coral reef damage

40.(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; or

(c) any other form of community service relating to coral reefs or the marine environment.

PART VIII

CONTROL OF POLLUTION BY FISHING GEAR

International requirements to be complied with

41. The Chief Fisheries Officer shall put measures in place to ensure compliance with the following international requirements regarding fishing gear pollution regulation:

(a) prevent, reduce and control pollution of the marine environment by fishing gear, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), 1982;

(b) ensure the environmentally sound management of fishing gear delivered to ports, in accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

(c) prohibit the discharge of synthetic rope and fishing nets, in accordance with MARPOL, Annex V and the IMO Action Plan to Address Marine Plastic Litter from Ships; and

(d) ensure compliance with the FAO Code of Conduct for Responsible Fisheries, as well as encourage adherence to the FAO Voluntary Guidelines for the Marking of Fishing Gear, and strengthen efforts to reduce abandoned, lost or otherwise discarded fishing gear through enhancing enforcement of IUU fishing under the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

Fishing gear pollution preventive measures

42. The Chief Fisheries Officer shall impose the following preventive measures to combat fishing gear pollution including

(a) marking and logging of fishing gear;

(b) establishing extended producer responsibility schemes for fishing gear;

(c) training and capacity building of fishers to prevent accidental fishing gear losses, reduction of soak-times, best stowage practices, gear-use limits in high-risk areas and during high-risk times;

(d) requiring fishing vessels to have equipment onboard to attempt immediate retrieval of any lost fishing gear;

(e) requiring certain types of fishing gear to be equipped with buoys and trackers to enable their location and recovery;

(f) bringing fishing gear into the circular economy through development of national standards on the circular design of fishing gear;

(g) partnering with seaports to develop cost-effective frameworks at seaports which promote responsible onboard behaviour and removes incentives to dump fishing gear at sea, including allowing fishing vessels to deliver their gear for free, or for a fixed fee depending on vessel type;

(h) introducing, in consultation with relevant stakeholders, mechanisms to reduce fees for fishing vessels that systematically engage in waste minimization, or that otherwise participate in fish waste programmes;

(i) designing certification and eco-labeling schemes to recognize responsible fishing, including benchmarking and guidance recognizing preventative measures and strategies, with criteria on preventing, reducing and controlling pollution by abandoned, lost or otherwise discarded fishing gear;

(j) promoting fiscal initiatives including buy back or deposit refund schemes that incentivize fishers to return derelict fishing gear and retrieve lost gear, as well as subsidies or tax breaks to install collection, cleaning and recycling systems at fisheries sites, and financial support for greater utilization of fishing gear made from environmentally sustainable materials;

(k) engaging the corporate community in scaling up business models for collection, reuse, repair and recycling of fishing gear, including certification and sourcing policies and requirements for insurers and investors to include guidance on abandoned, lost or otherwise discarded fishing gear prevention, reduction and control; and

(l) employing any other measures to prevent fishing gear pollution.

Fishing gear pollution mitigative and remedial measures

43. The Chief Fisheries Officer shall employ the following mitigative and remedial measures to combat fishing gear pollution:

(a) development and maintenance of an effective system for lost gear reporting;

(b) development of fishing for litter initiatives;

(c) coordinating regular abandoned, lost or otherwise discarded fishing gear hot spot clean ups; and

(d) employing any other measures to mitigate and remedy fishing gear pollution.

PART IX

COLLABORATION

Collaboration with development partners

44. The Chief Fisheries Officer shall, with the approval of the Minister, collaborate with local stakeholders and regional and international development partners to

(a) build capacity among stakeholders;

(b) effectively manage and sustainably use shared fisheries resources;

(c) protect the health of the ecosystem;

(d) build networks and strategic partnerships;

(e) mitigate and build resilience to the impact of hazards; and

(f) determine any other activities that may provide opportunities and benefits for those involved in fisheries.

Prohibition on the taking of fish or fish products contrary to law

45.(1) No person shall cause or permit another person to use or permit a vessel to engage in fishing or related activity to take, import, export, transship, land, transport, sell, receive, acquire or buy any fish or fish product in violation of

(a) any law of another State; or

(b) any regional or international conservation and management measure implemented pursuant to this Act, or any other enactment.

(2) This section does not apply to fish taken on the high seas contrary to the law of another State where Barbados does not recognize the jurisdiction of that State over those fish or areas where the marine boundaries are disputed or not clear.

(3) 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 12 months or to both and in addition may be ordered to participate in a fisheries management and protection programme, initiative or activity.

PART X

OBSERVERS

Fisheries observer

46.(1) The Chief Fisheries Officer shall plan and manage an observer programme for the purposes of collecting and reporting reliable and accurate information for scientific, management and compliance purposes, including

(a) the species, quantity, size, age, and condition of fish taken or processed;

(b) the methods by which, the areas in which, and the depths at which, fish are taken;

(c) the effects of fishing methods on fish and the environment;

(d) all aspects of the operation of any vessel;

(e) processing, transportation, transshipment, storage, or disposal of any fish;

(f) monitoring the implementation of local and agreed and applicable international fisheries conservation and management measures; and

(g) any other matter that may assist the Chief Fisheries Officer to obtain, analyze, or verify information for fisheries scientific, management, and compliance purposes.

(2) Pursuant to subsection (1), the Chief Fisheries Officer may, in writing, designate a person to be an observer for the purposes of the observer programme, on a fishing vessel, at an aquaculture or mariculture facility or any other facility

related to fisheries, aquaculture or mariculture that has been granted a licence, authorization or permit under this Act.

(3) An observer shall on request, identify himself and produce evidence that he is an observer and, the production by an observer, of any identification document issued to him, shall, until the contrary is proved, be sufficient authority for the observer to do anything which he is authorized to do under this Act.

Duties of owner of the vessel or facility in which a fisheries observer is placed

47.(1) The owner, master and crew of a fishing vessel or owner, operator and staff of fisheries, aquaculture or mariculture facility, or licence holder in respect of any vessel or facility on which a fisheries observer is placed shall

(a) permit and assist an observer to board and remain onboard the fishing vessel, board, enter or inspect, as the case may require, an aquaculture or mariculture facility and remain therein for the purposes of carrying out his functions in accordance with this Act;

(b) grant to the observer full access to a fishing vessel, aquaculture or mariculture facility and the use of any equipment therein which the observer considers necessary to carry out his functions, including where applicable, access to

(i) any fishing, aquaculture or mariculture gear;

(ii) documents and logbooks for the purposes of recording, inspecting and making copies; and

(iii) any other thing which the observer considers necessary;

(c) permit an observer to

(i) take or remove from the fishing vessel, aquaculture or mariculture facility samples and information relevant to fishing, aquaculture, mariculture and any related activity;

(ii) take photographs or make audio or video recordings of any operations in relation to a fishing vessel, aquaculture or mariculture facility;

(iii) carry out all of his duties safely;

(iv) in the case of a fishing vessel, embark and disembark at such time and place as may be determined by the Chief Fisheries Officer or, where the fishing vessel is a foreign fishing vessel, in accordance with the applicable access agreement;

(v) in the case of an aquaculture or mariculture facility, enter and exit at such time as may be reasonably determined by the Chief Fisheries Officer.

(2) Pursuant to subsection (1), the Chief Fisheries Officer may in writing, designate a person to be an observer on a fishing vessel for the purposes of the observer programme at an aquaculture or mariculture facility or any other facility related to fisheries or aquaculture or mariculture that has been granted a licence, authorization or permit under this Act.

(3) The owner or operator of a fishing vessel, or an aquaculture or mariculture facility shall provide to an observer such food, accommodation and medical facilities equivalent to that accorded to a member of the crew onboard the fishing vessel or person employed at the commercial aquaculture or mariculture facility.

(4) The owner of the fishing vessel, aquaculture or mariculture facility shall, where applicable, pay in relation to the observer, insurance coverage and such other reasonable costs and expenses as may be determined by the Chief Fisheries Officer.

Confidentiality of the data and information collected by the fisheries observers

48.(1) Any data or information collected on the vessel or at the facility shall be deemed confidential and shall be treated in accordance with data protection provisions of this Act and any other enactment relating to data protection.

(2) No person shall

(a) assault, obstruct, resist, impede, refuse, intimidate or interfere with a fisheries observer in the performance of his duties;

(b) fail to take reasonable measures to ensure the safety of, or otherwise interfere with a fisheries observer in the performance of his duties;

(c) use threatening or abusive language, threatening or insulting behaviour or gestures towards

(i) any fisheries observer while performing his duties; or

(ii) any other person acting lawfully under the orders of a fisheries observer;

(d) fail to comply with the instructions of any fisheries observer;

(e) give false or misleading information to a fisheries observer;

(f) impersonate a fisheries observer;

(g) falsely represent himself as acting under the orders of a fisheries observer; or

(h) bribe a fisheries observer.

Conditions for observers

49. The operator and licence holder in respect of any vessel on which a fisheries observer is placed shall, in addition to other duties or requirements imposed upon him under the Act,

(a) provide free onboard access at all times to food, safe accommodation, medical supplies and facilities and amenities equivalent to that accorded to other members of the crew onboard or other standard approved in writing by the Chief Fisheries Officer; and

(b) provide a safe work area and free access to the catch to enable the measurement of fish and collection of samples.

Notice of intention to place fisheries observers

50.(1) The Chief Fisheries Officer shall, before placing a fisheries observer on a fishing vessel or at a fisheries facility, notify the owner, master or agent of the

(a) intention to place the fisheries observer onboard or at the facility; and

(b) period for which the fisheries observer shall be onboard or at the facility.

(2) The owner, master or agent referred to in subsection (1) is prohibited from

(a) causing or allowing the vessel to which the notice relates to put to sea without taking onboard the fisheries observer at the time and place specified in the notice of intention; or

(b) refusing to take the fisheries observer onboard or refusing to allow the observer to enter the facility.

(3) An owner, master or agent who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

PART XI

FISHING VESSEL SURVEYS AND CERTIFICATION

Fishing Vessel Surveys

Surveys of fishing vessels

51.(1) Subject to any other enactment relating to the surveying of ships, a Barbados registered commercial fishing vessel is subject to inspections and surveys pursuant to subsections (2) and (3).

(2) The inspections referred to in subsection (1) shall be conducted in dry dock twice in a 5 year period with an interval not exceeding 36 months.

(3) The surveys referred to in subsection (1) are

(a) the fishing vessel initial survey completed before the fishing vessel is put into service;

(b) the fishing vessel renewal surveys completed before 5 years expires and before the granting of the following certificates:

(i) the Certificate of Seaworthiness;

(ii) the Work-in-Fishing Compliance Certificate; and

(iii) the Fishing Vessel Energy Efficiency Certificate.

(4) Subsection 3*(b)(iii)* applies only to fishing vessels on which energy efficient systems are installed.

Certificate of Seaworthiness

Certificate of seaworthiness: initial fishing vessel surveys

52.(1) No fishing vessel shall be put into service unless a certificate of seaworthiness is issued in respect of that vessel.

(2) A certificate of seaworthiness may be issued in respect of a fishing vessel where

(a) an initial survey has been carried out; and

(b) at the date of the initial survey, the surveyor is satisfied that the fittings, equipment and arrangement of the fishing vessel are seaworthy.

Certificate of seaworthiness: renewal fishing vessel surveys

53.(1) Subject to subsection (2), no fishing vessel shall

(a) proceed to sea; or

(b) remain at sea,

after the date of expiry of a certificate of seaworthiness.

(2) A certificate of seaworthiness may be renewed where

(a) a fishing vessel renewal survey has been carried out; and

(b) at the date of the renewal survey, the surveyor is satisfied that the fittings, equipment and arrangement of the fishing vessel are seaworthy.

(3) A fishing vessel renewal survey shall be carried out every 5 years except where

(a) the renewal survey is completed

(i) within 3 months before the expiry date of the existing Certificate of Seaworthiness; or

(ii) after the expiry date of the existing Certificate of Seaworthiness,

and the new Certificate of Seaworthiness shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of the expiry of the existing Certificate of Seaworthiness;

(b) the renewal survey is completed more than 3 months before the expiry date of the existing Certificate of Seaworthiness and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey; and

(c) at the expiry date of the Certificate of Seaworthiness, the fishing vessel is not in a place where it can be surveyed, the period of validity of the Certificate of Seaworthiness may be extended but the extension shall be granted only

(i) for the purpose of allowing the fishing vessel to complete her voyage to the port in which she is to be surveyed; or

(ii) in cases where it is reasonable to do so.

(4) Where subsection 3*(c)* applies, the period of validity of the Certificate of Seaworthiness may be extended by the period of time the vessel takes to arrive at the surveying port but no later than a period of 3 months from the date of the extension.

(5) On completion of the survey referred to in subsection (3)*(c)*, a new certificate of seaworthiness shall be issued and shall be valid from the expiry date of the existing Certificate of Seaworthiness, before the extension, for a period of 5 years.

(6) Notwithstanding subsections (3) and (4),

(a) the Chief Fisheries Officer may extend a certificate of seaworthiness from the date of expiry of the existing Certificate of Seaworthiness for one month for a short voyage so that a renewal survey can be completed; and

(b) where the fishing vessel renewal survey is completed the new Certificate of Seaworthiness shall be valid from the date of expiry of the existing certificate, before the extension was granted, for a period of 5 years.

(7) The Chief Fisheries Officer may, in special circumstances, grant the renewal of the Certificate of Seaworthiness from the date of the completion of the renewal survey for a period of 5 years.

Annual fishing vessel surveys

54.(1) No fishing vessel shall

(a) proceed to sea; or

(b) remain at sea,

unless an annual fishing vessel survey has been completed in respect of that vessel and a valid certificate of seaworthiness has been issued.

(2) A certificate of seaworthiness may be issued where

(a) a survey has been carried out in respect of the fishing vessel;

(b) at the date of the annual survey, the surveyor is satisfied that the fittings, equipment and arrangements of the fishing vessel are in such condition as to support a positive verification that the vessel is seaworthy in relation to her safety and environmental performance; and

(c) in consequence, the Certificate of Seaworthiness has been endorsed to this effect and is still valid.

Work-in-Fishing Compliance Certificate

Work-in-fishing compliance certificate: initial fishing vessel surveys

55.(1) No fishing vessel shall be put into service unless a work-in-fishing compliance certificate is issued in respect of that vessel.

(2) A work-in-fishing compliance certificate may be issued where

(a) the initial survey has been completed; and

(b) the surveyor is satisfied that the fishing vessel is compliant with all relevant regulations and fisheries specific maritime labour standards.

Work-in-fishing compliance certificate: renewal fishing vessel surveys

56.(1) Subject to subsection (2), no Barbados registered fishing vessel shall

(a) proceed to sea; or

(b) remain at sea,

after the date of expiry of a work-in-fishing compliance certificate.

(2) A work-in-fishing compliance certificate may be renewed where

(a) a fishing vessel renewal survey was completed; and

(b) the surveyor is satisfied that the fishing vessel is compliant with all relevant regulations and fisheries specific maritime labour standards.

(3) A Barbados registered fishing vessel renewal survey shall be carried out every 5 years except where

(a) the renewal survey is completed

(i) within 3 months before the expiry date of the existing Work-in-Fishing Compliance Certificate ; or

(ii) after the expiry date of the existing Work-in-Fishing Compliance Certificate,

and the new Work-in-Fishing Compliance Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of the expiry of the existing Certificate of Seaworthiness;

(b) the renewal survey is completed more than 3 months before the expiry date of the existing Work-in-Fishing Compliance Certificate and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey; and

(c) at the expiry date of the Work-in-Fishing Compliance Certificate, the fishing vessel is not in a place where it can be surveyed, the period of validity of the Work-in-Fishing Compliance Certificate may be extended but the extension shall be granted only

(i) for the purpose of allowing the fishing vessel to complete her voyage to the port in which she is to be surveyed; or

(ii) in cases where it is reasonable to do so.

(4) Where subsection 3*(c)* applies, the period of validity of the Work-in-Fishing Compliance Certificate may be extended by the period of time the vessel takes to arrive at the surveying port but no later than a period of 3 months from the date of the extension.

(5) On completion of the survey referred to in subsection (3)*(c)*, a new work-in-fishing compliance certificate shall be issued and be valid from the expiry date of the existing Work-in-Fishing Compliance Certificate, before the extension, for a period of 5 years.

(6) Notwithstanding subsections (3) and (4),

(a) the Chief Fisheries Officer may extend a work-in-fishing compliance certificate from the date of expiry of the existing Work-in-Fishing Compliance Certificate for one month for a short voyage so that a renewal survey can be completed; and

(b) where the fishing vessel renewal survey is completed the new Work-in-Fishing Compliance Certificate shall be valid from the date of expiry of the existing certificate, before the extension was granted, for a period of 5 years.

(7) The Chief Fisheries Officer may, in special circumstances, grant the renewal of the Work-in-Fishing Compliance Certificate from the date of the completion of the renewal survey for a period of 5 years.

Requirement for certificates: annual fishing vessel surveys

57.(1) No Barbados registered commercial fishing vessel shall

(a) proceed to sea; or

(b) if she is already at sea remain at sea,

unless an annual fishing vessel survey has been completed in respect of that vessel, a valid work-in-fishing compliance certificate has been issued and the requirements set out in subsection (2) are met.

(2) The requirements are that

(a) a survey has been carried out in respect of the fishing vessel;

(b) at the date of the annual survey, the surveyor is satisfied that the fishing vessel is compliant to the extent practicable with the Work-in-Fishing

Convention Regulations and general fisheries specific maritime labour standards; and

(c) in consequence, the Work-in-Fishing Compliance Certificate has been endorsed to this effect and is still valid.

Fishing Vessel Energy Efficiency Certificate

Requirement for certificates: initial fishing vessel surveys

58.(1) Every Barbados registered commercial fishing vessel on which energy efficient systems are installed shall maintain such systems to ensure continued energy efficient performance of the vessel, before

(a) being put into service; and

(b) if she is already in service being allowed to continue in service,

on or at any time after the date applicable to that fishing vessel and the requirements outlined in subsection (2) are met.

(2) The requirements are that

(a) an initial survey has been carried out in respect of the fishing vessel;

(b) at the date of the initial survey, the surveyor is satisfied that the energy specific equipment, fittings and other arrangements of the fishing vessel are maintained to ensure her continued energy efficient operations; and

(c) in consequence of that initial survey, a fishing vessel energy efficiency certificate has been issued in respect of that fishing vessel and is still valid.

(3) The Chief Fisheries Officer may where he deems it in the best interests of the fishing industry, require Barbados registered non-commercial fishing vessels to be energy efficient certified, and where he so determines shall specify the relevant requirements in a fisheries sector management directive.

Requirement for certificates: renewal fishing vessel surveys

59.(1) No Barbados registered commercial fishing vessel shall

(a) proceed to sea; or

(b) remain at sea,

after the date of expiry of a fishing vessel energy efficiency certificate in respect of that fishing vessel, unless the requirements outlined in section (2) are met.

(2) The requirements are that

(a) a renewal survey has been carried out in respect of the fishing vessel;

(b) at the date of the renewal survey, the surveyor is satisfied that the energy specific equipment, fittings and other arrangements of the fishing vessel are maintained to ensure her continued energy efficient operations; and

(c) in consequence of that renewal survey, a fishing vessel energy efficiency certificate has been renewed in respect of that fishing vessel and is still valid.

(3) Renewal surveys are to be carried out every 5 years on commercial fishing vessels, except as follows:

(a) when the renewal survey is completed within 3 months before the expiry date of the existing Fishing Vessel Energy Efficiency Certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing Fishing Vessel Energy Efficiency Certificate;

(b) when the renewal survey is completed after the expiry date of the existing Fishing Vessel Energy Efficiency Certificate, the new certificate shall be valid from the date of completion of the renewal

survey to a date not exceeding 5 years from the date of expiry of the existing Fishing Vessel Energy Efficiency Certificate;

(c) when the renewal survey is completed more than 3 months before the expiry date of the existing Fishing Vessel Energy Efficiency Certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey;

(d) if a fishing vessel, at the time when a fishing vessel energy efficiency certificate expires, is not in a place in which she is to be surveyed, the period of validity of the Fishing Vessel Energy Efficiency Certificate may be extended, but this extension shall be granted only for the purpose of allowing the fishing vessel to complete her voyage to the port in which she is to be surveyed, and then only in cases where it appears proper and reasonable to do so;

(e) no fishing vessel energy efficiency certificate shall be extended for a period longer than 3 months, and a fishing vessel to which an extension is granted shall not, on her arrival at the place in which she is to be surveyed, be entitled by virtue of such extension to leave that place without having a new fishing vessel energy efficiency certificate;

(f) where the renewal survey is completed, the new Fishing Vessel Energy Efficiency Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension is granted;

(g) a fishing vessel energy efficiency certificate issued to a fishing vessel engaged on short voyages that has not been extended under paragraphs *(a)* to *(e)* may be extended by the Chief Fisheries Officer, for a period of grace up to one month from the date of expiry stated on it; and

(h) where the renewal survey is completed, the new Fishing Vessel Energy Efficiency Certificate.

(4) For the purposes of subsection (3)*(h)*, in special circumstances as determined by the Chief Fisheries Officer, a new fishing vessel energy efficiency certificate need not be dated from the date of expiry of the existing certificate and in these special circumstances, the new Fishing Vessel Energy Efficiency Certificate shall be valid to a date not exceeding 5 years from the date of completion of the renewal survey.

Requirement for certificates: annual fishing vessel surveys

60.(1) No Barbados registered commercial fishing vessel shall

(a) proceed to sea; or

(b) if she is already at sea, remain at sea,

after the end of any annual survey period for that fishing vessel, unless the requirements outlined in subsection (2) are met.

(2) The requirements referred to in subsection (1) are that

(a) a survey has been carried out in respect of the fishing vessel;

(b) at the date of the annual survey, the surveyor is satisfied that the energy specific equipment, fittings and other arrangements of the fishing vessel are maintained to ensure her continued energy efficient operations; and

(c) in consequence, the Fishing Vessel Energy Efficiency Certificate has been endorsed to this effect and is still valid.

Fishing vessels without energy specific equipment, fittings, etc.

61.(1) Owners of fishing vessels without energy specific equipment, fittings or arrangements shall maintain a good environmental performance in relation to their operations, in order to prevent, reduce and control emissions by fishing vessels, and shall make every effort to install energy specific equipment, fittings or arrangements.

(2) Surveyors, when conducting seaworthiness surveys in respect of fishing vessels that do not have energy specific equipment, fittings or arrangements, shall assess the general condition of the vessel in relation to its energy performance capabilities.

Survey certificates to be accompanied by surveyor's report

62.(1) The following certificates shall be accompanied by a surveyor's report:

(a) certificate of seaworthiness;

(b) work-in-fishing compliance certificate; and

(c) fishing vessel energy efficiency certificate.

(2) A surveyor's report referred to in subsection (1) shall contain all of the particulars of the vessel and the survey specifics.

Deficient fishing vessel: procedure to be adopted

63.(1) Where a surveyor determines that the condition of a fishing vessel to which this Part applies does not correspond substantially with the particulars on one or more of the certificates referred to in this Part or is such that the fishing vessel is not fit to proceed to sea without danger to the fishing vessel, persons or cargo onboard, the surveyor shall advise the owner or operator, of the corrective action which in the surveyor's opinion is required, and shall notify the Chief Fisheries Officer.

(2) If such corrective action is not taken within such reasonable period as a surveyor may specify, the surveyor shall notify the Chief Fisheries Officer who may suspend the validity of the particular certificate issued to the fishing vessel.

(3) The Chief Fisheries Officer shall give notice of any such suspension to the surveyor and to the owner who in turn shall notify the fishing vessel operator, if the owner is not the operator.

(4) This section applies to Barbados registered fishing vessels and other fishing vessels which have been surveyed pursuant to this Part.

Approved marine surveyors of the Fisheries Division

64.(1) The Chief Fisheries Officer may nominate such persons or organizations to conduct fishing vessel surveys on its behalf as may be necessary.

(2) There shall be maintained in relation to such nominated persons and organizations, a list to be known as the "List of Approved Marine Surveyors of the Fisheries Division".

Unscheduled surveys

65.(1) The Chief Fisheries Officer, an approved marine surveyor or other authorized officer may at any time, without notice or warrant stop, board and inspect a Barbados registered fishing vessel or any other sea-going craft, suspected to be engaged in fishing or related activities in the Barbados waters, for the purpose of satisfying himself that

(a) there is in existence a valid certificate of registration with respect to the vessel and that the specifications listed in the Certificate of Registration correspond to the vessel;

(b) there is in existence a valid survey certificate in respect of that vessel;

(c) all persons working onboard a vessel have valid health certificate;

(d) there is a valid commercial fishing licence in respect of the vessel issued under this Act; and

(e) there is no prohibited fishing gear onboard.

(2) On completion of an inspection under subsection (1), a written report shall be submitted to the Chief Fisheries Officer setting out the results of the unscheduled survey and specifying any recommendations.

(3) Where having considered the report submitted under subsection (2), if Chief Fisheries Officer is satisfied that the vessel

(a) is unseaworthy and not fit for the purpose of fishing;

(b) equipment is not being maintained in accordance with the prescribed standards; or

(c) is not in compliance with any of the conditions set out in this Act,

he may suspend or cancel any certificate and any licence or permit in respect of the vessel until such time as the deficiencies relating to the vessel are rectified.

(4) In the case where the vessel is intercepted at sea and is not in compliance with the requirements of this Act or any other enactment, the vessel shall be escorted to port for further investigation and action.

Fraudulent surveys

66.(1) A surveyor referred to in section 64 shall not prepare or issue

(a) an untrue or inaccurate vessel survey certificate;

(b) a report or record on the status of a vessel without conducting a vessel survey;

(c) a report or record that falsely states that a fishing vessel is seaworthy, workin-fishing compliant or energy efficient; or

(d) a vessel survey with false or inaccurate information.

(2) A surveyor 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 12 months or to both.

(3) The Chief Fisheries Officer shall terminate the services of a surveyor who contravenes subsection (1).

PART XII

REGISTRATION OF BARBADOS FISHING VESSELS

Registration of Barbados Fishing Vessels engaged in Fishing or Related Activities

Registration of Barbados fishing vessels

67.(1) No person shall operate a fishing vessel or other sea-going craft used for fishing or related activities in Barbados waters, unless the fishing vessel or sea-going craft

(a) is registered and the owner is in possession of a valid certificate of registration of a Barbados fishing vessel issued in respect of that vessel or other sea-going craft, as prescribed under this Act; and

(b) has insurance coverage or cover in an equivalent form of financial security against risk of loss or damage to third parties.

(2) The policy of insurance or equivalent form of security referred to in subsection (1)*(b)* shall

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

(3) Pursuant to subsection (2) 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) This section does not apply to vessels registered with the Barbados Maritime Transport Administration for Shipping and Watersport Activities.

Barbados fishing vessel register

68.(1) The Chief Fisheries Officer shall establish and maintain a register of all local fishing vessels to be known as the "Register of Barbados Fishing Vessels".

(2) The Register of Barbados Fishing Vessels shall contain the following particulars in respect of all fishing vessels registered in Barbados:

(a) the name, registration number, class and type of vessel;

(b) the name and address of the owner, the owner's agent or the operator of the vessel;

(c) the specifications of the vessel including the construction material, colour of the hull and superstructure, year and place of construction, dimensions and tonnage;

(d) the specifications of the engine, including type, serial number and capacity;

(e) the type of fishing gear, fishing method and fish storage capacity;

(f) the place of mooring of the vessel;

(g) details of the surveyor's certificate;

(h) the date of suspension or deletion of the previous registration of the vessel, if applicable;

(i) a notarized bill of sale;

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

(k) any other particulars that may be prescribed.

(3) The Chief Fisheries Officer shall, on payment of the prescribed fee by a person who has a legitimate interest, grant permission to that person to inspect the Register of Barbados Fishing Vessels.

Classes of Barbados registered fishing vessels

69.(1) The Chief Fisheries Officer shall

(a) keep a register for

(i) classes of fishing vessels operating locally;

(ii) Barbados registered fishing vessels under construction; and

(iii) fishing vessels that are laid up; and

(b) have provisional registration for Barbados registered fishing vessels.

(2) A person who temporarily takes a fishing vessel out of service, shall apply to the Chief Fisheries Officer to register the fishing vessel as laid up.

(3) An application under subsection (2) shall be made to the Chief Fisheries Officer in such form as may be specified by him and shall be accompanied by

(a) the application fee;

(b) the certificate of registration issued in respect of that fishing vessel;

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

(d) such other information and documentation as may be required by the Chief Fisheries Officer.

(4) The Chief Fisheries Officer may register a fishing vessel as laid up, if he is satisfied that the applicant has satisfied the conditions referred to in subsection (3).

(5) The Chief Fisheries Officer shall, upon registration of a fishing vessel as laid up, issue a certificate of registration of a fishing vessel in laid up status.

(6) Where a fishing vessel is registered as laid up

(a) the fishing vessel owner shall comply with

(i) any conditions imposed; and

(ii) the provisions of this Act and any other enactment; and

(b) the fishing 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 fishing vessel after the lay up period.

(7) No person shall operate a fishing vessel registered as laid up, except for the purpose of a fishing vessel survey.

(8) A person who contravenes subsection (6) or (7) is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 3 months or to both.

(9) A person who wishes to reactivate a fishing vessel's registration status as a fishing vessel from a vessel in laid up status shall

(a) surrender to the Chief Fisheries Officer the Certificate of Registration of Vessel in laid up status in relation to the vessel; and

(b) submit to the Chief Fisheries Officer a certificate of seaworthiness or endorsement following a fishing vessel survey in respect of the vessel after the laid up period.

(10) Where a person complies with subsection (9)

(a) the Chief Fisheries Officer shall return the previously surrendered Certificate of Registration where such certificate has not expired during the period the fishing 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 fishing vessel was laid up.

Naming of Barbados fishing vessels

70.(1) The owner of a Barbados fishing vessel shall, before the vessel is registered, choose a name for the vessel and submit that name, as specified in a fishing industry notice, to the Chief Fisheries Officer for approval.

(2) The Chief Fisheries Officer shall not approve a name if it is

(a) the same name as that assigned to another registered fishing vessel;

(b) likely, in the opinion of the Chief Fisheries Officer, to

(i) deceive or be confused with the name of another vessel registered under any other enactment; or

(ii) be objectionable and or offend public morals.

(3) A Barbados fishing vessel shall not be described by any name, other than the name by which she is registered.

Application for registration

71.(1) The owner of a fishing vessel who intends to use the vessel for fishing or related activities in the waters of Barbados shall apply to the Chief Fisheries Officer, in such form as may be specified by him, for the registration of that vessel.

(2) An application under subsection (1) shall be accompanied by

(a) the application fee; and

(b) a copy of the

(i) certificate of inspection; and

(ii) insurance certificate.

(3) A person who uses a fishing vessel that is not registered is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

Registration of a fishing vessel

72.(1) Subject to subsection (2), where the Chief Fisheries Officer is satisfied that there is in existence in respect of a fishing vessel

(a) a valid certificate of inspection; or

(b) a valid certificate of insurance other documentary evidence as to equivalent insurance coverage,

the Chief Fisheries Officer shall, register the vessel.

(2) The Chief Fisheries Officer shall

(a) assign to the vessel a registration number consisting of a sequence of letters and numbers approved by the Chief Fisheries Officer;

(b) issue the owner a certificate of registration of a Barbados fishing vessel;

(c) record the details of the vessel specified under section 68(2) in the Register of Barbados Fishing Vessels.

Certificate of registration

73. A certificate of registration referred to section 72(2)(*b*) shall contain the following:

(a) the class and type of vessel;

(b) the registration number and name of the vessel;

(c) the name and address of the owner of the vessel;

(d) the specifications of the vessel, including the dimensions, material of which the vessel is constructed, year and place of construction, tonnage and colours of the hull and superstructure;

(e) the specifications of the engine, including type, serial number and capacity;

(f) the name of the home port or normal place of mooring; and

(g) such other particulars as may be required by the Chief Fisheries Officer.

Validity of a certificate of registration

74.(1) The Certificate of Registration and registration number assigned to the fishing vessel shall

(a) remain in respect of that fishing vessel; and

(b) not be issued to any other fishing vessel within 3 years of the removal of that vessel from the Register of Barbados Fishing Vessels.

(2) Notwithstanding subsection (1), every registration number assigned to a fishing vessel shall be valid until

(a) the owner informs the Chief Fisheries Officer in writing; or

(b) the Chief Fisheries Officer is satisfied that

(i) the vessel no longer exists;

(ii) the vessel is no longer involved in fishing;

(iii) the vessel has not been made available for inspection for 3 consecutive years;

(iv) the hull of the vessel has been so structurally altered that it is no longer described by the details of that vessel in the Register of Barbados Fishing Vessels;

(v) the owner has asked that the vessel be removed from the register; or

(vi) the vessel's registration has been cancelled under this Act.

Identification and marking of fishing vessel

75.(1) Every owner or master of a Barbados registered fishing vessel shall ensure that

(a) the registration number assigned to the vessel; and

(b) any other identification markings that may be assigned to the vessel,

are marked on the vessel as specified by the Chief Fisheries Officer.

(2) A Barbados registered fishing vessel is entitled to fly the Barbados flag.

Display of certificate of registration

76.(1) Every fishing vessel, except an open vessel, shall display the Certificate of Registration in a conspicuous place on the fishing vessel.

(2) The owner or master of an open vessel shall, when required to do so by the Chief Fisheries Officer, deliver the Certificate of Registration to the Chief Fisheries Officer, an inspector or an authorized officer within 24 hours of that request.

Replacement of certificate of registration

77.(1) Where a certificate of registration issued under this Act is misplaced, lost or destroyed the owner, master or agent of the vessel shall apply to the Chief Fisheries Officer for a copy of the Certificate of Registration.

(2) The application for a copy of a certificate of registration referred to in subsection (1) shall be in such form as the Chief Fisheries Officer specifies and accompanied by the prescribed fee.

Suspension or cancellation of registration

78.(1) The Chief Fisheries Officer may suspend the registration of a Barbados registered fishing vessel where the

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

(b) owner of the vessel fails to comply with the prescribed safety standards.

(2) The Chief Fisheries Officer shall cancel the registration of a Barbados registered fishing vessel where the

(a) vessel has been lost, destroyed or has been inactive for a period of 3 years or more;

(b) vessel is no longer being used as a fishing vessel;

(c) Chief Fisheries Officer is satisfied that the vessel has been

(i) altered to such an extent that the fishing vessel is no longer described by the particulars in the Register of Barbados Fishing Vessels; or

(ii) abandoned or derelict; or

(d) owner of the vessel informs the Chief Fisheries Officer that the vessel has been removed from service.

Qualification for provisional registration

79. Notwithstanding anything under this Part, the Chief Fisheries Officer or a person designated by the Chief Fisheries Officer may provisionally register a fishing vessel as a Barbados fishing vessel where

(a) the owner of the fishing vessel has submitted the required registration documentation except the tonnage measurement documents;

(b) the fishing vessel is operated for the purpose of a sea trial;

(c) the fishing vessel is in the process of being transferred from a register in a foreign country to the Register of Barbados Fishing Vessels;

(d) any outstanding documents required for registration have not been submitted; or

(e) pending satisfaction of a registration condition specified under this Act or any other enactment.

Application for provisional registration

80. A person may apply to the Chief Fisheries Officer to provisionally register a fishing vessel under this Part by

(a) submitting such form as may be specified by the Chief Fisheries Officer accompanied by any supporting documentation; and

(b) paying the prescribed fee.

Certificate of provisional registration

81.(1) The Chief Fisheries Officer or a person designated by the Chief Fisheries Officer may provisionally register a fishing vessel under this Part after the receipt of the application and the prescribed fee.

(2) Where provisional registration of a fishing vessel under subsection (1) has been granted, the Chief Fisheries Officer or a person designated by the Chief Fisheries Officer shall issue a certificate of provisional registration.

(3) A certificate of provisional registration

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

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

Construction certificate of registration

82.(1) The Chief Fisheries Officer or a person designated by the Chief Fisheries Officer, may issue a fishing vessel construction certificate of registration to the owner of a fishing vessel where

(a) the owner of a fishing vessel

(i) makes a written request to the Chief Fisheries Officer for a fishing vessel construction certificate of registration; and

(ii) pays the prescribed fee;

(b) a certified copy of the construction contract is provided; and

(c) the construction of the fishing vessel has commenced.

(2) Where the construction of the fishing vessel is complete, the

(a) Chief Fisheries Officer or a person designated by the Chief Fisheries Officer shall, as soon as reasonably practicable, issue a certificate of provisional registration; and

(b) owner of the fishing vessel shall immediately surrender the Construction Certificate of Registration issued under subsection (1) to the Chief Fisheries Officer or a person designated by the Chief Fisheries Officer.

Vessel Monitoring Device or Equipment

Registered fishing vessels to carry vessel monitoring equipment

83.(1) A Barbados registered fishing vessel shall carry onboard an approved vessel monitoring device or equipment as an integral component of the national vessel monitoring system, while the fishing vessel is in

(a) the waters of Barbados;

(b) areas beyond national jurisdiction where Barbados has sovereign rights; or

(c) such other areas as specified or agreed in an international agreement or international fisheries conservation and management measures.

(2) The vessel monitoring device or equipment shall be

(a) maintained in accordance with the manufacturer's specification; and

(b) active all times when the vessel is at sea.

Master to give notice of non-functioning vessel monitoring device or equipment

84. Where the vessel monitoring device or equipment ceases to operate, the master or owner shall immediately

(a) notify the Chief Fisheries Officer or Coast Guard of the

(i) vessel's name;

(ii) vessel's call sign;

(iii) vessel's position expressed in longitude and latitude; and

(iv) date and time that the vessel monitoring device or equipment became inoperable; and

(b) on return to port

(i) have the problem of the vessel monitoring device or equipment repaired before returning to sea; and

(ii) submit a written report on the inoperability of the vessel monitoring device or equipment to Chief Fisheries Officer.

Tampering with the vessel monitoring device or equipment

85.(1) No person shall

(a) without lawful excuse render inoperative or otherwise interfere with the vessel monitoring device or equipment or other device installed pursuant to this section; or

(b) intentionally, recklessly or negligently

(i) destroy, damage, render inoperative or otherwise interfere with any part of an automatic location communicator or vessel monitoring system aboard a vessel licensed pursuant to this Act or any other enactment;

(ii) feed or input into that system data or information which is meaningless or inaccurate; or

(iii) divulge information or data obtained from a vessel monitoring device or equipment or a report or recording required to a person not entitled to receive that information or data in the course of duty.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

PART XIII

REGISTRATION OF FOREIGN FISHING VESSELS IN BARBADOS

Registration of Foreign Fishing Vessels

Application

86. Where the owner of a foreign fishing vessel wishes to bring the vessel into Barbados from another country and registers the fishing vessel in accordance with this Part, the owner shall, along with the prescribed application, submit the following documentation to the Chief Fisheries Officer:

(a) the fishing vessel's registration history;

(b) proof of third party liability insurance or other equivalent form of financial security against risks of loss or damage to third parties;

(c) details of present and pass ownership of the fishing vessel including names and citizenship;

(d) dimensions and colour of the fishing vessel;

(e) type and size of engine and the fish storage capacity;

(f) a recent survey report of the fishing vessel;

(g) written evidence that the fishing vessel

(i) has been removed from its last registry;

(ii) has never been involved in illegal, unreported or unregulated fishing; or

(iii) is not listed on the International Commission for the Conservation of Atlantic Tuna's list of illegal, unreported or unregulated fishing vessels;

(j) side and front profile photograph of the fishing vessel; and

(k) evidence of the payment of the prescribed non-refundable application fee referred to in this Act.

Register of foreign owned Barbados registered fishing vessels

87.(1) The Chief Fisheries Officer shall establish a register of all foreign owned Barbados registered fishing vessels to be known as the "Register of Foreign Owned Barbados Registered Fishing Vessels".

(2) The Register of Foreign Owned Barbados Registered Fishing Vessels shall contain the following particulars in respect of the fishing vessel:

(a) the present and previous names (if applicable), registration number, fishing licence number and home port;

(b) the international radio call sign;

(c) the names and addresses of the vessel's owner, agent, captain or master;

(d) the year in which the vessel was built and the place of construction and material of construction;

(e) the type of vessel and a side profile photograph of the vessel;

(f) the vessel's specifications, such as, dimensions and tonnage;

(g) the type of fishing gear, fishing method and fish storage capacity;

(h) the power of the main engine or engines of the vessel;

(i) the vessel's navigation and position fixing equipment; and

(j) any other particulars that may be required by the Chief Fisheries Officer.

Inspection of foreign fishing vessel

88. The Chief Fisheries Officer shall, on receipt of the application, review the accompanied documentation and conduct an inspection of the vessel.

Registration of a foreign fishing vessel

89.(1) The Chief Fisheries Officer may issue an inspection certificate for a foreign owned fishing vessel where the Chief Fisheries Officer is satisfied that the fishing vessel

(a) was not involved in illegal, unreported or unregulated fishing;

(b) has been de-registered from its last registry;

(c) is seaworthy and fit for purpose; and

(d) is foreign owned by at least 51 per cent.

(2) The Chief Fisheries Officer shall, having issued the inspection certificate pursuant to subsection (1), record the details of the vessel in the Register of Foreign Owned Barbados Registered Fishing Vessels and issue a certificate of registration of a foreign owned Barbados registered fishing vessels.

(3) The conditions applicable to a Barbados owned fishing vessel shall apply to a foreign owned Barbados registered fishing vessel referred to in subsections (1) and (2).

PART XIV

REGISTRATION OF INTERNATIONAL SEA-GOING FISHING VESSELS

Application under this Part

90.(1) This Part applies to fishing vessels engaged in international sea-going fishing activities.

(2) This Part does not apply to Barbados registered fishing vessels intended to strictly operate within the EEZ limits of Barbados or the Caribbean Trading Area.

Barbados international fishing vessel registry programme

91. The Chief Fisheries Officer shall develop a Barbados International Fishing Vessel Registry Programme for the purpose of

(a) registering international sea-going fishing vessels;

(b) sustainably developing Barbados' international fisheries sector;

(c) building Barbados' international sea-going fisheries fleet;

(d) promoting international fisheries trade and commerce; and

(e) facilitating the effective management and development of Barbados' international fishing industry.

Barbados international fishing vessel registry co-management arrangements

92.(1) The Minister may, after consultation with the Chief Fisheries Officer, enter into co-management arrangements with any entity wishing to assist Barbados in the management of its International Fishing Vessel Registry, for purposes of jointly managing international fisheries affairs and registry related matters.

(2) A co-management arrangement entered into for the joint management of international fisheries business and registry related matters shall contain the following:

(a) the parties to the arrangement;

(b) the duration of the arrangement;

(c) scope of activities within the arrangement;

(d) the rights and responsibilities of each party, in respect of the arrangement;

(e) approaches to conflict resolution;

(f) terms of termination of the arrangement;

(g) financial matters, in respect of the arrangement; and

(h) any other relevant particulars.

(3) The co-management arrangement shall

(a) be in writing and signed by the parties concerned; and

(b) not be contrary to national and international fisheries laws.

(4) The Government of Barbados shall retain its existing role and functions in the management, regulation and enforcement of any international fisheries business, including an international fishing vessel registry operation managed within a comanagement arrangement.

(5) The entity entering into a co-management arrangement with the Government of Barbados shall pay the Government

(a) such percentage of the proceeds generated from international fishing vessel registry operations as may be determined by the Minister;

(b) annually, such fee as may be prescribed by the Minister; or

(c) such other fee at such intervals as may be determined by the Minister.

(6) The Minister shall, in writing, make a determination as to the mode, manner and time frame in which proceeds from international fishing vessel registry operations are to be paid to the Government of Barbados, and communicate that determination to the Principal Registrar.

(7) There shall be no transfer of ownership of the International Fishing Vessel Registry of Barbados under any co-management arrangement.

Registrar of International Sea-going Fishing Vessels

93.(1) There shall be a Principal Registrar of International Sea-going Fishing Vessels.

(2) The Principal Registrar shall

(a) register international sea-going fishing vessels flying the Barbados flag;

(b) administer the Barbados International Fishing Vessel Registry programme;

(c) perform administrative duties of the Ministry responsible for Fisheries in relation to international sea-going fishing vessels, and undertake the general conduct and supervision of all matters relating to the registration of fishing vessels under this Act, outside Barbados;

(d) impose administrative fines as may be prescribed under this Act;

(e) maintain a register of international sea-going fishing vessels, as specified in this Act or any other enactment;

(f) exercise authority, either directly or through any person who has been appointed as an agent to

(i) administer all oaths and take acknowledgements required by this Act;

(ii) issue radio licenses in respect of international sea-going fishing vessels for radio transmitting apparatus located onboard a fishing vessel registered under this Part; or

(iii) issue any license, certificate or other documents for officers and personnel on fishing vessels registered under this Part for the purpose of complying with this Act, any other enactment, or of any international convention to which Barbados is party;

(g) maintain proper records of everything done by him or his agents and pay to the Accountant General any fees collected on behalf of the Government;

(h) keep the Chief Fisheries Officer informed of every action taken and fees collected or every charge made by him or by his agent; and

(i) appoint registrars to assist the Principal Registrar in the performance of his duties.

(3) The Principal Registrar shall not be liable for damages or any loss accruing to any person by reason of any act done or default made by him in good faith.

Register of international sea-going fishing vessel

94.(1) The Chief Fisheries Officer shall establish a register of international sea-going fishing vessels to be known as the "Register of International Sea-going Fishing Vessels".

(2) The Register of International Sea-going Fishing Vessels shall contain

(a) the full name of the owner, if the owner is an individual;

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

(c) the address of the owner;

(d) the nationality of the owner, if there are multiple owners, the nationality of each owner;

(e) the name, address and nationality of the bareboat charterer, if the vessel is bareboat chartered;

(f) the name, address and nationality of the operator, if the operator is not the owner or is a bareboat charterer;

(g) the shares or interest of each owner in the vessel;

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

(i) the place or port of registration;

(j) the official number or mark of identification of the vessel;

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

(l) the details in the surveyor's certificate;

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

(n) a notarized bill of sale;

(o) the particulars of any mortgages or other similar charges; and

(p) any other relevant particulars in respect of the vessel.

Foreign vessel to be registered

95. No fishing vessel engaged in foreign trade shall be documented under the laws of Barbados or be accorded the rights and privileges of a vessel of Barbados, unless such vessel is registered in accordance with the provisions of this Part.

Registration of international sea-going fishing vessels

96.(1) An international sea-going fishing vessel is entitled to be registered if

(a) it is owned, wholly or partially, by a citizen or permanent resident of Barbados, or a foreign maritime entity lawfully authorized to conduct business in Barbados;

(b) an application for fishing vessel registration is made;

(c) a certificate of survey, statement of compliance or similar documentation is received from the owner; and

(d) such other conditions as are prescribed under this Part are complied with.

(2) The Principal Registrar shall document fishing vessels in the same manner as any other vessel engaged in foreign trade subject to the laws and treaty obligations of Barbados.

Refusal and termination of registration

97.(1) The Principal Registrar may refuse to register a fishing vessel where it is considered inappropriate for the fishing vessel to be registered under the laws of Barbados.

(2) The Principal Registrar may terminate a fishing vessel's registration if

(a) having regard to subsection (1), it would be detrimental to the interests of Barbados or of international trade in fisheries for a registered fishing vessel to continue to be registered;

(b) a penalty imposed on the owner of a registered fishing vessel in respect of a contravention of this Act, any other enactment or any regional or international instrument in force under this Act, has remained unpaid for a period exceeding 3 months;

(c) the annual tonnage tax has remained unpaid for a period exceeding one year; or

(d) the vessel becomes a total or constructive total loss.

Vessels eligible to be documented and re-documented

98. Any commercial fishing vessel

(a) of 24 metres or more in length; or

(b) between 18 metres and 24 metres in length,

engaged in foreign trade, wherever built, owned by a citizen or national of Barbados or of a foreign maritime entity qualified in Barbados is eligible to be documented or redocumented under this Part.

Fishing vessels not to be documented

99.(1) A fishing vessel engaged solely in domestic commerce shall not be documented under this Part.

(2) Notwithstanding that a fishing vessel in respect of which an application for registration has been made is entitled to be documented, the Principal Registrar, or a duly authorized agent, may refuse registration of a fishing vessel if satisfied that after due consideration it would be detrimental to the interests of Barbados or of international fisheries trade for the vessel to be documented.

Certificate of registry for international sea-going fishing vessels

100. A fishing vessel registered under this Part shall be issued a certificate of registry for international sea-going fishing vessels.

Conditions precedent to issuance of permanent certificate of registry for international sea-going fishing vessels

101.(1) The owner of a fishing vessel eligible for documentation and requesting the issuance of a certificate of registry for the vessel, accompanied by the oath or oaths required by this Part, may in the approved form and upon payment of the prescribed fee, apply to the Principal Registrar.

(2) The Principal Registrar may, after consideration of an application under subsection (1), issue a permanent certificate of registry for the fishing vessel if he is satisfied that the applicant

(a) is the owner of the vessel;

(b) has surrendered any foreign marine document for the vessel with the consent of the government that had issued it, or has been legally cancelled or otherwise terminated;

(c) has ensured that the vessel is in a seaworthy condition;

(d) has paid to the Principal Registrar or a person designated by the Principal Registrar a sum equal to the initial registration fee and tonnage tax;

(e) has the markings of name, official number, home port and draught on the vessel pursuant to section 107; and

(f) has been issued a certificate of measurement in respect of the vessel.

Oaths

102.(1) A fishing vessel may be documented under this Part if, in the case of

(a) an individual owned vessel, the owner, managing owner, part owner, or his agent authorized by power of attorney; or

(b) a corporate owned vessel, the president, vice president, secretary or assistant secretary of the corporation or other officer or agent authorized in writing,

takes an oath declaring the name of the fishing vessel, its net tonnage, the place where built, the date when built, the name and residence of any other owner and his citizenship, each owner's proportion, and the name of the affiant and his citizenship.

(2) The oath may be taken before

(a) a notary public;

(b) an officer authorized to administer oaths by the laws of the place where the oath is administered; or

(c) any other person designated by the Principal Registrar for the administration of such oaths.

(3) Nothing contained in this section shall be construed to require the administration of an oath by a Barbados or foreign consul.

(4) A person who acts as an agent or attorney for an owner and who purchases any vessel from that owner, shall take an oath

(a) that he is the owner of the fishing vessel; or

(b) that he is the agent or attorney for the owner and in such capacity has made such purchase in good faith.

(5) Where the document of any vessel is lost or destroyed, the master, or other person in command, may take the oath as set out in the *Third Schedule* before the persons specified in subsection (2) for the administration of such oaths at or nearest to the port where the vessel is first located after such loss or destruction.

(6) Where an oath is taken under subsection (5), the officer or person administering such oath shall

(a) grant to the vessel a temporary provisional certificate of registry and insert therein that it is issued in lieu of the one lost or destroyed; and

(b) forthwith send to the Principal Registrar a written notice, accompanied by a copy of the oath, advising that such oath has been taken and such temporary provisional certificate issued.

(7) The Principal Registrar or special agent may, after receiving notice and being satisfied that the vessel is entitled to a certificate of registry, grant a new certificate of registry, identical with that which was lost or destroyed.

(8) As soon as practicable after the issuance of such a Certificate of Registry, the temporary Provisional Certificate shall be surrendered to the Principal Registrar for cancellation.

Numbering of certificates of registry for international sea-going fishing vessels

103. The Principal Registrar or his duly authorized agent shall

(a) number the registry certificates granted by him or his agent to fishing vessels registered under this Part, beginning at the commencement of each year;

(b) make a record in a book kept for that purpose; and

(c) retain permanent copies of all such documents issued by or surrendered to him.

Conditions precedent to issuance of provisional certificate of registry

104.(1) A fishing vessel may be provisionally registered under this Part if

(a) a person is a vessel owner and has submitted all of his registration documentation, but is awaiting tonnage measurement documents;

(b) the vessel is under construction, and the owner intends to fully register the vessel under the Barbados flag on completion of the vessel construction;

(c) the vessel is in the process of being transferred from another register to the Barbados Register;

(d) the vessel has not yet performed sea trials;

(e) outstanding documents required for permanent registration have not been submitted; or

(f) it is required to be provisionally registered by the Principal Registrar, pending satisfaction of a registration condition as specified under this Act or any other enactment.

(2) An owner of a fishing vessel eligible for documentation and requesting the issuance of a provisional certificate of registry for the vessel, accompanied

by the oath or oaths required by this Part, may in the approved form and upon payment of the prescribed fee, apply to the Principal Registrar for the provisional certificate of registry.

(3) The Principal Registrar may, after consideration of an application under subsection (2), issue a provisional certificate of registry for the fishing vessel if he is satisfied that the applicant has

(a) ownership of the vessel;

(b) in relation to any foreign marine document for the vessel,

(i) surrendered the document with the consent of the issuing government;

(ii) ensured the document has been legally cancelled or otherwise terminated; or

(iii) issued orders to the master of the vessel to surrender the document for cancellation immediately upon receipt of the Provisional Certificate of Registry onboard the vessel;

(c) ensured that the vessel is in a seaworthy condition;

(d) paid to the Principal Registrar the prescribed provisional registration fee;

(e) the markings of names, official number, home port, and draught required under section 107, or that the applicant has issued orders to the master of the vessel to have markings made immediately upon receipt of the Provisional Certificate of Registry onboard the vessel; and

(f) third party liability insurance including, but not limited to

(i) coverage for pollution liability risks;

(ii) wreck removal; and

(iii) the fishing vessel owners repatriation obligations under the regulations.

(3) Subject to subsection (4), the owner of a fishing vessel shall, within 30 days after issuance of the Provisional Certificate of Registry, furnish satisfactory proof to the officer to whom the application for documentation has been presented, showing that the vessel's outstanding foreign marine document has actually been surrendered for cancellation and that the markings required under section 107, have actually been made.

(4) Where it is established that any of the obligations will not or cannot be complied with before the end of the 30 day period, the officer may declare the Provisional Certificate of Registry to be null and void.

(5) A permanent certificate of registry shall be issued in place of a provisional certificate as soon as reasonably practicable after

(a) a measurement of the vessel;

(b) the surrender of the outstanding foreign marine document of the vessel for cancellation; and

(c) the making of the markings required under section 107,

and such provisional certificate shall be surrendered promptly to the Principal Registrar.

(6) Where the Permanent Certificate of Registry is issued after the surrender of a provisional certificate under subsection (5), the charges originally paid shall be adjusted in accordance with the tonnage established by the Certificate of Measurement.

(7) The Principal Registrar may, where necessary, issue a new provisional certificate of registry for a period not exceeding 2 years.

Conditions precedent to issuance of fishing vessel construction certificate

105.(1) An owner of a fishing vessel may, in the approved form and upon payment of the prescribed fee, apply to the Principal Registrar for a fishing vessel construction certificate of registry.

(2) The Principal Registrar, after consideration of an application under subsection (1), may issue a fishing vessel construction certificate of registry for the fishing vessel if he is satisfied that the applicant has

(a) entered into a construction contract;

(b) commenced construction on the fishing vessel; and

(c) paid to the Principal Registrar the prescribed construction registration fee.

(3) A provisional certificate of registry shall be issued in place of the Construction Certificate, as soon as reasonably practicable after completion of the fishing vessel under construction, and such Construction Certificate shall be surrendered as soon as reasonably practicable to the Principal Registrar.

Surrender and cancellation of registry

106.(1) Where a registered fishing vessel is

(a) lost;

(b) taken by an enemy;

(c) burned;

(d) broken up; or

(e) otherwise prevented from returning to the port to which she may belong,

the Registry Certificate, if preserved, shall be delivered within 8 days after the arrival of the master or person in command, to the Principal Registrar.

(2) Where a registered fishing vessel is lost, broken up or transferred from the registry, the Principal Registrar may, subject to this Part, delete the vessel from the Registry of Barbados.

(3) Where an application is made for new registry of a fishing vessel, its former registry certificate shall be delivered to the Principal Registrar.

(4) Where a registry certificate is granted in lieu of one lost, the lost certificate, if found, shall be delivered to the Principal Registrar, who shall cancel it.

(5) The continued validity of the Registry Certificate of a vessel is subject to the

(a) payment of tonnage taxes;

(b) good standing of the owning entity; and

(c) verification for safety compliance.

(6) Where a fishing vessel owner or fishing vessel is deemed to be non-compliant, the Registry Certificate shall be delivered immediately to the Principal Registrar, who shall cancel it.

Names, numbers and marks on international sea-going fishing vessels

107.(1) Subject to subsection (2), every documented fishing vessel shall have

(a) her name marked upon each bow and the stern; and

(b) the home port of the vessel shall also be marked upon the stern.

(2) The names marked on the vessel shall be painted or gilded upon beaded or cast Roman letters in light colour on a dark background, or in a dark colour on a light background, permanently affixed and distinctly visible.

(3) Each fishing vessel of Barbados, in addition to having her name painted on her stern, shall have the name conspicuously placed in distinct, plain letters of not less than six inches in height, on each outer side of the pilot house.

(4) The Principal Registrar may prescribe a system of numbering and marking documented vessels and the designated number of each fishing vessel shall be marked permanently on her main beam.

Persons qualified to own Barbados international sea-going fishing vessels

108.(1) A person qualified to own Barbados international sea-going fishing vessels is

(a) an individual who is either

(i) a citizen of Barbados or resident in Barbados;

(ii) a permanent resident of Barbados within the meaning of the *Immigration Act*, Cap. 190;

(iii) a citizen of CARICOM States residing in a Member State of the Caribbean Community, where the ship is customarily engaged in international voyages;

(iv) an owner of fishing vessels hired out on a bareboat charter to nationals of Barbados; or

(v) in a bona fide joint venture fishing enterprise relationship with nationals of Barbados as may be prescribed;

(b) a company, including

(i) a company whose primary business is in seafood trade;

(ii) a body corporate incorporated in Barbados and established as a fisheries corporation;

(iii) a body corporate incorporated in a CARICOM State, but having beneficial ownership in the fishing vessel;

(iv) a body corporate incorporated in a non-CARICOM State, but having a beneficial ownership in the fishing vessel;

(v) corporations in bona fide joint venture fishing enterprise relationships with nationals of Barbados, as may be prescribed; or

(vi) a body corporate, partnership or other association of individuals registered in accordance with the laws of Barbados and having their main office in Barbados; or

(c) such other persons as the Minister may by order determine.

(2) A person who is not qualified under this Act for fishing vessel registration to own a Barbados international sea-going fishing vessel may be one of the owners of such fishing vessel where

(a) the majority interest in the vessel within the meaning of section 109 is owned by persons who are qualified under subsection (1); or

(b) the fishing vessel is registered under this Part.

(3) In this section,

"Beneficial owner" means

(a) a person with legal title to the fishing vessel;

(b) a natural person who ultimately owns or controls the fishing vessel;

(c) a person recognized in equity as owner of the fishing vessel because use and title belong to that person, even though legal title may belong to someone else, especially one for whom property is held in trust; or

(d) any other person who holds a degree of control over the fishing vessel that allows him to benefit from it;

"CARICOM national" means an individual who is a citizen of a State of the Caribbean Community and resident in a State in that Community;

"CARICOM fishing company" means a corporation incorporated under laws of a State of the Caribbean Community

(a) whose principal place of business is within a State of the Caribbean Community; and

(b) where all the shares or stock of which is beneficially owned by or is otherwise beneficially and wholly owned by

(i) a CARICOM person;

(ii) an other CARICOM fishing companies; or

(iii) States of the Caribbean Community

Barbados connection and majority interest

109.(1) Subject to any exception

(a) a person shall be treated as owning majority interest in a fishing vessel registered under this Part where there is vested in that person the legal title and 33 percent or more shares in the fishing vessel, there being left out of account for this purpose any share in which any beneficial interest is owned by a person who is not entitled to be an owner of a Barbados fishing vessel; and

(b) a body corporate shall be treated as resident in Barbados if it is incorporated or registered in Barbados and carries on business from a place of business maintained by it in Barbados.

(2) Subsection (1) does not require an owner of a fishing vessel interested in flagging that vessel in Barbados to open offices or appoint representatives in Barbados.

Form of mortgages

110. The Minister shall determine the form for a

(a) mortgage produced for registration of an international sea-going fishing vessel;

(b) transfer of a registered mortgage; or

(c) discharge of a registered mortgage,

in each case with appropriate attestation.

Subsisting mortgages on fishing vessels no longer registered

111. An undischarged mortgage registered in respect of a fishing vessel under this Part, which is not transferred to the Register of International Sea-going Fishing Vessels, shall continue in effect and may, if the fishing vessel comes within the jurisdiction of any court in Barbados which has jurisdiction to enforce it, be enforced by any lawful means without prejudice where the fishing vessel has been sold under judgment of a court to the effect of that judgment.

Subsisting mortgages on fishing vessels registered

112. Any mortgage registered which

(a) remains undischarged;

(b) relates to a fishing vessel; and

(c) was not transferred to the Register of International Sea-going Fishing Vessels during the transitional period but becomes a registered fishing vessel with full registration after March 31st, 2023,

shall be transferred to the Register and registered as a mortgage in respect of that vessel.

Priority of a subsisting mortgage

113. The priority of a transferred mortgage shall be determined as if it had been produced to the Principal Registrar for the purposes of registration on the date on which it was registered under this Part.

Deletion of a registered mortgage

114.(1) Where a mortgage

(a) was recorded in respect of a fishing vessel; or

(b) is recorded in the register as undischarged,

the Principal Registrar may, in writing, request the mortgagee to state whether the mortgage remains undischarged.

(2) The Principal Registrar shall delete that mortgage from the register if the mortgagee

(a) fails to respond within 30 days of the date of dispatch of the request; or

(b) states that the mortgage

(i) has been discharged; or

(ii) to the best of his knowledge no longer subsists.

Notice of intended mortgage

115.(1) A person who is an intending mortgagee under a proposed mortgage of a fishing vessel or of a share in any such vessel, and desires that interest to be recorded, may give notice to the Principal Registrar of his intention to register a mortgage.

(2) The notice shall be in a form approved by the Principal Registrar and shall contain the following particulars:

(a) if the vessel is a registered vessel, the

(i) name;

(ii) official number;

(iii) name, address and signature of the intending mortgagor;

(iv) number of shares to be mortgaged; and

(v) name and address of the intending mortgagee; or

(b) if the vessel is not a registered vessel

(i) the present name of the vessel;

(ii) the intended name of the vessel;

(iii) the intended port of registry;

(iv) the approximate length of the vessel;

(v) where the vessel is registered outside Barbados, a copy of its certificate of registry or other document evidencing that registration and giving its port of registry and its registered port letters and numbers, if any;

(vi) where the vessel is a new vessel, the builder's certificate or, if that is not available the name and address of the builder and the vessel's yard number, if any;

(vii) where the vessel is neither a new vessel nor a registered vessel, details of any permanent marks thereon which enable the vessel to be clearly identified; and

(viii) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

Application of 1993 Convention on Maritime Liens and Mortgages

116.(1) As from 31st January, 2024, the provisions of Article 1-16 of the International Convention on Maritime Liens and Mortgages 1993 shall form an integral part of this Act and have the force of law as such, but without prejudice to any transaction enacted prior to that date to which the provisions of Article 1-11 of the Brussels Convention 1926 applied.

(2) Notwithstanding Article 6 of the International Convention on Maritime Liens and Mortgages 1993, a maritime lien is valid for a period of 12 months from the time when the claim secured by it arose.

General

Applicable IMO Conventions

117.(1) International sea-going fishing vessels shall comply with the following IMO Conventions:

(a) International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended;

(b) Protocol of 1988 relating to the International Convention for the Safety of Life at Sea (SOLAS PROT), 1974, as amended;

(c) International Convention for the Prevention of Marine Pollution from Ships (MARPOL), 1973, as modified by the Protocol of 1978, as amended;

(d) Protocol of 1997 (MARPOL, Annex VI) to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978;

(e) International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001, as amended;

(f) International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM), 2004, as amended;

(g) International Convention on Load Lines (LL), 1966;

(h) Protocol of 1988 relating to the International Convention on Load Lines (LL PROT), 1966;

(i) International Convention on Tonnage Measurement of Ships (TONNAGE), 1969; and

(j) Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), 1972, as amended.

(2) The Principal Registrar shall verify compliance by fishing vessels registered under this Part with the IMO Conventions listed at subsection (1) on the basis of surveys conducted by a recognized organization or government approved marine surveyor.

(3) The Minister may nominate recognized organizations for the purposes of subsection (2), in accordance with the IMO Code for Recognized Organizations.

Applicable FAO Instruments

118.(1) International sea-going fishing vessels shall comply with the following international fisheries instruments:

(a) United Nations Convention on the Law of the Sea (UNCLOS), 1982;

(b) United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UNFSA);

(c) FAO Code of Conduct on Responsible Fisheries;

(d) FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, 2009;

(e) International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995; and

(f) ILO Work in Fishing Convention, 2007.

(2) The Principal Registrar shall verify compliance by fishing vessels registered under this Part with the FAO instruments listed at subsection (1) on the basis of inspections conducted by fishery protection officers appointed under this Act.

Standards of training, certification and watchkeeping for fishing vessel personnel

119. Fishing vessel personnel working onboard international sea-going fishing vessels shall be trained and certified in accordance with the regulations.

Maritime labour protection

120. Fishing vessel owners shall ensure fishery protection officers and personnel working onboard their vessels are afforded fair and decent labour conditions, in accordance with the regulations.

Seafarers in fishing

121.(1) Pursuant to Article II (2) of the Maritime Labour Convention which provides for the exclusion of seafarers in fishing, the Chief Fisheries Officer after

(a) consultation with relevant stakeholders; and

(b) approval in writing from the Minister,

may issue Maritime Labour related Directives in respect of seafarers working in international sea-going fisheries to ensure effective labour protections similar to those for seafarers in non-fishing sectors.

(2) It shall be an offence to contravene any Directive issued pursuant to subsection (1).

(3) Notwithstanding subsection (1), the Chief Fisheries Officer shall ensure the development and implementation of an appropriate regulatory regime for seafarers in fishing, which shall be commensurate with the Maritime Labour Convention for seafarers working in the shipping sector.

(3) Maritime labour protections for seafarers working onboard international seagoing fishing vessels include the following:

(a) minimum requirements related to training, recruitment and medical fitness;

(b) proper employment conditions;

(c) proper accommodation, recreational facilities, food and catering;

(d) health protection, medical care, welfare and social security protection;

(e) compliance and enforcement; and

(f) any other relevant aspects coming within the purview of the human element in fisheries and maritime labour protections related thereto.

International vessel safety standards

122. Fishing vessels registered under this Part shall comply with the international vessel safety standards contained in the Cape Town Agreement of 2012 on International Convention for the Safety of Fishing Vessels.

PART XV

REGISTRATION OF FISH PROCESSING ESTABLISHMENTS

Fish processing establishments to be registered

123. All processing establishments that handle fish and prepare fisheries products for human consumption shall

(a) be registered with the Fisheries Division as a fish processing establishment; and

(b) comply with the *Health Services Act,* Cap. 44 and the *Health Services (Food Hygiene) Regulations* (S.I. 1969 No. 232).

Register of fish processing establishments

124.(1) The Chief Fisheries Officer shall establish a register of all local fish processing establishments to be known as the "Register of Fish Processing Establishments" that handle fish and prepare fisheries products for human consumption.

(2) The register shall contain the following:

(a) the name and address of the establishment;

(b) the name and address of the owner;

(c) the expiry dates of the documents issued under the *Health Services Act*, Cap. 44 and the *Health Services (Food Hygiene) Regulations* (S.I. 1969 No. 232);

(d) fisheries products produced by the establishment;

(e) the date on which the Certificate of Registration of a Fish Processing Establishment was issued; and

(f) any other relevant particulars.

Application for registration of a fish processing establishment

125.(1) The following shall be submitted to the Chief Fisheries Officer in order to register a fish processing establishment:

(a) application in the specified form;

(b) copies of the valid documents; and

(c) proof of payment of the application fee.

(2) The Chief Fisheries Officer may, in assessing the application, require the owner to supply additional information or may visit the establishment to collect any other information which he may require.

Certificate of registration of a fish processing establishment

126. Where the Chief Fisheries Officer is satisfied that the documents are valid he shall issue a certificate of registration of a fish processing establishment and record the details of the establishment in the Register of Fish Processing Establishments.

PART XVI

LICENCES

Barbados Fishing Vessel Operators' Licence

Prohibition of fishing without a Barbados fishing vessel operators' licence

127.(1) No person shall operate a fishing vessel of any class or description unless he is the holder of a Barbados fishing vessel operators' licence evidencing that he is competent to operate a fishing vessel of that class or description.

(2) No person shall employ or permit a person to operate a fishing vessel of any class or description unless the person he employs or permits to operate such fishing vessel is the holder of a Barbados fishing vessel operators' licence.

Application for a Barbados fishing vessel operators' licence

128. A person shall apply to the Chief Fisheries Officer for a Barbados fishing vessel operators' licence and the application shall be accompanied by

(a) certified copies of valid inspection and registration certificates;

(b) proof of competence or experience to operate a fishing vessel;

(c) the prescribed application fee; and

(d) such other documentation as may be requested.

Issuing and renewing a Barbados fishing vessel operators' licence

129. The Chief Fisheries Officer shall not issue or renew a Barbados fishing vessel operators' licence if

(a) the vessel is not duly registered in accordance with this Act;

(b) there is no valid certificate of inspection issued in respect of the vessel under the relevant provision of this Act; or

(c) fees payable in respect of the application have not been paid.

Categories of Barbados fishing vessel operators' licence

130. The Chief Fisheries Officer, in consultation with stakeholders, may define the categories of' licences for Barbados fishing vessel operators.

Commercial Fishing Licence

Prohibition of fishing without a commercial fishing licence

131. No Barbados registered fishing vessel shall be put to commercial use except a commercial fishing licence is obtained in respect of the vessel.

Application for a commercial fishing licence

132. An application for a commercial fishing licence shall be made to the Chief Fisheries Officer in such form as may be specified by him and accompanied by

(a) particulars on the fishing vessel;

(b) a health certificate;

(c) the prescribed application fee; and

(d) such information as may be required by the Chief Fisheries Officer.

Issuing or renewing a commercial fishing licence

133. The Chief Fisheries Officer may issue or renew a commercial fishing licence, if he is satisfied that the applicant has

(a) satisfied the conditions referred to in section 132; and

(b) paid the prescribed application fee.

Recreational Fishing Licence

Prohibition of recreational fishing without a recreational fishing licence

134.(1) All Barbados registered and foreign registered fishing vessels to be used in non-commercial fishing activities in the waters of Barbados shall possess a valid recreational fishing licence.

(2) No person shall engage in commercial fishing activities with a recreational fishing licence.

Application for a recreational fishing licence

135. An application for a recreational fishing licence shall be made to the Chief Fisheries Officer in such form as may be specified by him and accompanied by

(a) particulars on the fishing vessel;

(b) the prescribed application fee; and

(c) such information as may be required by the Chief Fisheries Officer.

Issuing or renewing recreational fishing licence

136.(1) The Chief Fisheries Officer may issue or renew a recreational fishing licence, if he is satisfied that the applicant has

(a) satisfied the conditions referred to in section 135; and

(b) paid the prescribed application fee.

(2) The Chief Fisheries Officer may attach to the licence any conditions he deems necessary in the interest of fishery management.

(3) The master, owner or charterer of the vessel as the case may be, who contravenes the conditions attached to a recreational fishing licence is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 3 months or to both.

Foreign Fishing Vessel Licences

Foreign fishing vessel prohibited from fishing without licence

137. Subject to section 138, no foreign registered fishing vessel shall be used for fishing or related activities in the waters of Barbados without a valid foreign fishing vessel licence issued under this section.

Exemption

138. Section 137 does not apply to foreign fishing vessels that are

(a) used solely for recreational fishing;

(b) engaged in fisheries-related research or survey operations in which Barbados is participating; or

(c) exempt from the requirement of holding a foreign fishing vessel licence under an applicable access agreement.

Application for a foreign fishing vessel licence

139.(1) An application for a foreign fishing vessel licence may be made to the Minister in such form as the Minister may determine accompanied by the following:

(a) the registration number, name and dimension of the vessel;

(b) registration details including expiry date and port of registration;

(c) name and address of owner;

(d) engine type and specification; and

(e) activities to be undertaken in Barbados waters.

(2) The Chief Fisheries Officer shall undertake such necessary measures to ensure effective regulation of foreign registered fishing vessels exempted under subsection (1).

Issuing of foreign fishing vessel licence

140.(1) Subject to this Act, the Minister may, after consultation with the Minister responsible for Foreign Affairs and the Chief Fisheries Officer, issue a foreign fishing vessel licence authorizing a foreign fishing vessel to be used in the waters of Barbados for such fishing or related activities as specified in the application.

(2) Subject to the provisions of this Act, a foreign fishing vessel licence shall not be issued to any foreign fishing vessel unless there is in force with the Government of the Flag State of the vessel, or with an association of which the owner or charterer is a member, an access agreement to which the Government of Barbados is a party.

(3) In the absence of an access agreement required under subsection (2), the Minister may grant a foreign fishing vessel licence where in his opinion it is in the interest of Barbados to issue a licence.

(4) The master, owner or charterer of a foreign fishing vessel who contravenes this section is guilty of an offence and is liable on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both.

Commercial Aquaculture or Mariculture Facility Licence

Commercial aquaculture or mariculture facility to be licenced

141.(1) A person shall not

(a) establish or operate a commercial aquaculture or mariculture facility; or

(b) engage in commercial aquaculture or mariculture activities in respect of that facility

unless he acquires a commercial aquaculture or mariculture facility licence in accordance with this section.

(2) Notwithstanding subsection (1), a government-owned facility does not require a commercial aquaculture or mariculture facility licence to operate.

Application for a commercial aquaculture or mariculture facility licence

142. A person shall apply to the Chief Fisheries Officer in such form as may be specified by him and the application shall be accompanied by

(a) a prescribed environmental impact assessment; including a

(i) list of drugs, pharmaceuticals, antibiotics or other chemicals likely to be used; and

(ii) hazard analysis and critical control point plan that identifies and proposes strategies to prevent and control biological, chemical, and physical hazards along the food processing chain;

(b) the prescribed application fee; and

(c) such information as may be required by the Chief Fisheries Officer.

Inspection of facility

143.(1) Where the Chief Fisheries Officer receives an application for a commercial aquaculture or mariculture facility licence, the Chief Fisheries Officer shall cause an inspector to carry out an inspection of the propose aquaculture or mariculture facility, site or operation to which the application relates.

(2) The inspector shall submit to the Chief Fisheries Officer a report in respect of the inspection carried out at the premises of the proposed facility to be licensed.

Chief Fisheries Officer to grant or refuse to grant a licence

144.(1) The Chief Fisheries Officer may, after reviewing the information attached to the application and any report that may be submitted by the inspector

(a) grant a commercial aquaculture or mariculture facility licence upon payment of the prescribed licence fee if he is satisfied that the required health and food safety requirements are met; or

(b) refuse to grant a commercial aquaculture or mariculture facility licence on the ground that

(i) the issue of the licence would not be in the public interest;

(ii) an application contains or is based on a false or misleading representation or information; or

(iii) it conflicts with health and environmental laws of Barbados.

(2) A licence granted under this section shall be subject to such terms and conditions as may be specified by the Chief Fisheries Officer.

Special Licences

Special licences to be granted

145.(1) The Chief Fisheries Officer may issue special licences for activities in respect of which

(a) the activity is of a kind necessitating a licence; and

(b) no licence is specified in this Act or any other enactment in respect of the activity.

(2) Notwithstanding section 148, where the Chief Fisheries Officers grants a special licence, the special licence

(a) shall be issued for a period of 3 months; and

(b) may be further extended subject to a written request to the Chief Fisheries Officer for an extension.

(3) A special licence shall be accompanied by relevant terms and conditions.

Conditions of Licence issued under this Part

Licence conditions

146.(1) All licences issued under this Part shall be subject to such general or special conditions as may be specified by the Chief Fisheries Officer in the case of a local fishing licence or the Minister in the case of a foreign fishing licence in respect of the

(a) proper management of fisheries;

(b) area in which fishing is authorized;

(c) period, times or particular voyages during which fishing is authorized;

(d) descriptions, quantities, size and type of fish which may be taken;

(e) information to be submitted in respect of the fisheries operations and activities;

(f) fishing and fish handling practices; and

(g) monitoring procedures.

(2) The master of a fishing vessel shall not retain or allow to be retained onboard a fishing vessel, within the areas under national jurisdiction, fish which have not been taken in accordance with a fishing licence issued under this Act or the conditions attached to the licence.

(3) A licence issued under this Part is not be transferable.

Notification of changes to licences

147.(1) Where a licence has been cancelled or suspended under the relevant section of this Act, notification of the cancellation or suspension shall be given in writing to the person to whom the licence was issued within 7 days of the cancellation or suspension.

(2) The notification shall be in writing, except in the case of a foreign fishing vessel, notification may be by telex, radio or such other form as the Minister considers appropriate.

(3) Where a fishing licence has been cancelled on the grounds specified in respect of such licences, within 3 months of the date of issue, a proportion of the fees paid for the fishing licence representing the unexpired period of that licence shall be reimbursed to the licensee at his request.

(4) Where a fishing licence is cancelled on any of the other grounds specified in the relevant section of this Act, the fees paid shall be non-refundable.

Validity of licences

148.(1) All licences issued under this Part shall be valid for a period of 3 years.

(2) The Chief Fisheries Officer may at any time cancel any fishing licence for a particular species to give effect to management measures for the species specified.

Licence management measures

149. The Chief Fisheries Officer shall have in place licence management measures to limit size of the fishing fleet or on such other grounds as may be specified in this Act or the fishery management Plan or published in the *Official Gazette.*

PART XVII

PERMITS

Permission to Conduct Fisheries Research

Prohibition on conducting fisheries research without permission

150. Subject to the relevant sections in this Act, no local or foreign person, organization or government agency shall undertake fisheries or fisheries-related research, survey operations or conduct activities that are likely to impact fisheries except with the prior written permission of the Chief Fisheries Officer in the case of a local entity or the Minister in the case of a foreign entity.

Exemption

151. Section 150 does not apply to fisheries-related research or survey operations undertaken by an

(a) approved local research institution as specified in a fishing industry notice; or

(b) international organization or agency of which Barbados is a member and conducted in accordance with a detailed international project to which the Government of Barbados has given its formal approval.

Application to undertake fisheries-related research

152. An application to undertake fisheries and fisheries-related research or survey operations in the waters of Barbados shall be made to the Chief Fisheries Officer in such form as may be specified by him and shall be supported by details of the research, survey operations or the proposed activity as follows:

(a) a summary research, operation, or activity including the

(i) title of the project;

(ii) reasons and objectives;

(iii) start and end dates;

(iv) methodology and equipment; and

(v) expected outputs and outcomes including social, economic and environmental benefits;

(b) the likely impacts on the local fisheries resources and their habitats;

(c) details of the crew or team involved in the planned activity;

(d) dimension of the vessel, if applicable;

(e) specification of the engine, if applicable; and

(f) any other information as may be required by the Chief Fisheries Officer or the Minister.

Chief Fisheries Officer may grant or deny permission

153.(1) Where an application is made in accordance with the relevant section in this Act, the Chief Fisheries Officer in making a decision shall

(a) review the planned activities and the impact assessment;

(b) consult with the stakeholders likely to be impacted by the planned activity; or

(c) seek additional information and comments on the planned activity.

(2) The Chief Fisheries Officer shall inform the applicant in writing of the decision to either grant or deny permission.

(3) The Chief Fisheries Officer shall, where the application is

(a) approved, attach any conditions of the approval; or

(b) denied, the reasons for the denial.

Conditions of permit

154.(1) The Chief Fisheries Officer may attach such conditions to any permit granted under subsection (2) as he considers necessary for the protection of the fisheries resources and their habitat.

(2) Any permission granted under this Part shall

(a) be in writing; and

(b) where necessary, be subjected to any or all of the following conditions:

(i) scientific observers or other personnel as the Minister may designate shall be allowed onboard the research or survey vessel and shall be allowed to participate in the research or survey activity both onboard the vessel and on shore;

(ii) copies of any raw data generated by the research or survey operations shall be submitted to the Chief Fisheries Officer at the end of the operations or during the course of such operations as the Chief Fisheries Officer may require;

(iii) the results and conclusions of the research or survey operations shall be submitted to the Chief Fisheries Officer as soon as practicable following the completion of the operations and in any case no later than the time specified for the submissions of the results and conclusions;

(iv) copies of any publications arising out of the research or survey operations shall be submitted to the Chief Fisheries Officer; or

(v) any other conditions which the Chief Fisheries Officer, in the case of a local entity and the Minister in the case of a foreign entity, deem necessary for the conservation and management of the resource and the protection of the habitat.

(3) The Chief Fisheries Officer or the Minister as the case may be, may grant permission to give exemptions from the conditions set out in subsection (2), if the activity will provide more information for the sustainable management of fisheries.

(4) Where any of the conditions have been breached or permission cancelled, no further permission for fisheries research or survey operations shall be granted to the person or entity concerned until such time as the corrective action has been taken to the satisfaction of the Chief Fisheries Officer, in the case of Barbados registered vessels and the Minister, in the case of foreign registered fishing vessels.

Appeal of the decision of the Chief Fisheries Officer not to grant permission

155.(1) An applicant who is aggrieved by the decision of the Chief Fisheries Officer may apply to the Minister for a review of the decision.

(2) The Minister may, in reviewing the decision, consider the impact of the planned activity on the fisheries resources and their habitats along with the comments and the recommendations of the Chief Fisheries Officer.

(3) The decision of the Minister shall be final.

Fish taken in course of fisheries-related research and survey operations

156.(1) No person shall take fish in the course of fisheries- related research or survey operations except with the prior authorization of the Chief Fisheries Officer and in accordance with such conditions as he may impose.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $150 000 or to imprisonment of 2 years or to both.

Offence of undertaking research

157. A person who undertakes or assists in any fisheries research in the waters of Barbados

(a) without permission given in accordance with the section 150;

(b) in contravention of any condition attached to the permission; or

(c) who sells fish taken in the course of research or fisheries-related research without the permission of the Chief Fisheries Officer,

is guilty of an offence and is liable on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both.

Designation of Fisheries Research Institution

Designation as an approved fisheries research institution

158. Any local scientific or academic institution desirous of conducting fisheries- related research or surveys in the waters of Barbados on an ongoing basis may apply to the Chief Fisheries Officer is such form as may be specified by him for designation as an approved fisheries research institution.

Approval of a fisheries research institution

159. The Chief Fisheries Officer may, in consultation with the Minister, designate in writing, the local scientific or academic institution as an approved fisheries research institution for the purposes of conducting fishery research in the waters of Barbados.

Approved fisheries research institution to submit information

160. An approved fisheries research institution must submit to the Chief Fisheries Officer

(a) prior to the start of the calendar year, a list of research projects to be undertaken within the calendar year;

(b) at the end of the calendar year, a list of research projects undertaken during the year together with a status report on the said projects;

(c) access to the results of any completed research project and any data generated by or during the course of the project;

(d) proof of compliance with such conditions as the Chief Fisheries Officer may require in relation to the proper management of fisheries and the observance of the international obligations to which Barbados is party; and

(e) such other information regarding research projects as the Chief Fisheries Officer may require.

Confidentiality data and information submitted

161. Any data or information submitted in accordance with the provisions of this Act and any other enactment on data protection, shall be kept confidential.

Test fishing operations permit

162. No person shall engage in test fishing operations in Barbados waters without first having obtained a test fishing operations permit from the Chief Fisheries Officer.

Application for test fishing operations permit

163. The application for a test fishing operations permit shall contain

(a) vessel name;

(b) place of registry;

(c) particulars of owner or operator;

(d) particulars of crew;

(e) details on intended test fishing operations, including objectives of such operations;

(f) estimated duration of test fishing operations;

(g) environmental impact assessment; and

(h) any other information as may be required by the Chief Fisheries Officer.

Issuing a test fishing operations permit

164. The Chief Fisheries Officer may, once satisfied that the intended test fishing operations would not pose a detriment to the marine environment and to the local fishing industry, issue the applicant with a test fishing operations permit and record the details of the applicant.

Validity of test fishing operations permit

165. A test fishing operations permit is valid for one year, and is renewable upon payment of the prescribed fee.

Permission for a Foreign Fishing Vessel to enter local Port

Designation of local ports

166.(1) The Minister may designate local ports at which foreign fishing vessels may land, transship, process fish, refuel or resupply.

(2) The Minister shall cause the list of all designated ports to be published by notice in the *Official Gazette.*

(3) The Chief Fisheries Officer shall share the list of designated ports with recognized international organizations or any State, regional fisheries management organization or fisheries management arrangements on request.

Permission for foreign fishing vessel to enter local port

167.(1) The entry of a foreign fishing vessel into a designated port without first obtaining permission from the Chief Fisheries Officer is prohibited.

(2) No foreign fishing vessel shall enter any local port other than a designated port.

Application for permission to enter a designated port

168.(1) The operator or master of a foreign fishing vessel shall apply to the Chief Fisheries Officer for permission to enter the designated port and shall provide the following information:

(a) vessel name;

(b) place of registry;

(c) registration number, date of registration and expiry date;

(d) name of owner or charterer;

(e) details of crew;

(f) catch onboard;

(g) previous fishing areas;

(h) last port of entry;

(i) fishing gear onboard;

(j) present position;

(k) expected time to enter the port; and

(l) any other information that the Chief Fisheries Officer may require to make a determination of the application.

(2) The application shall be submitted to the Chief Fisheries Officer no less than 24 hours before entering the port to give enough time to allow a preliminary investigation of the foreign fishing vessel and its activities.

(3) The Chief Fisheries Officer shall, on receipt of the application, assess the application and where necessary conduct an investigation to determine whether the vessel may have been involved in IUU fishing.

(4) Permission to enter a designated port applies to the following:

(a) persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity supporting IUU fishing; and

(b) all fishing and fishing-related activities in support of IUU fishing by nationals, including vessels and persons and all persons onboard such vessels or dealing with them or having any relevant relationship to them or to persons on them, to the extent that it does not conflict with the jurisdiction of another State.

Exemption from the permission obligation

169. Permission to enter the port is not required in respect of the following:

(a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, as long as there is cooperation between Barbados and such neighbouring State to ensure that such vessels do not engage in IUU fishing or IUU fishing-related activities in support of such fishing; and

(b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed at another port, provided that there are no clear grounds for suspecting that such vessels have engaged in IUU fishing or IUU fishing-related activities.

Granting permission to enter a designated port

170.(1) The vessel shall be allowed to enter port and be subject to the port's State control by relevant national authorities unless there is reason to believe that a vessel was involved in IUU fishing.

(2) A foreign fishing vessel may enter port without permission only for the purpose of

(a) *force majeure* or distress; or

(b) rendering assistance to persons, or vessels or aircraft in danger or distress.

Refusal to enter a designated port

171.(1) Where they are grounds for suspecting that a vessel was involved in IUU fishing, the Chief Fisheries Officer may deny the vessel's entry into port or allow entry exclusively for purposes of inspecting the vessel and taking other appropriate actions such as

(a) denying such vessel the use of its ports for landing, transshipping, packaging; and

(b) the processing of fish and for other port services including re-fueling and resupplying, maintenance and drydocking.

(2) The Chief Fisheries Officer may withdraw his permission to land the catch and use port services if evidence becomes available, when the vessel is in port, that the vessel has been involved in IUU fishing.

Informing flag State of action being taken in respect of IUU fishing

172.(1) Where a national of a flag State has engaged in IUU fishing, the Minister responsible for Foreign Affairs shall inform the flag State of actions being taken and, as appropriate, also inform other coastal States and regional fisheries management organizations and in some instances the State of which the master is a national.

(2) Where Barbados is the flag State, on receiving a report of IUU fishing by a Barbados registered fishing vessel from the port State or other relevant States or organizations, that State or organization may require Barbados to

(a) act on the requests by the port State for information; and

(b) indicate what action is being taken in response to IUU fishing being reported.

(3) The Chief Fisheries Officer may prescribe procedures for inspecting the vessel and inspecting and dealing with the catch while in port.

List of vessels involved in IUU fishing

173.(1) The Chief Fisheries Officer shall maintain a list of vessels involved in IUU fishing which shall include the details of the vessel and its owner or charterer, crew, catch and gear.

(2) The owner, master or charterer of a vessel that contravenes this section is guilty of an offence and is liable on conviction on indictment to a fine of $500 000 or to imprisonment for 5 years or to both and in addition, liable to the confiscation of the vessel, and catch and shall participate in a fisheries management and protection program, initiative or activity.

Permission to import and release a live fish

174. No person shall without the written permission of the Chief Fisheries Officer and in accordance with the provisions of this Act

(a) import into Barbados any live fish for the purpose of aquaculture; or

(b) release live fish into a fishing area.

Application for permission to import or release live fish

175.(1) The application for permission to import or release live fish shall be made to the Chief Fisheries Officer in the specified form and accompanied by the prescribed application fee and such information or documents as the Chief Fisheries Officer may require.

(2) An application referred to in subsection (1), shall be accompanied by an environmental impact assessment report on the effect of the introduction.

(3) The Chief Fisheries Officer shall not approve the release of live fish unless the fish has been kept under observation and control for such period and on such terms and conditions as the Chief Fisheries Officer may prescribe.

(4) Where the Chief Fisheries Officer is satisfied that any fish which has been imported is unsuitable for the purpose of release, the Chief Fisheries Officer may order the fish to be forfeited and destroyed.

(5) The owner of any fish destroyed under this section shall not be entitled to compensation.

Possession and trade in fish, fish product or other marine resources prohibited

176.(1) The importation, purchase, sale or otherwise trade in fish or fisheries products that have been obtained in contravention of this Act is prohibited.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 3 months or to both and in addition shall participate in a fisheries management and protection programme initiative or activity.

Permission for Barbados Fishing Vessels to Fish on the High Seas

Prohibition of fishing on the high seas without a permit

177. No Barbados registered fishing vessel or Barbados registered foreign fishing vessel licence shall be used for fishing or fishing related activities on the high seas unless the vessel has a valid high seas fishing permit issued by the Chief Fisheries Officer.

Application for high seas fishing permit

178. The owner, charterer or operator of a Barbados registered fishing vessel who intends to fish that vessel on the high seas to apply to the Chief Fisheries Officer for a high seas fishing permit in respect of that vessel in such form as may be specified by the Chief Fisheries Officer and accompanied by

(a) a certified copy of a valid inspection certificate and registration certificate issued in accordance with this Act; and

(b) evidence that the prescribed fees have been paid.

Matters to be considered in granting a high seas fishing permit

179. The Chief Fisheries Officer may have regard to the following matters in determining whether or not to grant a high seas fishing permit:

(a) the capacity of Barbados to implement its obligations under the FAO Compliance Agreement and the UN Fish Stocks Agreement and with regard to the international fisheries conservation and management measures which are recognized by Barbados;

(b) vessel monitoring and communication system installed on the vessel;

(c) the previous fisheries management compliance of the person applying for the permit; and

(d) any other matters which the Chief Fisheries Officer may consider relevant.

Conditions for denying a high seas fishing permit

180.(1) The Chief Fisheries Officer shall not issue a high seas fishing permit in respect of a vessel if

(a) that vessel was previously authorized to be used for fishing on the high seas by a foreign State and that the State either suspended or withdrew such authorization because the vessel engaged in activities that are

contrary to the provisions of the laws of that State or the conditions attached to the permission;

(b) the Chief Fisheries Officer is satisfied that Barbados will not be able to exercise effectively its responsibilities under the international agreements to which Barbados is party with respect to that vessel;

(c) such vessel is not duly registered in accordance with this Act;

(d) the vessel in not entitled to fly the flag of Barbados; or

(e) the master of the vessel has a record of conducting IUU fishing.

(2) Subsection (1) does not apply if the

(a) ownership of the vessel has changed since the vessel engaged in activities contrary to the provisions of international fisheries conservation and management measures which Barbados supports; and

(b) new owner has provided sufficient evidence to the Chief Fisheries Officer demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

Conditions for high seas fishing permit

181.(1) The Chief Fisheries Officer may attach such conditions and restrictions to the High Seas Fishing Permit as are necessary and appropriate to comply with international law of the sea specific to fishing on the high seas, including

(a) the vessel shall not engage in fishing contrary to national laws and international fisheries conservation and management measures;

(b) the vessel owner or operator shall not intentionally drift from the high seas into the jurisdiction of another State to fish or engage in any other activities;

(c) the period, times or particular voyages during which fishing is authorized;

(d) the descriptions, quantities and size of fish which may be taken;

(e) the method of fishing to be undertaken;

(f) the marking of vessel and gear;

(g) a requirement that access be permitted to observers;

(h) a requirement that additional monitoring equipment be carried;

(i) measures to be taken to avoid catching non-target species;

(j) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data;

(k) requirements for verifying the catch of target and non-target species;

(l) the stowage of gear; and

(m) any other relevant conditions or restrictions.

(2) A high seas fishing permit is not transferable.

(3) The Chief Fisheries Officer may vary any condition attached to a high seas fishing permit where he is satisfied that it is necessary to ensure compliance with domestic laws and international obligations of Barbados.

(4) Where a Barbados registered fishing vessel is used in contravention of the conditions of a high seas fishing permit, the

(a) master;

(b) owner;

(c) charterer; or

(d) operator,

of the vessel is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

Validity of high seas fishing permit

182.(1) A high seas fishing permit shall be valid for one year.

(2) Where a vessel to which a high seas fishing permit was granted is no longer entitled to fly the flag of Barbados, the high seas fishing permit associated with that vessel shall be void.

Aquaculture or Mariculture Permits

Aquaculture or mariculture permits

183. A person who is not an owner of a commercial aquaculture or mariculture facility who wishes to engage in aquaculture or mariculture activities in respect of that facility shall obtain, in the case of a

(a) government owned facility, an aquaculture or mariculture permit; or

(b) private owned facility,

(i) written permission from the owner of the commercial aquaculture or mariculture facility; and

(ii) an aquaculture or mariculture permit.

Application for aquaculture or mariculture permit

184. A person shall apply to the Chief Fisheries Officer in the specified form and accompanied by

(a) the prescribed application fee;

(b) written permission from the owner of the commercial aquaculture or mariculture facility, if applicable; and

(c) such other information as the Chief Fisheries Officer may require.

Issuing aquaculture or mariculture permit

185.(1) Where the Chief Fisheries Officer receives an application for an aquaculture or mariculture permit, the Chief Fisheries Officer may issue a permit to engage in aquaculture or mariculture activities where

(a) a commercial aquaculture or mariculture facility licence has been issued in accordance with this Act, in respect of the facility where the aquaculture or mariculture activities will be undertaken; and

(b) the applicant for the permit has provided the Chief Fisheries Officer with sufficient information and analysis, such as would be included in an in-force aquaculture and mariculture management plan.

(2) The Chief Fisheries Officer may issue an aquaculture or mariculture permit, where the Chief Fisheries Officer determines that

(a) the licensed aquaculture or mariculture facility;

(b) type of aquaculture or mariculture operation; and

(c) the management and intended utilization of cultured species,

are consistent with an in-force aquaculture mariculture management plan, and current aquaculture and mariculture policy.

Special Permits

Special permits

186.(1) The Chief Fisheries Officer may issue a special permit for activities in respect of which

(a) the activity is of a kind necessitating a permit; and

(b) no permit is specified in this Act or any other enactment in respect of the activity.

(2) Where the Chief Fisheries Officers grants a special permit, the special permit

(a) shall be issued for a period of 3 months; and

(b) may be further extended subject to a written request to the Chief Fisheries Officer for an extension.

(3) A special permit shall be accompanied by relevant terms and conditions as the Chief Fisheries Officer deems necessary.

PART XVIII

CONSTRUCTION, ALTERATION AND CONVERSION OF A FISHING VESSEL

Construction, Alteration and Conversion of a Fishing Vessel of Barbados

Barbados registered fishing vessels to meet prescribed standards

187. Every vessel constructed in Barbados or imported into Barbados for the purpose of fishing shall comply with national and international fishing vessel safety requirements, to ensure the seaworthiness and safe operation of the vessel, the health and safety of the crew and the quality of the catch.

Construction, alteration and conversion of a Barbados registered fishing vessel

188.(1) Any person intending to

(a) construct a fishing vessel;

(b) alter a Barbados registered fishing vessel, so that the particulars of that vessel do not correspond to those in the Register of Barbados Fishing Vessels of that vessel;

(c) convert an existing vessel into a fishing vessel to be used for commercial fishing; or

(d) import a fishing vessel,

shall apply to the Chief Fisheries Officer for permission to construct, alter, convert or import the vessel.

(2) The application shall contain the details of the construction, alteration, conversion or importation of the vessel as requested by the Chief Fisheries Officer and be accompanied by the prescribed fee.

(3) The Chief Fisheries Officer on receipt of an application under subsection (1), once satisfied that the

(a) design, method and material of construction and equipment of the fishing vessel to be constructed, altered, converted or imported are such as to allow the vessel once completed or imported to comply with the requirements of this Act, and prescribed standards relating to seaworthiness, safety equipment, accommodation of crew and sanitary conditions for a vessel of that category or class; and

(b) construction, alteration, conversion or importation of a fishing vessel would not be contrary to any other enactment made to give effect to the management of any particular fishery,

may give permission in writing for the construction, alteration, conversion or importation of the fishing vessel.

Authority to inspect a vessel under construction, alteration, conversion or importation

189. The Chief Fisheries Officer shall inspect or cause a vessel to be inspected at any time during the construction, alteration, conversion or importation to ensure that the vessel being constructed, altered, converted or imported is in accordance with requirements of this Act and the prescribed standards for seaworthiness.

Suspension or withdrawal of permission to construct, alter, convert or import a fishing vessel

190. Notwithstanding the issuance of permission to construct, alter, convert or import a vessel to be used in fishing, the Chief Fisheries Officer may, prior to or at any stage in the construction, alteration, conversion or importation of the vessel, suspend or withdraw the permission to proceed with the construction, alteration, conversion or importation of the vessel where

(a) the Chief Fisheries Officer is satisfied on the basis of the opinion of the inspector or on information made available to him that the vessel to be or being constructed, altered, converted or imported would not meet the requirements of this Act and prescribed standards that are aimed to ensure the seaworthiness and safe operation of the vessel, the health and safety of the crew and to maintain the quality of the catch; or

(b) the owner fails to agree or comply with any instructions set out in writing by the Chief Fisheries Officer.

Owner to notify the Chief Fisheries Officer on completion of construction, alteration conversion or importation of a fishing vessel

191.(1) The owner of a Barbados registered fishing vessel shall notify the Chief Fisheries Officer of the completion of construction, alteration, conversion or importation of the vessel and thereafter the Chief Fisheries Officer shall direct that the vessel be inspected.

(2) Where the vessel

(a) passes the inspection, the Chief Fisheries Officer may issue a certificate of inspection and record the details of the vessel in the register of vessels; or

(b) fails the inspection, the Chief Fisheries Officer may suspend or withdraw permission to construct, alter, convert or import the fishing vessel.

(3) A person who

(a) constructs, alters, converts or imports a fishing vessel without obtaining the permission of the Chief Fisheries Officer is guilty of an offence and is liable on summary conviction to a fine of $10 000 or to imprisonment for 3 months or to both;

(b) continues with the construction, alteration, conversion or importation of a vessel in respect of which permission to construct, alter, convert or import has been suspended or withdrawn is guilty of an offence and is liable on summary conviction to a fine of $25 000 or to imprisonment for 3 months or to both; or

(c) constructs, alters or converts a fishing vessel contrary to prescribed safety standards is guilty of an offence and is liable on summary conviction to fine of $100 000 or to imprisonment for 12 months or to both.

Use of alternative fittings, materials, equipment or machinery

192. Where this Act requires that a

(a) particular fitting, material, appliance, apparatus or type thereof; or

(b) piece of equipment or machinery,

shall be fitted or carried on a Barbados registered fishing vessel or that any other particular provision be made, the Chief Fisheries Officer may permit any other fitting, material, appliance, apparatus or type thereof, equipment or machinery to be fitted or carried or other provision to be made in the vessel where he is satisfied by trials or otherwise that the alternative is at least as effective as that required by this Act.

Maintenance of equipment and machinery

193. All equipment and machinery shall be maintained in accordance with the manufacturer's guidelines and specification.

Exemptions

194.(1) The Chief Fisheries Officer may exempt any vessel from any provision or all provisions of this Act where he is satisfied that compliance with the provision is either impractical or unreasonable.

(2) The exemption referred to in subsection (1) may be issued on such terms as the Chief Fisheries Officer may specify and is subject to the giving of reasonable notice in the event of the alteration or cancellation of the exemption.

Notification of change of ownership

195.(1) On the sale or change of ownership of a Barbados registered fishing vessel, both the previous owner and the new owner shall, within 14 days of the sale or change of ownership, notify the Chief Fisheries Officer in writing of the change of ownership and the name and address of the new owner, and return the Certificate of Registration to the Chief Fisheries Officer for cancellation.

(2) On receipt of notification under subsection (1), the Chief Fisheries Officer shall cancel the original Certificate of Registration of the vessel and on application, issue to the new owner of the fishing vessel a new Certificate of Registration and record the information in the Register of Barbados Fishing Vessels.

Notification of change in description of vessel

196.(1) Where a Barbados registered fishing vessel is altered to the extent that it no longer corresponds with the description or particulars either set out in the Certificate of Registration or the Register of Barbados Fishing Vessels and the alterations are not structural, the owner or person acting on behalf of the owner

shall to notify the Chief Fisheries Officer within 14 days after the alteration and arrange for an inspection of the altered vessel.

(2) Where the Chief Fisheries Officer receives notification of the changes in the description of the vessel, he shall cause the vessel to be inspected to verify the changes.

(3) The Chief Fisheries Officer, where the changes are confirmed, shall record the changes in the Register of Barbados Fishing Vessels and issue a new Certificate of Registration.

Loss or destruction of a Barbados registered fishing vessel or removal from service

197. The owner of a Barbados registered fishing vessel shall inform the Chief Fisheries Officer of

(a) the loss or destruction of the vessel; or

(b) the removal of the vessel from service,

within 14 days after the event and return the Certificate of Registration issued in respect of the vessel to the Chief Fisheries Officer, and request a cancellation of the registration.

Certificate of deletion

198.(1) Where the Chief Fisheries Officer receives a certificate of registration and a request from the owner for the cancellation of registration, the Chief Fisheries Officer shall note the cancellation in the register, permanently remove the vessel from the register and issue the owner with a certificate of deletion.

(2) The Certificate of Deletion referred to in subsection (1) shall be in the form specified by the Chief Fisheries Officer.

Notation in the register

199. Where the Chief Fisheries Officer is satisfied that a Barbados registered fishing vessel has not been used for fishing for a period of 3 years or

more but there has been no request for a cancellation of the Certificate of Registration of that vessel, the Chief Fisheries Officer may cause a cancellation of registration to be noted in the register and issue a certificate of deletion in respect of the vessel.

Appeals

200. A person aggrieved by the Chief Fisheries Officer attaching or varying special conditions to a fishing licence in respect of matters under section 199, may, within 21 days of the receipt of notification of that decision, appeal to the Minister, whose decision shall be final.

Certification of Fishing Vessel Builder

Certified fishing vessel builder

201.(1) A person qualifies as a certified fishing vessel builder where he has

(a) attained the age of 16 years; and

(b) logged 2 years of experience as an apprentice with a local veteran fishing vessel builder; or

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

(2) Subsection (1) shall not apply to a local veteran fishing vessel builder.

(3) For the purpose of this section, "local veteran fishing vessel builder" means a person who is a national or permanent resident of Barbados with 20 years or more experience in building fishing vessels.

Fishing vessel builder's certificate of competency

202.(1) No person shall build a fishing vessel for commercial purposes unless that person holds a fishing vessel builder's certificate of competency.

(2) A fishing vessel builder shall carry the Certificate of Competency referred to in subsection (1) 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 3 months or to both.

Application for fishing vessel builder's certificate of competency

203. An application for a fishing vessel builder's certificate of competency shall be made to the Chief Fisheries Officer in such form as may be specified by him and accompanied by

(a) the prescribed application fee; and

(b) any other information or documentation required by the Chief Fisheries Officer.

Issuing a fishing vessel builder's certificate of competency

204. The Chief Fisheries Officer may issue a fishing vessel builder's certificate of competency, where he is satisfied that the applicant has satisfied the conditions referred to in section 203.

Production of fishing vessel builder's certificate of competency

205.(1) A person who holds a fishing vessel builder's certificate of competency shall, where so requested by the Chief Fisheries Officer or another authorized officer, produce his Fishing Vessel Builder's Certificate of Competency for inspection immediately or within 24 hours of the request.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $7 000 or to imprisonment for 3 months or to both.

Suspension or revocation of certificate

206.(1) The Chief Fisheries Officer may suspend or revoke a fishing vessel builder's certificate of competency where a fishing vessel builder contravenes or fails to comply with any provision of this Act or any other enactment.

(2) Where a fishing vessel builder's certificate of competency has been revoked, such certificate shall not be re-issued to that person.

Fishing vessel builder's certificate of origin

207.(1) A fishing vessel builder shall issue a fishing vessel builder's certificate of origin upon completion of the manufacture design, commission, construction, building, repair, refurbishment or modification of a fishing vessel.

(2) A fishing vessel builder's certificate of origin

(a) shall be required for the sale or export of any fishing vessel built in Barbados; and

(b) may be requested as part of the fishing vessel registration process.

(3) A fishing vessel builder's certificate of origin shall contain the following:

(a) the name of the fishing vessel builder;

(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 fishing vessel;

(e) the model number of the fishing vessel;

(f) the particulars relating to the beam, draught and length of the fishing vessel; and

(g) the place of construction of the fishing vessel.

Fraudulent fishing vessel builder's certificate of origin

208.(1) No fishing vessel builder shall prepare or issue a fishing vessel builder'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 to imprisonment for 12 months or to both.

PART XIX

BOAT YARD

Use of boat yard

209.(1) The owner, agent or master of a fishing boat may request permission from the Chief Fisheries Officer to place the vessel in a State-owned boat yard.

(2) If the Chief Fisheries Officer is satisfied that there is space available in the boat yard and the stipulated fee is paid, the Chief Fisheries Officer may assign a space to the vessel.

(3) The fee for use of a State-owned boat yard shall be determined by the Minister.

(4) Where, in the case of an emergency, a fishing vessel is placed in a State-owned boat yard without permission of the Chief Fisheries Officer, the owner, agent or master of the vessel shall immediately notify the Chief Fisheries Officer and pay the stipulated fee.

(5) The Chief Fisheries Officer may prescribe conditions for the use of the State-owned boat yard.

PART XX

ABANDONED, DERELICT AND STRAY FISHING VESSELS

Abandoned and derelict fishing vessels

210.(1) No person shall abandon, store or leave in a derelict condition a fishing 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 or to imprisonment for 3 months or to both.

Reporting, abandoned, derelict or stray fishing vessels

211.(1) A person may report an abandoned, derelict or stray fishing vessel to the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall investigate a report made under subsection (1).

Abandoned fishing vessels

212.(1) A fishing vessel is abandoned where the

(a) vessel owner is unknown or cannot be determined;

(b) person last registered or documented as the vessel owner disclaims ownership and the current vessel owner cannot be determined;

(c) vessel owner has surrendered ownership rights; or

(d) 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 Barbados Fishing Vessels.

(2) An abandoned fishing vessel is a public nuisance and shall be treated as solid waste.

Notice of fishing vessel abandonment

213.(1) Where, upon the conclusion of an investigation of a report of an abandoned fishing vessel, the Chief Fisheries Officer is satisfied that a vessel is abandoned, he shall

(a) post a notice of vessel abandonment on the vessel; and

(b) send a notice of fishing 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) a statement that the failure to claim the vessel constitutes a waiver of all rights, title and interest in the fishing vessel.

Removal and disposal of abandoned fishing vessel

214.(1) Where a fishing vessel remains unclaimed for 90 days after a notice of vessel abandonment has been posted

(a) the Chief Fisheries Officer, in consultation with the Chief Environmental Health Officer, shall ensure the immediate removal of an abandoned vessel; and

(b) the Chief Fisheries Officer 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 Chief Fisheries Officer shall cause a notice of the public auction to be published twice in a newspaper with daily circulation in Barbados.

Derelict fishing vessel

215.(1) A fishing 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 fishing vessel

216.(1) Where, upon the conclusion of an investigation of a report of a derelict fishing vessel, the Chief Fisheries Officer is satisfied that a vessel is derelict, he shall

(a) post a notice of derelict vessel on the fishing 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 fishing vessel.

(2) A notice of derelict fishing 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) the failure to claim the fishing vessel constitutes a waiver of all rights, title and interest in the vessel; and

(f) any costs for removal or recovery of the derelict fishing vessel will be borne by the fishing vessel owner.

Removal and disposal of derelict fishing vessel

217.(1) Upon the expiration of 90 days from the date of posting the notice of derelict fishing vessel

(a) the Chief Fisheries Officer, 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 fishing vessel shall be liable for the costs of the removal and disposition of the vessel.

Fishing vessel neglect and unsafe conditions

218.(1) A fishing vessel owner shall not

(a) allow or leave a fishing vessel on public or private property without the authorization of the property owner;

(b) allow or leave a fishing vessel in a private marina or boat yard without authorization from the owner of such property;

(c) allow or leave a fishing vessel at sea which constitutes a navigational or safety hazard;

(d) allow, permit or cause a fishing 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 or to imprisonment for 6 months or to both and in addition the vessel is liable to be removed and disposed of by the Chief Fisheries Officer.

Breaking of fishing vessels

219.(1) Breaking of a fishing vessel 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 of fishing vessel;

(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 fishing vessel.

(2) A person who engages in a breaking of a fishing vessel shall take all necessary measures to

(a) ensure that the vessel is safely and environmentally disposed of;

(b) prevent injury and loss of human life;

(c) prevent pollution of the environment; and

(d) protect the environment and comply with any occupational, health and safety requirements.

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

(4) For the purposes of this section, "breaking of a fishing vessel" means the disposal of a fishing vessel by demolition or dismantling.

Destruction of fishing vessels

220.(1) Where the Chief Fisheries Officer determines that a fishing vessel is to be destroyed, the Chief Fisheries Officer shall request in writing, the destruction of such fishing vessel by the Barbados Coast Guard or an appropriate 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 fishing vessel

221.(1) A stray fishing 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 Chief Fisheries Officer shall notify the Harbour Master where it receives a report of a stray fishing vessel.

(3) A stray fishing 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 fishing vessel

222.(1) The Harbour Master shall investigate a report of a stray fishing vessel.

(2) The Harbour Master may

(a) facilitate the temporary mooring of a stray fishing vessel;

(b) order the vessel owner or operator of a stray fishing vessel to properly moor or remove the vessel; or

(c) remove or dispose of a stray fishing vessel.

(3) The Chief Fisheries Officer shall assist the Harbour Master, where necessary, in relation to a stray fishing vessel.

(4) Where the Harbour Master has facilitated the temporary mooring of a stray fishing vessel,

(a) he shall notify the fishing vessel owner and the Chief Fisheries Officer; and

(b) the vessel owner or operator shall reclaim and remove such fishing 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 fishing vessel.

(6) Where the Harbour Master engages in any activities under this section, 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 fishing 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 fishing 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 XXI

FISH QUALITY AND SAFETY

Competent authority

223.(1) The Minister responsible for Health is the competent authority for the official control of the safety of fish and fish products for human consumption.

(2) The competent authority shall

(a) monitor the production of fish and fishery products with a view to assessing and eliminating risks to human health;

(b) prescribe and monitor compliance with fish handling, transportation, processing and display standards;

(c) collaborate with other Government agencies in matters related to this section;

(d) inspect and certify fishery establishments where fish and other seafood products are handled for human consumption;

(e) specify conditions for placing of fish and fish products on the market;

(f) outline all procedures to be followed for compliance with provisions under paragraph *(e)*;

(g) maintain a register of approved fish handling establishments;

(h) issue health certification of fish and fish products once the respective requirements are met;

(i) conduct regular inspection to certify that the establishments are being maintained and operated in accordance with the prescribed standards set out by the competent authority;

(j) monitor health and hygiene conditions, including sampling and analysis of fish and other seafood products, water and other samples indicating the level of hygiene of processing; and

(k) perform such other functions as may be necessary or expedient for food safety conditions of fish products in accordance with regulations under this Act and the *Health Services Act*, Cap. 44.

(3) The competent authority may designate any of the activities listed in subsection (2) to the Chief Fisheries Officer.

Sale or export of adulterated fish or fish products prohibited

224.(1) A person who sells or exports fish or fish products intended for human consumption shall comply with the applicable national and international food safety, health and sanitary and phytosanitary standards.

(2) No person shall sell or export fish or fish products, including aquaculture products which

(a) are adulterated;

(b) are contaminated with or contains a poisonous or harmful substance or pathogenic micro-organisms;

(c) have not met applicable food safety standards;

(d) have not been prepared under prescribed sanitary and phytosanitary conditions; or

(e) are otherwise injurious to human health.

(3) A person who knowingly sells or exports adulterated fish or fish products is guilty is of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

(4) Fish and fish products referred to in subsection (3) shall be confiscated by the Chief Fisheries Officer or the Chief Environmental Health Officer and shall be disposed of as the Chief Fisheries Officer or Chief Environmental Officer determines.

Fish waste

225.(1) The person in charge of a fish establishment or aquaculture or mariculture facility is responsible for the environmentally safe storage and disposal of fish waste, cleaning chemicals, drugs and other chemicals.

(2) A person engaged in the production of fish waste shall ensure that the waste

(a) does not cause an unsightly or offensive condition at the establishment or facility or the environs of such establishment or facility; and

(b) is secured or treated in a manner designed to prevent it from being

(i) blown, washed or swept off the establishment or facility or their environs; or

(ii) accessible to birds, vermin or animals.

(3) Where any person fails to fulfil or comply with this section, the Chief Fisheries Officer in consultation with the Minister responsible for Health, shall notify the person in writing of the requirement to take measures to restore the establishment, facility or area to such standard as the Chief Fisheries Officer may specify, within the specified time.

(4) A person who is notified pursuant to subsection (3) by the Chief Fisheries Officer shall comply within the requirements set out in the notification.

(5) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both and in addition shall pay the cost of restoring the area.

PART XXII

AQUACULTURE AND MARICULTURE

Adoption of aquaculture and mariculture policy

226. There shall be adopted pursuant to this Part, a policy to be known as the "National Policy on Aquaculture and Mariculture", which shall guide actions and processes relating to aquaculture and mariculture activities in Barbados.

National Policy on aquaculture and mariculture

227.(1) The policy referred to in section 226, shall be formulated by the Minister, in consultation with the Chief Fisheries Officer, the Coastal Zone Management Unit (CZMU) and other relevant stakeholders within 12 months after the commencement of this Act.

(2) The policy shall be reviewed by the Minister and must be approved by the Cabinet as an official national instrument to be used in the development of Barbados' aquaculture and mariculture sectors, and upon such approval shall have effect for the purposes of this Act.

(3) The Minister shall cause within 4 years after the commencement of this Act, the evaluation, review and update of the policy.

Aquaculture and Mariculture Management Plan

Adoption aquaculture and mariculture plan

228.(1) There shall be adopted a plan to be known as the "Aquaculture and Mariculture Management Plan".

(2) Aquaculture and mariculture activities shall be executed in accordance with

(a) the policy adopted in accordance with this Part;

(b) the plan adopted in accordance with this Part; and

(c) other requirements under this Act and any other enactment.

Implementation of the plan

229. The Chief Fisheries Officer, in consultation with the CZMU is responsible for the development and implementation of the Plan.

Preparation of the plan

230. As soon as practicable after the commencement of this Act, the Chief Fisheries Officer, in consultation with CZMU, and other relevant stakeholders shall prepare the Aquaculture and Mariculture Management Plan.

Plan adoption, modification and revocation

231.(1) After consideration of any submissions in relation to the plan, the Chief Fisheries Officer shall submit the draft plan to the Minister for review and give further instructions, as may be appropriate.

(2) The Minister may

(a) approve the plan with or without amendment; or

(b) refuse to approve the plan and direct the Chief Fisheries Officer to amend the plan.

(3) The Minister shall publish a notice in the *Official Gazette* of the approval of the plan.

(4) The plan comes into operation on such date as the Minister may specify by notice published in the *Official Gazette*.

Duration and periodic review of plan

232.(1) The Minister shall cause a review to be made of the plan no later than 5 years after its commencement.

(2) After review of the plan, the Minister may approve the amendment of the plan.

Binding effect of plan

233.(1) All persons are bound by an aquaculture and mariculture management plan, that has been adopted in accordance with this Act.

(2) All aquaculture and mariculture activities shall be carried out in accordance with the plan.

(3) The plan may be deviated from where it is necessary for the saving life or protecting the marine environment.

Withdrawal of plan

234.(1) The Minister may withdraw the plan, where he considers it appropriate to do so.

(2) Where the Minister withdraws the plan, he shall publish a notice of withdrawal in the *Official Gazette,* and the plan shall cease to have effect on the date of that publication.

(3) The Minister may also take such further steps as he considers appropriate to ensure that the withdrawal of the plan is brought to the attention of interested persons.

(4) The Minister shall, following the withdrawal of the plan, ensure the adoption of a new aquaculture and mariculture management plan, so that an existing plan is not withdrawn unless a prospective plan is prepared and is ready for implementation.

(5) For the purposes of this section,

"interested persons" mean

(a) persons appearing to the Minister to be likely to be interested in, or affected by, the withdrawal of the Aquaculture and Mariculture Management Plan; and

(b) members of the general public.

Contents of plan

235. The Aquaculture and Mariculture Management Plan shall include

(a) a statement of the objectives and priorities of the plan and strategies for achieving those objectives;

(b) performance indicators to monitor the extent to which the objectives of the plan are being achieved;

(c) strategies for implementing, monitoring and evaluating the plan;

(d) an identification and description of

(i) areas which are suitable for aquaculture, mariculture and the type of aquaculture, mariculture for which the area is suitable;

(ii) suitable methods for undertaking the type of aquaculture or mariculture identified; or

(iii) species of fish suitable for aquaculture or mariculture in the area;

(e) requirements or standards for the control of water quality, aquaculture or mariculture waste, escapement, environmental impact assessments and the introduction, transfer and release of fish for purposes related to aquaculture or mariculture;

(f) training and employment schemes in the field of aquaculture and mariculture; and

(g) any other matters concerning aquaculture and mariculture which the Council or Chief Fisheries Officer considers appropriate.

Conformity of aquaculture and mariculture plan to policy

236. Any national aquaculture and mariculture plan must conform to a national policy on aquaculture and mariculture currently in effect for Barbados.

Entry into aquaculture and mariculture investment schemes

237.(1) The Chief Fisheries Officer may, as directed by the Minister subject to Cabinet's approval, facilitate entry into investment schemes specific to aquaculture and mariculture.

(2) The Chief Fisheries Officer may, in consultation with interested investors, develop and manage schemes directed at investment for development of Barbados' aquaculture and mariculture sectors.

Binding nature of aquaculture and mariculture investment schemes

238. An aquaculture and mariculture investment scheme is legally binding on all parties to the scheme where

(a) the terms, conditions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme; and

(b) the scheme is validated in accordance with this Act.

Validity of the scheme

239. An aquaculture and mariculture investment scheme is valid for the purposes of this Act where it is registered with the Fisheries Division.

Particulars of the scheme

240. The scheme shall detail the following particulars:

(a) parties to the scheme;

(b) duration of the scheme;

(c) scope of activities to be undertaken within the scheme;

(d) rights and responsibilities of all parties to the scheme;

(e) insurance or other form of equivalent financial security for the venture;

(f) site selection for aquaculture and mariculture opportunity areas;

(g) zoning;

(h) tenure rights in respect of aquaculture and mariculture activities undertaken pursuant to the scheme;

(i) access arrangements, including access by non-party local fishers to surplus of cultured species, if any;

(j) benefit-sharing arrangements;

(k) aquaculture and mariculture, research, training and knowledge transfer;

(l) duty free concessions;

(m) environmental and ecosystem protection and restoration measures, as appropriate;

(n) use of traditional fisheries knowledge in the culturing of species;

(o) specific actions that will be undertaken to promote corporate social responsibility, in furtherance of Part XXVII of this Act;

(p) dispute settlement arrangements; and

(q) any other relevant particulars as determined by the parties to the scheme.

Compliance requirements for parties to schemes

241. Parties to the scheme shall comply with

(a) national fisheries laws;

(b) an aquaculture and mariculture policy and management plan;

(c) a marine spatial planning requirements;

(d) a maritime boundary and jurisdictional requirements; and

(e) international best practices in the realm of aquaculture and mariculture.

Scheme restrictions

242.(1) An aquaculture and mariculture investment scheme shall not be concluded where it would be

(a) disadvantageous to the local fishing industry or other marine users or uses; or

(b) otherwise detrimental to the cultural development or environmental, economic or social interests of Barbados.

(2) The Chief Fisheries Officer shall hold stakeholder consultations prior to concluding an aquaculture and mariculture investment scheme.

(3) Where after entering into and operationalizing an aquaculture and mariculture investment scheme, its disadvantages become apparent, the scheme may be temporarily suspended to allow for rectification of the matters causing the identified disadvantages.

(4) Subsection (3) shall not come into effect unless

(a) a request for temporary suspension of the scheme is made in writing to the Chief Fisheries Officer by the affected person or group of persons;

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

(c) the Chief Fisheries Officer obtains the Minister’s approval to temporarily suspend the aquaculture and mariculture investment scheme.

(5) Where the identified disadvantages cannot be wholly remedied, the Minister shall ensure that an equitable compromise is agreed to in writing, and the aquaculture and mariculture investment scheme is modified accordingly.

Prohibition of engaging in commercial aquaculture and mariculture without a licence

243. No person shall

(a) engage in commercial aquaculture or mariculture without a health certificate; or

(b) install or operate a commercial aquaculture or mariculture facility unless that facility is licensed as a commercial aquaculture facility or commercial mariculture facility, as the case may be, in accordance with this Act.

Protection of the ecosystem and traditional access

244. No person shall engage in commercial aquaculture or mariculture activities which

(a) deprive a local community of its traditional access to fishing grounds; or

(b) cause harm to the ecosystem or fisheries resources.

Responsibility to report infectious diseases

245.(1) A person who has cause to believe that any fish and fish products from any waters used for aquaculture or mariculture activities are infected with a disease which can reasonably be foreseen to become, or which has become, of epidemic proportions shall notify the Chief Fisheries Officer.

(2) Where the Chief Fisheries Officer is satisfied that there is an infectious disease, he shall give notice in writing to the owner of the aquaculture or mariculture establishment requiring the owner to destroy all fish and fish products or take such other measures as may be specified in the notice.

(3) A person who receives a notice under subsection (2) shall comply with its requirements at his own expense.

(4) Where a person referred to in subsection (3) fails to comply with a notice referred to in subsection (2), the Chief Fisheries Officer may to enter the relevant facility and take or cause to be taken such measures as may be necessary for complying with the requirements of the notice and any expenses incurred shall be recoverable as a debt due and owing to the State in proceeding before a magistrates' court for District "A".

Permission from the Chief Fisheries Officer to move fish

246.(1) No person shall, without the written permission of the Chief Fisheries Officer,

(a) release or cause to be released into the waters of Barbados any exotic species of fish or any genetically modified fish;

(b) transfer any eggs, fingerlings or seed of exotic or genetically modified species or such adult species of fish from one aquaculture or mariculture establishment to another or from any location to another; or

(c) import or export live fish for the purpose of aquaculture or mariculture.

(2) Notwithstanding subsection (1), the Chief Fisheries Officer may, after an environmental impact assessment has been undertaken, grant subject to such conditions as he may determine, permission to conduct any activity referred to in subsection (1).

(3) A person who contravenes this subsection (1), is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

Chief Fisheries Officer to inspect and seize aquaculture or mariculture produce

247.(1) The Chief Fisheries Officer may inspect or cause to be inspected any

(a) live fish imported for the purpose of aquaculture and mariculture; or

(b) aquaculture and mariculture produce destined for export.

(2) The Chief Fisheries Officer or an inspector may seize, hold, quarantine, disinfect or destroy any live fish that have been imported or that are destined for import or export for purposes of aquaculture and mariculture, and shall take such measures where it is determined that the species are diseased or highly invasive.

(3) The owner of the fish seized under subsection (2) shall not be compensated for the fish.

Escapement: aquaculture and mariculture stock

248.(1) A person engaged in commercial aquaculture or mariculture shall take appropriate measures to prevent or minimize the risk of the escape of aquaculture stock into the wild.

(2) Where there has been an escape of aquaculture or mariculture stock or damage to a farming structure, equipment or facility that may lead to the escape of aquaculture or mariculture stock, the operator of the aquaculture or mariculture establishment shall take immediate measures to minimize the damage and to repair any damage caused to the extent possible.

(3) A person engaged in commercial aquaculture or mariculture shall immediately notify the Chief Fisheries Officer of any escape or damage, including the following:

(a) the species of fish affected;

(b) the date or an estimate of the date on which the escape or damage took place;

(c) the number and biomass or an estimate of the number and biomass of the fish that have escaped;

(d) the age or developmental stage of the fish at the time of their escape and details of the circumstances in which the escape or damage took place; and

(e) any other relevant information,

and shall within 7 days after becoming aware of such escape or damage, notify the Chief Fisheries Officer in writing of the action taken to deal with the escape or damage.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both and in addition shall participate in a fisheries management and protection programme.

Restricted use of drug and other chemical

249.(1) No person shall in a commercial aquaculture or mariculture establishment, use any drug, pharmaceutical, antibiotic or other chemical for the treatment of fish diseases or for the enhancement of fish growth without the written approval of the Chief Fisheries Officer.

(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 12 months or to both and in addition shall participate in a fisheries management and protection program, initiative or activity.

Information on wild and genetically modified species

250. The Chief Fisheries Officer shall collect information and data on wild and genetically modified species for the purpose of assessing their impact on aquaculture or mariculture, as the case may be.

Interference with aquaculture or mariculture establishment prohibited

251.(1) No person shall, unless he is the holder of a valid aquaculture or mariculture licence,

(a) interfere with or harvest the product of an aquaculture or mariculture establishment without the written authority of the licensee;

(b) place any object in the water, or promote or undertake any activity in a manner so as to obstruct an aquaculture operation being carried out by another person;

(c) destroy, damage, displace or alter the position of any equipment lawfully deployed in connection with an aquaculture or mariculture licence; or

(d) without lawful excuse, cause the release of any product of an aquaculture or mariculture establishment.

(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 12 months or to both and shall participate in a fisheries management and protection programme, initiative or activity.

Transboundary aquatic ecosystems

252. Subject to applicable regional and international law, the Chief Fisheries Officer shall cooperate with other States to ensure protection and preservation of aquatic ecosystems from

(a) escapement of aquaculture or mariculture species into shared bodies of water;

(b) waste from aquaculture and mariculture activities;

(c) diseases that are likely to become or have reached epidemic proportions; and

(d) effluent that might affect transboundary aquatic ecosystems.

Code of Practice for aquaculture and mariculture activities

253.(1) The Chief Fisheries Officer shall coordinate the development of a Code of Practice for aquaculture and mariculture activities, which shall provide detailed practical guidance on engaging in aquaculture and mariculture activities.

(2) The Code of Practice shall complement the Aquaculture and Mariculture Management Plan.

Designated areas for acquaculture and mariculture

254.(1) The Minister, in consultation with the Chief Fisheries Officer and relevant stakeholders, may by order designate areas for aquaculture and mariculture, taking into account any

(a) land use planning requirements, in the case of aquaculture designation; and

(b) marine spatial planning considerations, in the case of mariculture designation.

(2) Where areas are to be designated for the purposes of aquaculture and mariculture, consideration shall be given to whether an aquaculture or mariculture opportunity area has been selected as part of an aquaculture and mariculture investment scheme.

(3) The Minister may designate areas for aquaculture and mariculture outside of an aquaculture or mariculture opportunity area, in order to enable persons not party to an aquaculture and mariculture investment scheme to benefit from aquaculture and mariculture activities.

PART XXIII

CLIMATE CHANGE MITIGATION, ADAPTATION AND DISASTER RISK MANAGEMENT IN FISHERIES

Interpretation

255. For the purposes of this Part,

"CCMADRM" means climate change mitigation, adaptation and disaster risk management.

Fisheries sector CCMADRM policy and plan

256. There shall be developed by the Chief Fisheries Officer, in consultation with the CZMU, and other relevant stakeholders, a fisheries sector CCMADRM policy and plan for the fisheries sector, including the aquaculture or mariculture sectors.

Binding effect of the CCMADRM Plan

257.(1) All persons are bound by a lawfully adopted CCMADRM plan, that has been adopted in accordance with this Act.

(2) The CCMADRM Plan may be deviated from where it is necessary for saving life or protecting the marine environment.

Withdrawal of the CCMADRM Plan

258.(1) The Minister may withdraw the CCMADRM Plan, where he considers it appropriate to do so.

(2) Where the Minister withdraws the CCMADRM Plan, he shall publish a notice of withdrawal in the *Official Gazette*, and the CCMADRM Plan ceases to have effect on the date of such publication.

(3) The Minister shall take such further steps as he considers appropriate to ensure that the withdrawal of the CCMADRM Plan is brought to the attention of interested persons.

(4) Following the withdrawal of the CCMADRM Plan, the Minister shall ensure the adoption of a new CCMADRM plan, so that an existing plan is not withdrawn unless a prospective one is prepared and is ready for implementation.

Direct and indirect climatic impacts

259.(1) The CCMADRM Policy and Plan shall consider the following direct impacts of climate change:

(a) ocean acidification;

(b) changes in sea temperature and circulation patterns;

(c) severe weather events;

(d) sea level rise;

(e) ecological changes;

(f) changes in fish feeding, migration and breeding behaviour;

(g) shifts in distributions of fish species; and

(h) any other directly associated impacts.

(2) The CCMADRM Policy and Plan shall consider the following indirect impacts of climate change:

(a) impacts on fishery productivity;

(b) impacts on fish food security and livelihoods;

(c) safety and security costs incurred in making fishing communities more climate resilient;

(d) adaptation and mitigation costs;

(e) loss or damage to fishery resources with corresponding market impacts; and

(f) any other associated indirect impacts.

Aims of the CCMADRM Policy and Plan

260. The Minister shall, in consultation with the Chief Fisheries Officer and any other persons competent in climate change matters, develop a climate change mitigation and adaptation plan for the fishing, aquaculture and mariculture sectors, aimed at

(a) addressing the economic impacts on fisheries, aquaculture and mariculture;

(b) addressing the environmental impacts on fisheries, aquaculture and mariculture;

(c) reducing external stressors on natural systems directly and indirectly impacting the marine environment;

(d) identifying and protecting valuable coastal and marine areas;

(e) investments in safer harbours and landings;

(f) promoting disaster risk management;

(g) mainstreaming fisheries, aquaculture, mariculture and national food security into national climate change adaptation policies;

(h) inclusive capacity building, so as not to only include technically focused fisheries-related departments, but also to include the civil sector, in order to facilitate holistic climate planning;

(i) financial mechanisms for climate mitigation and adaptation;

(j) connecting national and regional climate policies and programmes;

(k) recognition of new opportunities for workers in the fisheries, aquaculture and mariculture sectors and promotion of those new opportunities;

(l) terrestrial, coastal and marine planning to facilitate future requirements for current coastal activities to shift landwards overtime, to better manage the terrestrial environment and better monitor and control terrestrial environmental activities that impact on the coastal and marine environment and ensure holistic marine environmental protection from inland to sea;

(m) improving safety at sea;

(n) regulating ghost-fishing and addressing the impact of ghost gear;

(o) better international trade practices in fisheries, aquaculture and mariculture, through creating value added fishery products, reducing barriers that constrain competitive fisheries on the international market, and promoting policies that discourage economically non-viable fisheries, aquaculture and mariculture support economic diversification and enhance economic resilience in the fisheries, aquaculture and mariculture sectors;

(p) gender mainstreaming, to adequately address the gendered impact of climate change on women in fisheries, as well as to address gender issues in the fisheries and climate contexts; and

(q) overall climate resilience in fisheries, aquaculture and mariculture.

Climate change resilience building innovation

261.(1) This Act gives legitimacy to any actions, programmes or initiatives aimed at mitigating, reducing or adapting to climatic impacts on fisheries, aquaculture or mariculture, irrespective of whether those actions, programmes or initiatives are created and developed

(a) at the governmental level;

(b) by an individual fisher;

(c) by a group of fishers within a fishing community; or

(d) by an entire fishing community,

which are based on the international climate legal framework or considered to be established regional climate regimes that cater to local circumstances and are appropriate in the fisheries, aquaculture and mariculture contexts.

(2) Any action, programme or initiative aimed at mitigating, reducing or adapting to the climatic impacts on fisheries, aquaculture and mariculture that is created and developed by

(a) an individual fisher;

(b) a group of fishers within a fishing community; or

(c) an entire fishing community,

shall be afforded the benefits and protections provided under this Act or any enactment related thereto.

Incentives: climate change mitigation

262.(1) The Minister responsible for Finance may undertake climate change mitigation measures for the purpose of protecting fisheries, aquaculture and mariculture.

(2) The Minister responsible for Finance may contribute to reducing greenhouse gas emissions in the fishing industry through giving incentives

(a) to fishing vessel owners to improve fuel efficiency;

(b) to small scale fishers to switch to sails;

(c) to commercial fishers to use energy efficient vessels;

(d) to all fishers, commercial and non-commercial, to use energy efficient fishing gear; and

(e) for any economically feasible, environmentally sustainable and workable climate mitigation initiatives proposed by an individual fisher, a collective group of fishers within a fishing community or by an entire fishing community.

Emissions reduction from fishing vessels

263. An owner or operator of a fishing vessel shall, in so far as practicable, seek to reduce emissions from fishing vessels by any or all of the following methods:

(a) improving vessel design;

(b) using eco-friendly coatings to enhance resistance reduction;

(c) using lightweight materials;

(d) employing sophisticated energy management and control systems onboard;

(e) using energy saving electric utilities and batteries;

(f) using supplementary power generation renewable technologies; and

(g) any other methods aimed at improving energy efficiency.

Climate change adaptation in fisheries sector

264. The Minister, in consultation with the Chief Fisheries Officer, fisherfolk and other key stakeholders in fisheries, aquaculture or mariculture shall take actions to adapt to climate change impacts on fisheries, aquaculture and mariculture including undertaking

(a) capacity building activities to better enable fishers in the process of adaptation;

(b) physical infrastructure adaptation activities, to improve safety at sea, reduce associated risks and address other infrastructural related concerns;

(c) financial improvement adaptation activities, to support more eco-friendly and fuel efficient fishing and aquaculture practices, and improve financial access for fishers so as to cushion any loss or damage

sustained by fishers during natural disasters as well as to enable fishers to restart fisheries work as soon as possible post natural disasters; and

(d) climate policy integration activities, to ensure that climate change adaptation measures are incorporated into fisheries, aquaculture, mariculture and coastal and marine development plans and policies.

Disaster and Emergency Preparedness and Response in Fisheries

Natural disaster and emergency considerations fisheries sector

265.(1) The CCMADRM Policy and Plan shall contain a natural disaster and emergency component, which shall establish a regime for the fisheries sector in the event of natural and human-induced phenomena or events that have the potential to cause a disaster or a humanitarian emergency, particularly as it relates to phenomena or events which

(a) disrupt the functioning of a fishing community; and

(b) result in casualty, loss or damage of property, infrastructure, essential services or a fisher's means of livelihood.

(2) The CCMADRM Policy and Plan, shall address

(a) natural disasters;

(b) technological disasters directly relating to human activity and consequential to a technological failure or of management; and

(c) complex emergencies resulting from humanitarian crises and for which external aid is needed.

(3) The CCMADRM Policy and Plan shall clearly identify

(a) the natural hazards that local fishing communities are exposed to, in terms of the nature and degree to which fishing communities, assets of fishers and the various activities fishers rely on for their livelihoods, are exposed to the physical effects of disasters and emergencies;

(b) disaster exposure in coastal areas, in terms of earthquakes, tsunamis and other geological in origin natural disasters;

(c) the sensitivity of local fishing communities to natural hazards, in terms of the extent to which fishing communities will suffer impacts due to natural hazards; and

(d) the adaptive capacity of local fishers in the face of natural disasters, in terms of the combined resources and strengths available within a fishing community that can contribute to risk reduction or minimize the impacts of a natural disaster.

(4) The CCMADRM Policy and Plan shall address cross cutting issues affecting vulnerability and exclusion in the local fisheries sector, including, but not limited to factors such as

(a) gender;

(b) age;

(c) disability;

(d) HIV/AIDS;

(e) non-communicable diseases; and

(f) chronic poverty and marginalization.

(5) The CCMADRM Policy and Plan shall detail recommendations on restoration in the local fisheries sector after any natural disaster, including restoration of

(a) livelihoods in fisheries;

(b) contributions of fisheries, aquaculture and mariculture to national food and nutrition security;

(c) local economic activity and demand for goods and services in fisheries; and

(d) the safety net function of fisheries.

(6) The CCMADRM Policy and Plan shall clearly define emergency response objectives in local fisheries, aquaculture and mariculture with such response focusing on

(a) saving human lives;

(b) protecting and strengthening livelihoods in fisheries, aquaculture and mariculture; and

(c) ensuring that fishers, fishing communities and coastal areas are more resilient in the face of natural disasters and longer term processes of change owing to climate.

(7) The CCMADRM Policy and Plan shall incorporate the key elements of the ecosystem approach to the local fisheries, aquaculture and mariculture sectors, namely the following elements:

(a) community, to ensure support of local fishing communities to enable strength building and capacity building to facilitate the recovery process and transition process to long term development and to promote fisheries contributions to food security and quality;

(b) economy, to ensure financial support of the recovery of the fisheries, aquaculture and mariculture sectors post natural disaster and enable the transition of fisheries, aquaculture and mariculture into long term economic growth and development;

(c) ecological, to ensure recovery of and protection of, marine living resources, the marine environment and coastal areas; and

(d) governance, to strengthen capacity of the Barbados government to improve the legal and institutional framework required for, and essential to, the exercise of responsible fisheries, aquaculture and mariculture.

(8) The CCMADRM Policy and Plan shall cater for

(a) material losses to fishers in the wake of natural disasters or emergencies; and

(b) non-material losses or aspects of fishers' livelihoods post disaster or emergency.

(9) The CCMADRM Policy and Plan shall examine key relationships within fishers' livelihoods as part of the livelihood rebuilding and resilience improving processes, particularly key relationships including the

(a) possibilities that fishers have to use the assets at their disposal to gain access to, or convert into, other asset forms;

(b) quality of relationships that fishers have with service providers and institutions, and the extent to which these service providers and institutions are responsive to their needs; and

(c) levels of support that fishers can obtain from institutions, policies and processes,

to ensure that fishers are able to reduce their vulnerability and improve their livelihoods in the face of natural disasters and emergencies.

(10) The CCMADRM Policy and Plan shall holistically address post disaster assessment and recovery in the fisheries, aquaculture and mariculture contexts, including recommendations and measures for disaster and emergency management along the entire fisheries value chain, in relation to the

(a) transferring of fish from its production point to its consumption point;

(b) different actors involved in the fisheries value chain; and

(c) interrelationships linking together different actors and agencies along the fisheries value chain.

(11) The CCMADRM Policy and Plan shall address the impacts of a natural disaster or emergency on the different stages in the value chain, such as impacts on

(a) capture fisheries;

(b) subsistence consumers;

(c) harvest from aquaculture and mariculture;

(d) fish landings;

(e) fish processing;

(f) transporting of fish;

(g) sales;

(h) ancillary services; and

(i) fish consumers.

(12) The CCMADRM Policy and Plan shall address preparedness and contingency planning to secure an effective and efficient emergency response in the fisheries, aquaculture and mariculture sectors, and in doing so shall

(a) identify the relevant stakeholders in the preparation of and in response to potential disaster or emergencies that will affect fisheries, aquaculture and mariculture;

(b) identify the relevant stakeholders in ensuring continued policy and management functions in emergency situations in fisheries, aquaculture and mariculture;

(c) analyze the knowledge, attitude, skills and ability profiling in the local fisheries sector to

(i) define human capacity development in the local fisheries, aquaculture and mariculture context;

(ii) determine human capacity needs of local fishing, aquaculture and mariculture communities; and

(iii) evaluate how capacity development in fisheries, aquaculture and mariculture should be delivered; and

(d) identify an information gathering system to ensure availability of sound information, data and local fisheries knowledge in preparing for and responding to natural disasters and emergencies.

(13) The CCMADRM Policy and Plan shall address response efforts and approaches aimed at supporting responsible fisheries, aquaculture and mariculture, including the

(a) ecosystem approach to fisheries; and

(b) ecosystem approach to aquaculture or mariculture,

and shall incorporate the principles underlying the ecosystem approach to fisheries and ecosystem approach to aquaculture or mariculture approaches into the emergency response in the fisheries, aquaculture and mariculture contexts.

(14) The CCMADRM Policy and Plan shall cater to flexibility and responsiveness in the planning and implementation of disaster relief and post disaster reconstruction in the fishing, aquaculture and mariculture sectors to ensure an effective and efficient response to vulnerable groups within the said fisheries, aquaculture and mariculture sectors.

(15) The CCMADRM Policy and Plan shall facilitate inclusiveness in decision-making concerning relief and rehabilitation measures, and shall give attention to the engagement and inclusion of vulnerable groups within the local fisheries, aquaculture and mariculture sectors.

(16) The CCMADRM Policy and Plan shall give special attention to gender-related issues in the fisheries, aquaculture and mariculture contexts and shall outline the mechanisms for addressing such gender issues at all phases of the emergency relief and rehabilitation process.

(17) The CCMADRM Policy and Plan shall be designed, developed and implemented with relevant technical experts in

(a) disaster management and emergency planning;

(b) fisheries, aquaculture and mariculture;

(c) gender development and mainstreaming;

(d) legal and policy development; and

(e) any other relevant technical experts.

(18) The CCMADRM Policy and Plan shall detail monitoring, control and surveillance mechanisms before and after any disaster.

(19) The CCMADRM Policy and Plan shall be revised and updated as may be required.

PART XXIV

FISHERIES AND ENERGY

Green fishing schemes

266. The Chief Fisheries Officer shall, in consultation with the Minister responsible for Energy and other stakeholders, develop green fishing schemes aimed at promoting greater renewable energy usage in

(a) wild caught fisheries;

(b) aquaculture and mariculture;

(c) the post-harvest fisheries sector;

(d) fisheries distribution, sales and consumption;

(e) State-owned and private fishing facilities; and

(f) the entire fisheries value chain.

Benefit sharing agreements

267.(1) The Chief Fisheries Officer shall ensure equitable access and participation by fisherfolk in marine renewable energy activities led by non-fishing industry energy developers, particularly in relation to accessing affordable marine renewable energy resources and products for the fishing industry.

(2) The Chief Fisheries Officer, in consultation with the Minister responsible for Energy and stakeholders, shall design benefit sharing agreements which shall specify the following:

(a) date;

(b) parties;

(c) context and purpose;

(d) interpretation;

(e) effect, commencement and review;

(f) benefit sharing particulars;

(g) energy performance standards, where applicable;

(h) environmental considerations;

(i) rights in and dealings with energy samples and products, where applicable;

(j) financial arrangements;

(k) acknowledgement and publicity;

(l) record keeping;

(m) confidential information;

(n) indemnity, as applicable;

(o) insurance;

(p) access to fishing areas and premises and records, as applicable;

(q) termination;

(r) dispute resolution; and

(s) general provisions.

Benefit sharing agreements to accompany green fishing schemes

268. A green fishing scheme shall have a benefit sharing agreement.

PART XXV

GENDER IN FISHERIES

Gender equality, equity and diversity in fisheries programme

269. The Chief Fisheries Officer, in consultation with the Women in Maritime Association of the Caribbean, Barbados Chapter and other relevant stakeholders shall develop a Gender Equality, Equity and Diversity in Fisheries programme to

(a) explore and enhance the ways in which fisheries offer entry points and a platform to promote gender equality, equity and diversity among women, girls, men and boys;

(b) mainstream gender in fisheries, including aquaculture and mariculture;

(c) encourage more females in sea-going fisheries;

(d) harness knowledge, strengths and contributions of all people in treating to the gender differentiated impacts of climate change in fisheries, and empowering all people in the fisheries sector, regardless of gender, to manage and respond to climate risks and participate in climate mitigation, adaptation and solutions finding;

(e) construct tools such as gender analysis, gender action plan and gender intervention to improve entrepreneurial and negotiating skills, as well as strengthen livelihoods of women, girls, men and boys in fisheries;

(f) support gender relevant, fisheries specific policies and plans of action; and

(g) overall promote and integrate gender considerations, as part of sustainable fisheries management and development activities.

Gender reporting in fisheries

270.(1) The Chief Fisheries Officer or his nominee shall provide an annual report on gender equality, equity and diversity in Barbados' fishing sector to the Bureau of Gender Affairs.

(2) The report shall include

(a) steps taken to mainstream gender in fisheries among women, girls, men and boys;

(b) information on gender sensitive results in the fisheries sector;

(c) details on indicators used to measure gender mainstreaming in fisheries; and

(d) any other relevant fisheries specific gender based data and information.

Gender in fisheries and nationally determined contributions

271. The Gender Equality, Equity and Diversity in Fisheries Programme shall support the inclusion and implementation of fisheries sector specific gender responsive actions in Nationally Determined Contributions, to strengthen efforts to accelerate sustainable, inclusive and equitable fisheries-related development action.

Collaboration with the Bureau of Gender Affairs

272. The Chief Fisheries Officer shall collaborate with the Bureau of Gender Affairs, in implementing the provisions of this Part.

PART XXVI

FISHERIES COOPERATIVE

Provision for the establishment of a fisheries cooperative

273. Fisheries cooperatives may be created for the benefit of the fishing industry to

(a) financially empower fishers and aquaculture farmers with limited means;

(b) enable socio-economic transformation in the fisheries, aquaculture and mariculture sectors;

(c) support secure financial benefits for fishers and aquaculture farmers; and

(d) fulfill the common economic goals of the fishing, aquaculture and mariculture sectors.

Main functions of the fisheries cooperative

274. The fisheries cooperative shall function for the following purposes:

(a) arranging supply of fisheries inputs and equipment;

(b) transferring technology to fishers;

(c) provision of insurance coverage to fishers;

(d) procurement of pond or other freshwater resource leases for inland aquaculture development and sale of fish at a reasonable price;

(e) provision of education and training to fishers;

(f) marketing of fish and fish products and promotion of exports;

(g) provision of consultancy services to fishery cooperative members;

(h) provision of research and publication services to the fisheries cooperative;

(i) liaison with government and other departments, cooperative institutions and other agencies;

(j) raising capital through share, deposits and borrowings;

(k) providing loans, mortgages and other financial services to fishers;

(l) providing financial assistance to fishers for funeral expenditure;

(m) providing financial assistance to fishers with maternity and paternity expenses; and

(n) securing any other financial benefits to fishers.

Education of fishers on cooperatives

275. Fishers shall be educated and trained to the fullest extent possible on direct and indirect subject matter related to fisheries cooperatives, as well as in the management and operation of fisheries cooperatives, for the purposes of their general benefit and full participation in any such fisheries cooperative.

PART XXVII

CORPORATE SOCIAL RESPONSIBILITY

Corporate social responsibility action

276. Companies registered in and operating in Barbados, and foreign entities engaged in fisheries related business in Barbados, may take corporate social responsibility actions to support sustainability efforts in the local seafood sector by

(a) supporting responsible fishing practices;

(b) encouraging environmentally responsible fish farming practices;

(c) supporting responsible fisheries management;

(d) setting purchasing quotas for under utilized fish species;

(e) enabling transparency in fisheries and seafood supply chains through establishing and developing traceability systems;

(f) working with government, other relevant fisheries organizations and other key stakeholders to develop a common understanding of the issues plaguing the local fishing sector and partner in addressing such issues;

(g) keeping the public informed about the facts and fictions around fisheries, seafood and sustainability;

(h) facilitating local fish markets in minimizing wastage across fish market sites, including reduction of electricity and water consumption, and greenhouse gas emissions;

(i) actively supporting innovation by local fishers to support the longevity of their livelihoods in fisheries;

(j) participating in fisheries conservation efforts to ensure that future generations can continue to benefit from Barbadian seafood;

(k) otherwise taking initiatives in support of

(i) sound environmental management in fisheries, aquaculture and mariculture;

(ii) people and the communities that underpin the local fishing, aquaculture and mariculture sectors;

(iii) continued provision of safe and nutritious seafood; and

(iv) raising consumer awareness concerning sustainably sourced seafood;

(l) lending financial support to fisheries research for development or funding for any other development initiatives in the fisheries, aquaculture and mariculture sectors; and

(m) any other corporate and socially responsible actions in support of the continued viability of the local fisheries, aquaculture and mariculture sectors,

to facilitate management and conservation efforts in the local fisheries, aquaculture and mariculture sectors, as well as for the continued development of the overall seafood industry.

Corporate social responsibility reporting

277.(1) Companies that opt to undertake corporate social responsibility action in the local seafood industry shall publish a corporate social responsibility report, hereafter referred to as a CSR report on such action.

(2) The CSR report shall

(a) detail the company's level of commitment and progress in relation to supporting and advancing the local seafood sector;

(b) be published annually;

(c) contain accurate data;

(d) be supported by external verification; and

(e) be a true reflection of the company's efforts in support of the local seafood industry.

(3) The CSR report shall not be used

(a) to misguide consumers;

(b) to portray a false image of a company's business model, such as portraying social and environmental principles, where such principles are not involved in the company's business model;

(c) for mere marketing and advertisement purposes for the sole benefit of the company;

(d) in any other form of greenwashing, such as the making of misleading and unsubstantiated claims about the environmental and social responsibility taken by a company in relation to

(i) the fisheries, aquaculture and mariculture sectors; or

(ii) to a particular fishery or a given seafood product;

(e) to benefit companies more than it benefits the public; or

(f) to otherwise make corporate social responsibility claims, where such claims are not supported by real corporate social responsibility actions.

(4) Where it is determined that a company's CSR report breaches any of the prohibitions outlined in subsection (3), the Minister upon recommendation of the Chief Fisheries Officer may

(a) seek remedy in the form of mandatory injunction to have the company perform the claimed corporate social responsibility actions;

(b) publish an updated CSR report to reflect corporate social responsibility action or actions executed subsequent to a mandatory injunction, accompanied by a declaration that the updated CSR report is true and accurate and a written and signed statement by a representative in the local fishing industry that received such corporate social responsibility benefit as to the veracity of the updated CSR report; or

(c) issue a public apology.

Implementation of a corporate watch and verification system

278. The Minister shall, in consultation with the Chief Fisheries Officer and other relevant stakeholders, develop a corporate watch and verification system to ensure transparency by companies engaged in corporate social responsibility activities in the local seafood sector and accordingly ensure that CSR reports are true and accurate.

Incentives for companies that undertake corporate social responsibility in the local seafood industry

279.(1) Companies that opt to undertake corporate social responsibility actions in the local seafood industry shall enjoy incentives for their corporate social responsibility efforts and their general contribution to national food security by such said efforts.

(2) The benefits incentives granted to companies shall be balanced against the overall development interests and needs of the local seafood industry and such incentives shall not undermine or in any way compromise development efforts of the local seafood industry.

(3) Companies may propose to the Chief Fisheries Officer their desired incentives for participating in the development of the local seafood industry, to which the Minister shall give due consideration.

(4) The Minister, after approval by the Minister responsible for Finance, may offer incentives to companies participating in the development of the local seafood industry.

(5) The Minister responsible for Finance has the sole discretion to make a final determination as to the incentives to be granted to any company undertaking corporate social responsibility activities in the local seafood industry.

PART XXVIII

FISH AGGREGATING DEVICES

Fish aggregating devices management plan

280.(1) The Chief Fisheries Officer, in consultation with relevant stakeholders, shall develop a fish aggregating devices management plan as part of large pelagic fisheries, with the aim of ensuring long-term biological and socio-economic sustainability of the fish aggregating devices fisheries.

(2) The FAD Management Plan shall include

(a) an outline of measures to improve fisheries based food security;

(b) a strategy to improve revenue of fishers from FAD fisheries;

(c) measures for reducing fishing pressure on coastal and reef systems;

(d) mechanisms to counteract the negative impacts of FADs and FAD fisheries on the marine ecosystem, including FAD sustainability initiatives;

(e) measures to prevent overfishing from FADs;

(f) pollution management from FADs to mitigate creating marine debris;

(g) effective data gathering methodologies from FAD fishing activities;

(h) a system for FAD equipment repair and maintenance;

(i) licensing, training and certification schemes for FAD fishers;

(j) a framework for formalizing and legitimizing a co-management system for FAD fisheries, that integrates fishing community rights and encourages their equitable participation in FAD management activities;

(k) FAD deployment regulation and control;

(l) a framework for FAD regulation, compliance, monitoring and enforcement; and

(m) any other elements required for the effective management of FADs.

Adoption and implementation of the FAD Management Plan

281. The FAD Management Plan shall be adopted not more than one year after the commencement of this Act and shall be subject to regulations made under this Act.

Binding nature of FAD Management Plan

282.(1) All persons are bound by a lawfully adopted FAD management plan.

(2) All FAD fishing and FAD related activities shall be carried out in accordance with the plan.

(3) The plan may be deviated from where it is necessary for saving life or protecting the marine environment.

Plan duration and periodic review

283.(1) A FAD management plan is valid for 5 years.

(2) The Chief Fisheries Officer shall periodically review and update the FAD Management Plan as necessary, within the 5 year period.

(3) A new plan may be adopted at the end of a 5 year period, where it is required in the interest of continued sustainable development and relevance to the FAD fishing industry.

Withdrawal of a FAD management plan

284.(1) Where a FAD management plan is withdrawn, a notice of withdrawal shall be published in the *Official Gazette*, and the plan ceases to have effect on the date of such publication.

(2) An existing FAD management plan shall not be withdrawn unless a prospective one is prepared and implementation ready.

FAD logbooks

285. FAD fishers shall maintain a FAD logbook to record FAD fishing information which should be readily available upon request by any authorized person.

Register of FAD locations

286. The Chief Fisheries Officer shall maintain a register and site map of all FAD locations in Barbados waters.

FAD registration and licensing

287.(1) All FADs shall be registered with the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall maintain separate registers for

(a) government-owned FADs;

(b) private-owned FADs namely, FADs owned by private individuals who are not registered fishers or fishing vessel owners; and

(c) FADs owned by registered fishers and fishing vessel owners.

(3) FAD licences are required for private-owned FADs namely, FADs owned by private individuals who are not registered fishers or fishing vessel owners.

(4) Registered fishers and fishing vessel owners do not require a FAD licence, but are required to register FADs owned by them.

FAD registration and licensing fees

288. The Minister may, in consultation with the Chief Fisheries Officer, prescribe FAD registration and licensing fees.

PART XXIX

FISHERIES, MARINE SPATIAL PLANNING AND MANAGEMENT

Fisheries specific marine spatial planning and management

289. Fisheries specific marine spatial planning and management activities shall

(a) take into account the requirements in any national enactment on marine spatial planning and any in-force marine spatial plan for Barbados, undertaking any necessary modifications and adaptations as the circumstances may require;

(b) be coordinated within general marine spatial planning and management activities, giving due consideration to the spatial needs of the fisheries sector; and

(c) be developed in respect of

(i) fishery closure areas, including seasonal closures;

(ii) no-trawl areas;

(iii) critical fisheries and marine living resources habitat designations;

(iv) natural and artificial reef areas;

(v) FAD fisheries; and

(vi) any other aspect of fisheries that may be considered appropriate for inclusion in fisheries-specific marine spatial planning and management activities.

Planning and management per fishery

290.(1) A fishery management plan, for each type of fishery, spatial planning and management measures, consistent with section 10, shall also be developed in relation to each type of fishery.

(2) Spatial and temporal considerations shall be factored into general fisheries planning processes.

(3) Fisheries specific marine spatial planning activities may accordingly be subsumed within general fisheries management planning activities, where this is deemed appropriate in the circumstances.

Stakeholder collaboration

291. The Chief Fisheries Officer shall collaborate with relevant stakeholders in carrying out fisheries specific marine spatial planning and management activities.

PART XXX

FISHERIES-SPECIFIC PAYMENT FOR ECOSYSTEM SERVICES SCHEMES

Economic Diversification of Fisherfolk through Payments for Ecosystem Services

Interpretation

292. For the purposes of this Part,

"PES" means payment for ecosystem services.

Fisheries specific cash-for-conservation regimes

293. The Chief Fisheries Officer shall develop, in consultation with relevant stakeholders, fisheries specific PES schemes, also known as cash-for-conservation services, in effort to support economic diversification within the fisheries sector.

Payment for ecosystem services regime

294. The PES regime developed pursuant to section 293 shall take into account any other national enactment on payments for ecosystem services, where practicable.

Register of persons participating in the schemes

295. The Chief Fisheries Officer shall maintain a register of persons participating in fisheries specific PES schemes to ensure effective regulation of such schemes and scheme participants.

Fisheries specific PES scheme requirements

296.(1) The Chief Fisheries Officer shall publish all relevant information regarding fisheries specific PES schemes in a fishing industry notice.

(2) The information referred to in subsection (1) shall include

(a) objective of fisheries specific PES schemes;

(b) clearly identified sellers;

(c) clearly identified buyers;

(d) clear definition of the fisheries related ecosystem service provided;

(e) matters to be contained in fisheries specific PES contracts;

(f) clearly identified non-compliance penalties;

(g) determination of payments based on costs;

(h) guidance to ensure that cash-for-conservation activities do not create environmental and ecosystem problems; and

(i) all other relevant information.

Approval of fisheries specific PES schemes

297.(1) The Chief Fisheries Officer shall submit completed fisheries specific PES schemes to the Minister for review and approval.

(2) The Minister shall not approve any fisheries specific PES scheme that

(a) adopts a practice that would have been adopted, regardless of the fisheries specific PES scheme;

(b) may lead to environmental and ecosystem damage in other areas;

(c) may pose a detriment to one or more fisheries, fisheries habitat or other marine living resources;

(d) fails to generate resources required to maintain incentives to service providers; or

(e) does not significantly factor in positive social benefits.

Pilot fisheries specific PES scheme

298. The Minister may, as a precautionary measure, require the launching of a pilot fisheries specific PES scheme in order to determine whether or not to approve a permanent PES arrangement.

Scope of Fisheries specific PES Schemes

Fisheries specific PES schemes

299. Fisheries specific PES schemes may relate to any number of activities fisherfolk can engage in for their economic benefit and that will lead to improved marine environmental and marine living resources management, protection, restoration or sustainability, including

(a) fishing for marine litter;

(b) removal of invasive marine flora from the coastal and marine environment;

(c) restoration and maintenance of fish and marine living resources stocks and habitats;

(d) activities to mitigate and adapt the fisheries sector to climate change impacts;

(e) efforts to improve ocean quality; and

(f) any other marine ecosystem based activities.

PES Training

Training requirements for participants in PES schemes

300.(1) A participant in the PES scheme shall be trained in order to effectively perform activities related to ecosystem services, and to ensure they carry out such services in a manner that do not lead to unintended consequences for the environment.

(2) Training requirements for participants in PES schemes may be outlined in a code to be known as the "Code of Practice for Persons Participating in Marine PES Schemes".

(3) The code shall

(a) establish minimum training and certification standards to be met by persons performing functions related to enhancing the production of ecosystem services, terrestrial and marine;

(b) have mandatory training requirements for the award of certification for each type of ecosystem service;

(c) have recommended guidance to assist training providers and training recipients;

(d) promote the use of traditional knowledge, skills and practices, including traditional knowledge in the ecological, scientific, agricultural and biodiversity related context; and

(e) be reviewed and updated as necessary, in consultation with the relevant entities.

(4) Training and certification standards adopted under the code shall

(a) not present a barrier to persons desirous of becoming certified ecosystems services technicians;

(b) be designed with the goals of

(i) empowering people and communities through nature based employment initiatives;

(ii) poverty alleviation;

(iii) environmental effectiveness; and

(iv) social and environmental sustainability; and

(c) be designed with sufficient flexibility to enable easy and progressive transition to higher level training and certification.

Benefit Sharing under PES

Benefit sharing under PES

301.(1) Benefit sharing from ecosystem services shall be promoted to enhance the management of natural ecosystems from land to sea, through arrangements that generate direct social and economic benefits for local communities, especially rural, coastal and fishing communities and share a responsibility for their management, protection and maintenance.

(2) Benefit sharing under PES arrangements shall

(a) be tailored to the particular type of PES scheme; and

(b) ensure fair and equitable benefits, whether monetary or non-monetary, to people and communities performing the required activities to sustain ecosystem services targeted within the PES arrangement.

(3) Benefit sharing arrangements under PES shall be in writing and signed by all parties to the arrangement.

Sustainable Economic Initiatives in the Fishing Industry

Fishing industry sustainable economic development

302.(1) An individual or group from, or representing the fishing industry may formulate and submit a written proposal to the Chief Fisheries Officer for consideration and adoption of one or more sustainable economic development strategies or initiatives.

(2) The proposed strategy or initiative

(a) shall be

(i) economically viable;

(ii) environmentally sustainable; and

(iii) beneficial to the collective fishing industry; and

(b) shall not be detrimental to maritime safety and security.

(3) Where the Chief Fisheries Officer determines that the strategy or initiative meets the requirements of subsection (2), the Chief Fisheries Officer after consultation with the Minister, shall coordinate with the individual or group and any other person or entity, as the Chief Fisheries Officer deems fit, to implement the strategy or initiative.

(4) Where the proposed strategy or initiative may require imposition of regulatory measures to ensure proper management, the Chief Fisheries Officer shall ensure the adoption of such regulatory measures, as may be appropriate.

(5) Where the Chief Fisheries Officer, after consultation with stakeholders, considers that the proposed strategy or initiative has a significant positive impact and is beneficial, the Minister may, upon recommendation of the Chief Fisheries Officer, give incentives to the individual or group for their conceptualization or

innovation in relation to the strategy or initiative considered by the Chief Fisheries Officer.

PART XXXI

SEA MOSS CULTIVATION

Sea Moss Cultivation Programme and Participants

Barbados Sea Moss Cultivation Programme

303. There is established a programme to be known as the "Barbados Sea Moss Cultivation Programme" to facilitate commercial sea moss production in Barbados.

Sea moss harvesting

304. A person desirous of engaging in sea moss harvesting activities shall

(a) be a registered fisher or fishing vessel owner; or

(b) hold a sea moss farmer's permit.

Sea moss post harvest and production

305. A person desirous of engaging in sea moss post harvest and production activities shall hold a commercial mariculture facility licence.

Register of sea moss cultivation programme participants

306.(1) The Chief Fisheries Officer shall maintain a register to be known as the "Register of Sea Moss Cultivation Programme Participants", in which shall be registered persons falling into the categories outlined in sections 304 and 305.

(2) A participant in the programme referred to in subsection (1), may only be registered after submitting the required documentation and paying the prescribed

fee and upon payment of the fee shall be issued with a sea moss harvesting certificate.

(3) A participant referred to in subsection (2) may renew his registration by paying to the Chief Fisheries Officer the prescribed fee.

(4) The Chief Fisheries Officer may revoke a sea moss participant certificate or a sea moss farmer's permit, as the case may be, where a person

(a) engages in sea moss cultivation activities contrary to this Act or any other enactment, guidelines, codes of practice or fishing industry notices;

(b) refuses to pay the programme registration or permit fees, as the case may be;

(c) commits an act of misconduct or engages in any illegal activities while carrying out sea moss cultivation activities; or

(d) deliberately harms fish or other marine living resources or the marine environment while carrying out sea moss cultivation activities.

Instruments and initiatives for sea moss programme participants

307. The Chief Fisheries Officer, in consultation with relevant stakeholders, may develop appropriate instruments and initiatives for the continued management, development and beneficial interest of persons participating in the Barbados Sea Moss Cultivation Programme.

Reporting requirements

308.(1) A Participant in the sea moss cultivation programme shall record their activities in a record book in this Act called a "Sea Moss Record Book" kept for the purpose.

(2) The book referred to in subsection (1) shall be in a form specified by the Chief Fisheries Officer in a fishing industry notice.

(3) Participants in the sea moss cultivation programme shall make their sea moss record book available to the Chief Fisheries Officer or any person authorized in writing by the Chief Fisheries Officer upon request.

(4) A sea moss record book may be in a written format or an electronic format.

Restrictions on sea moss cultivation activities

309. Subject to any enactment made under this Act and a sea moss cultivation agreement to which Barbados is a party, all sea moss cultivation activities shall be restricted to Barbados waters.

Fishing for sea moss under a high seas fishing permit

310.(1) A person who wishes to fish for sea moss on the high seas shall make an application to the Chief Fisheries Officer for a high seas fishing permit for that purpose.

(2) The Chief Fisheries Officer may upon payment of the prescribed fee grant to the applicant referred to in subsection (1), a high seas permit.

(3) The applicant shall comply with the conditions attached to the permit.

Sea Moss Cultivation Regulation

Sea moss cultivation code of practice

311.(1) The Chief Fisheries Officer, in consultation with stakeholders shall develop a Barbados sea moss cultivation code of practice to assist in the effective regulation of the sea moss industry.

(2) The code referred to subsection (1) shall include

(a) development objectives specific to the national sea moss industry;

(b) mandatory requirements for sea moss cultivation from harvesting to post harvesting, including

(i) site selection;

(ii) materials sourcing;

(iii) vegetative propagation methods;

(iv) marine plot care and maintenance;

(v) environmentally safe pests and diseases management;

(vi) harvesting;

(vii) processing; and

(viii) human element, maritime safety, security and marine environmental protection considerations; and

(c) guidelines and recommended practices to support the mandatory requirements specified in the code.

PART XXXII

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

IUU fishing

312.(1) A person who

(a) engages in IUU fishing activities within the fishing waters of Barbados;

(b) depletes fish stocks within the fishing waters of Barbados;

(c) causes a detriment to the local marine ecosystem and undermining national fisheries conservation and management measure;

(d) deprives legitimate fishers legally operating within the fishing waters of Barbados of their livelihood; or

(e) threatens the national food security

is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

(2) No owner or operator of a Barbados registered fishing vessel shall engage in activities in the waters of a foreign country in breach of subsection (1).

(3) An owner or operator who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

Vessels to which IUU fishing apply

313.(1) This Part applies to all vessels, whether fishing vessels or not, including

(a) vessels not entitled to fly the flag of Barbados that are seeking entry into its ports;

(b) vessels not entitled to fly the flag of Barbados that are in its ports;

(c) vessels not entitled to fly the flag of Barbados that are in its fishing waters;

(d) national and foreign vessels in the fishing waters of Barbados, without the permission of Barbados and in contravention of its laws and regulations;

(e) vessels flying the flags of States that are party to any regional fisheries management organization to which Barbados is a party, but are operating in contravention of the fisheries conservation and management measures adopted by that organization, or provisions of applicable international law; and

(f) vessels violating national laws on international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization to which Barbados is a party.

(2) Notwithstanding subsection (1), this part does not apply to

(a) vessels of neighbouring States of Barbados that are engaged in artisanal fishing for subsistence, where Barbados and the neighbouring State or States concerned have an agreement and measures are in place between

Barbados and the neighbouring State or States concerned to ensure that such vessels do not engage in IUU fishing or fishing related activities; and

(b) container vessels entering the ports of Barbados, or, are in the ports of Barbados, that are not carrying fish, or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.

Unreported fishing

314. A person who

(a) fails to report or gives a false or misleading report of fishing activities conducted in the waters of Barbados; or

(b) undertakes fishing activities in contravention of reporting procedures required under this Act or any other enactment or in contravention of reporting procedures stipulated by any regional fisheries management organization to which Barbados is party,

is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Unregulated fishing activities

315. A person who engages in unregulated fishing activities

(a) in the area of application of a relevant RFMO to which Barbados is party;

(b) by vessels without nationality, or by those flying the flag of a State not party to the Regional Fisheries Management Organization to which Barbados is party;

(c) by a fishing entity,

in a manner that is contrary to the conservation management measures of the regional fisheries management organization to which Barbados is party is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Information to be provided in advance by vessels requesting port entry

316.(1) All vessels requiring port access to Barbados shall provide the following information:

(a) reasonable advance notice of their intended port entry;

(b) estimated date and time of arrival;

(c) purpose of entry;

(d) port and date of last port call;

(e) name of vessel;

(f) flag State;

(g) type of vessel;

(h) international radio call sign;

(i) vessel contact information;

(j) vessel owner or owners;

(k) a copy of any required fishing authorization;

(l) details of fishing trip;

(m) quantities of fish onboard;

(n) certificate of registry identification;

(o) IMO ship identification, if available;

(p) external identification, if available;

(q) RFMO identification, if applicable;

(r) VMS data;

(s) vessel dimensions;

(t) vessel master name and nationality;

(u) relevant fishing organizations;

(v) relevant transshipment authorizations, if any;

(w) transshipment information concerning donor vessels;

(x) total fish catch onboard, including origin, species, form and quantity;

(y) fishing gear type and quantity; and

(z) any other information required by national authorities, regional fisheries management organization or organizations to which Barbados is party, or required under any other international agreements to which Barbados is party,

in order to determine whether the vessel may have engaged in, or supported, IUU fishing activities.

(2) Where there is cogent evidence that a vessel having been granted access to Barbados' ports have engaged in IUU fishing activity, that vessel shall not be allowed to land or transship fish in Barbados and the matter shall be immediately reported to the vessel's flag State.

Inspection procedures in relation to IUU fishing

317.(1) A fishery protection officer, when conducting inspections in respect of IUU fishing, shall

(a) verify that the vessel identification, documentation onboard and information relating to the vessel owner is true, complete and correct, including through appropriate contacts with the flag State or international records of the vessel, if necessary;

(b) verify that the vessel's flag and markings, such as the vessel's name, external registration number, International Maritime Organization ship

identification number, international radio call sign and other markings and main dimensions are consistent with information contained in the documentation;

(c) verify that the authorizations for fishing and fishing-related activities are true, complete, correct and consistent with the information provided in accordance with section 316;

(d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and VMS data from the flag State or relevant regional fisheries management organizations, such relevant documentation including logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora CITES Convention;

(e) examine all relevant fishing gear onboard, including gear stowed out of sight as well as related devices, verify that they are in conformity with the conditions of the authorizations and ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable fisheries laws and regulations and that the markings correspond to those authorized for the vessel;

(f) determine whether the fish onboard was harvested in accordance with the applicable authorizations;

(g) examine the fish, including by sampling, to determine its quantity and composition and inspections of product type and determination of nominal weight;

(h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;

(i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master; and

(j) arrange, where necessary and possible, for translation of relevant documentation.

(2) Notwithstanding the provision of subsection (1)*(e),* the master's signature on the report shall serve only as acknowledgement of the receipt of a copy of the report.

(3) Where the master of a vessel has difficulties understanding the report to which subsection (1)*(e)* applies, the master shall be given the opportunity to make comments or objections to the report and to contact the relevant authorities of the flag State of the vessel for assistance.

Reporting requirements for inspection results

318. A fishery protection officer shall, in reporting the results of the inspection, set out the following in the inspection report:

(a) inspection report number;

(b) inspecting authority;

(c) name of principal fishery inspector;

(d) port or place of inspection;

(e) commencement and completion of inspection;

(f) advanced notification received;

(g) the purpose of the inspection;

(h) port, State and date of last port call;

(i) vessel name, flag State and type of vessel;

(j) international radio call sign;

(k) Certificate of registry identification;

(l) IMO ship identification and external identification, if available;

(m) port of registry;

(n) vessel owner and vessel beneficial owner , if known and different from the vessel owner;

(o) vessel operator, if different from vessel owner;

(p) vessel master name and nationality;

(q) fishing master name and nationality;

(r) vessel agent;

(s) VMS data;

(t) status in Regional Fisheries Management Organization areas where fishing or fishing-related activities have been undertaken including any IUU fishing vessel listing;

(u) relevant fishing authorization;

(v) relevant transshipment authorization;

(w) information on

(i) quantity of offloaded catch;

(ii) quantity of catch retained onboard;

(iii) log-books and other documentation examined;

(iv) compliance with applicable catch documentation scheme;

(v) compliance with applicable trade information scheme;

(vi) type of gear used;

(vii) gear examined in accordance withsection 317*(e)*;

(viii) findings by the fishery protection officer or officers conducting the inspection;

(ix) apparent infringement or infringements noted, including reference to relevant legal instrument or instruments.

(x) comments by the master and master's signature;

(xi) action taken by the fishery protection officer or officers concerned; and

(xii) fishery protection officer's signature.

Training of fishery protection officers engaged in IUU fishing inspections

319.(1) There shall be developed for fishery protection officers a training programme to ensure that such fishery protection officers conduct IUU fishing inspections in accordance with international best practice and standards and in accordance with national laws.

(2) The training referred to in subsection (1) shall comprise

(a) ethics;

(b) health, safety and security issues;

(c) applicable national, regional and international laws and regulations, areas of competence and conservation and management measures of the relevant regional fisheries management organizations;

(d) general inspection procedures, including reporting, writing and interview techniques;

(e) information analysis, including information from log-books, electronic documentation and vessel history including name, ownership and flag Sate, required for validation of information provided by the master of the vessel;

(f) vessel boarding and inspection, including holding inspections and calculation of vessel hold volumes;

(g) verification and validation of information relating to landings, transshipments, processing and fish remaining onboard, including utilization of conversion factors for the various fish species and products;

(h) identification of fish species, and the measurement of length and other biological parameters;

(i) identification of vessels and gear, and techniques for the inspection and measurement of gear;

(j) equipment and operation of VMS and other electronic tracking systems; and post-inspection actions.

IUU fishing beyond national jurisdiction

320.(1) Where in the course of an inspection, it is discovered that there are reasonable grounds to believe that a vessel has engaged in or supported IUU fishing activities beyond the maritime jurisdiction of Barbados, national authorities shall immediately report the matter to the flag State of the vessel, and where appropriate, the relevant coastal States and regional fisheries management organization.

(2) Barbados may take any other action with the consent of or upon the request of the flag State.

Duty of confidentiality in relation to IUU fishing

321. For the purposes of sections 316 and 317, national authorities of Barbados shall ensure the confidentiality of information collected, in accordance with this Act or any other enactment.

Penalties for illegal, unreported and unregulated fishing and related activities

322. Any person who engages in or attempts to engage in IUU fishing or related activities is guilty of an offence and liable on summary conviction to a fine $50 000 or to imprisonment for 6 months or to both.

PART XXXIII

TRANSSHIPMENT OF FISH

Interpretation

323. In this Part,

"donor vessel" means any vessel engaged in a transshipment operation that transfers any quantity of fish onboard to another vessel;

"fish" means all species of living marine resources that have not been previously landed, whether processed or not;

"fishing related activities"

(a) means any operation in support of, or in preparation for, fishing; and

(b) includes

(i) the landing, packaging, processing, transshipping or transporting of fish that has not been previously landed at a port; and

(ii) the provisioning of personnel, fuel, gear and other supplies at sea;

"landing"

(a) means all transfers of any quantity of fish onboard from a vessel, other than transshipment,

(b) includes

(i) transfers of fish to a port facility;

(ii) transfers of fish from one vessel to another through a port facility or other means of transportation; and

(iii) transfers of fish from a vessel to a container, truck, train, aircraft, or any other means of transportation;

"MCS" means monitoring, control and surveillance;

"receiving vessel" means any vessel engaged in a transshipment operation that receives any quantity of fish from another vessel;

"transshipment" means the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed.

Guidelines to prevent IUU fishing from fish transshipment activities

324.(1) The Minister shall, after consultation with the Chief Fisheries Officer, provide guidelines to prevent IUU fishing from fish transshipment activities

(a) to ensure conformity with the relevant rules of international law;

(b) to ensure that all movement of fish as transshipped and other related activities are properly documented;

(c) to ensure that donor and receiving vessels are appropriately authorized to engage in transshipment operations;

(d) to include transparent reporting procedures to facilitate pre-event and post-event verification of authorization and transshipment data;

(e) to ensure a risk based approach so that measures are prioritized and proportional with identified risks, and are designed to reduce and mitigate those risks effectively;

(f) to require electronic reporting and encourage electronic monitoring, where feasible; and

(g) to ensure that transshipment events are adequately regulated, authorized, monitored and complemented by port State and coastal State measures or flagged State actions to landing of transshipped fish, and support traceability, where possible.

(2) Subsection (1) does not apply to aquaculture products.

Authorization of transshipment of fish

325.(1) A person who wishes to transship fish which have not been previously landed, whether processed or not shall obtain a fish transshipment licence.

(2) A fish transshipment licence may be granted in the following categories:

(a) donor fish transshipment licence, for donor vessels; or

(b) receiving fish transshipment licence, for receiving vessels.

(3) A person who wishes to obtain a fish transhipment licence may apply to the Chief Fisheries Officer in such form as he approves.

(4) No Barbados registered fishing vessel may act as both donor and receiving vessel for any given period beginning with a port exit and ending with the next port entry.

(5) Where the owner of a Barbados registered fishing vessel wishes to switch to donor vessel, if presently acting as receiving vessel, or switch to receiving vessel, if presently acting as donor vessel, that owner shall apply to the Chief Fisheries Officer to have his donor fish transshipment licence or receiving fish transshipment licence, as the case may be, revoked, and after such revocation apply for the licence desired.

(6) Nothing in this Part prevents a donor and receiving vessel from transshipping in cases of *force majeure* or distress.

(7) The donor and receiving vessel shall report the transshipment activities using the declaration containing information on vessels, catches and activities including relevant elements specified in the fishing industry notice.

(8) A Barbados registered vessel shall only engage in transshipment if it has an approved functioning vessel monitoring system onboard.

(9) The Chief Fisheries Officer shall ensure that donor and receiving vessels are included in all vessel authorization records of relevant RFMO and where applicable, the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

(10) Only donor and receiving vessels entitled to fly the flag of a contracting party or a cooperating non-contracting party of a specific RFMO may be authorized to conduct transshipment activities with Barbados registered vessels subject to the regulatory competence of that RFMO.

(11) The authorization records of donor and receiving vessels shall comply with the rules established by that RFMO.

(12) No transshipment of fish shall be carried out by a Barbados registered vessel in areas beyond the national jurisdiction of Barbados, except the vessel owner or operator holds

(a) a donor fish transshipment licence or receiving fish transshipment licence, as the case may be;

(b) an Area Beyond National Jurisdiction Fish Transshipment Permit; and

(c) written authorization from the relevant coastal State or port State, if the transshipment is to take place in waters or in a port of a State other than Barbados.

(13) The Chief Fisheries Officer shall ensure that transshipment activities subject to the regulatory competence of an RFMO are only authorized where both the donor and receiving vessels have been included in the relevant authorized vessel lists by their respective flag States.

(14) Transshipment is prohibited if any of the vessels involved is included in IUU fishing vessel lists established by relevant RFMO.

(15) The Chief Fisheries Officer shall ensure that all donor and receiving vessels eligible to receive an IMO number shall be required to have such number

in order to be authorized by the flag State regardless of the location of the event.

(16) The IMO number referred to in subsection (15) shall be made readily available to all relevant States and relevant international organizations.

(17) The Chief Fisheries Officer shall, in consultation with stakeholders, adopt measures to control transshipment of fish.

(18) Measures controlling transshipment of fish shall be implemented to include specific criteria for the receipt of authorizations by vessels to transship, including

(a) the conditions under which a flag State authorizes Barbados registered vessels to transship;

(b) the conditions under which a coastal State or port State authorizes vessels to transship in areas under its national jurisdiction;

(c) the MCS measures that must be in place for fish transshipment to occur;

(d) data collection and reporting requirements; and

(e) ensuring that transshipment is conducted consistent with the management regime of the relevant RFMO and the flag State, relevant coastal State and port State.

(19) The Chief Fisheries Officer may only authorize Barbados registered vessels to be involved in transshipment of fish when its competent MCS authorities have the capacity to monitor and control the transshipment, including by applying risk assessments separately for fish transshipments in port and at sea.

(20) Where fish is to be landed or transshipped in a port, Barbados registered vessels shall use designated ports of States that are acting in accordance with or in a manner consistent with the Agreement on Port State Measures to Prevent, Deter or Eliminate Illegal Unreported and Unregulated Fishing.

Standard notification and reporting

326.(1) An owner or operator of a Barbados registered vessel shall report to the Chief Fisheries Officer, in an agreed format, information relating to fish transshipment events involving Barbados registered vessels such as notifications and authorizations, transshipment and landing declarations and observer reports.

(2) An owner or operator of a Barbados registered vessel shall streamline notification and reporting requirements in a manner that does not undermine the effectiveness of measures indicated in this Part.

Pre-event notification and verification

327.(1) The Chief Fisheries Officer shall ensure that all Barbados registered vessels intending to carry out fish transshipments, as either a donor or receiving vessel, provide

(a) advance notifications of the intent to proceed with a specific transshipment event to the Chief Fisheries Officer; and

(b) the relevant RFMO as soon as possible, and on a timeline that will support effective MCS.

(2) The donor vessel shall report quantities of fish onboard prior to the transshipment event, as well as quantities to be transshipped, including regulated and unregulated species, and any by catch.

(3) The receiving vessel shall report the quantities of fish onboard prior to the transshipment event, including regulated and unregulated species, and any by catch and the quantities of transshipped fish shall be reported by species and product form and catch area.

(4) The advance notification from donor and receiving vessels shall also include the date, time and location of the planned transshipment event.

(5) Upon receipt of an advance notification of fish transshipment from a donor vessel and prior to acknowledging and confirming that the operation could

proceed, the Chief Fisheries Officer shall verify the vessel's compliance with relevant conservation and management measures and MCS measures, including near real-time VMS reporting, and other applicable electronic monitoring and observer coverage requirements.

(6) The Chief Fisheries Officer shall ensure that Barbados registered donor vessels provide regular reporting about fishing since its last port exit, including catch and effort data for the specific transshipment event to proceed.

(7) All donor and receiving vessels intending to conduct fish transshipment subject to the regulatory competence of an RFMO shall notify that particular RFMO when they enter and exit the RFMO area of competence based on the respective RFMO measures.

(8) Nothing in this section supersedes Port State responsibility in instances where fish transshipment is carried out in port.

Post-event reporting

328.(1) All donor and receiving vessels involved in transshipment of fish shall

(a) log the event with the Chief Fisheries Officer; and

(b) provide a transshipment declaration, containing information on vessels, catches and activities in the forms as set out in the *Fourth Schedule*,

which shall be submitted to all relevant competent authorities and the relevant RFMO, as soon as possible and on a timeline that will support effective MCS, and before any landing or subsequent transshipment is authorized.

(2) Barbados registered vessels shall maintain onboard records that include each transshipment declaration and a copy of the declaration shall accompany the transshipped fish on the receiving vessel.

(3) Where transshipment of fish is independently monitored by an observer, the observer shall provide a report for all transshipment events, regardless of

location of the event to the port or to the Barbados Coast Guard and the relevant RFMO as soon as possible and on a timeline that will support effective MCS.

(4) Observer reports in respect of Barbados registered vessels shall be examined by the Chief Fisheries Officer.

(5) Where the observer reports discrepancies on the data reported by the masters of the donor and receiving vessels or possible non-compliance with applicable rules, the Chief Fisheries officer shall take the appropriate control measures.

(6) The owner or operator of the donor vessel and the receiving vessel shall, as part of the transshipment declaration, report the

(a) quantities of fish transshipped as well as the quantities of fish onboard following the transshipment using information on vessels;

(b) catches and activities, including relevant elements specified in the fishing industry notice;

(c) quantities of fish reported by species, product form and catch area; and

(d) the date, time and location of the transshipment.

(7) Information on landings and transshipments of fish harvested subject to the regulatory competence of a relevant RFMO shall be reported to that specific RFMO in accordance with its rules.

(8) The pre-notification and post event reporting procedures for transshipment shall be in an electronic form where practicable.

(9) The notifications, declarations, reports and registers shall be available to support the monitoring, regulation and reporting, which shall be made available in case of inspection or by requirement of the port of landing.

Follow up procedures

329.(1) The Chief Fisheries Officer shall, in consultation with the stakeholders, establish procedures to cross reference all reported transshipment

data from Barbados registered vessels, flag States, coastal States, port States, RFMO, inspectors and observers.

(2) This procedures to cross reference referred to in subsection (1), may be completed in accordance with the laws of a flag State, a coastal State or a port State for transshipments that occur in areas under its national jurisdiction and relevant RFMO, as appropriate, giving due consideration to confidentiality.

(3) Landings, in relation to transshipment, should be accompanied by declarations containing information on vessels, catches and activities, including relevant elements specified in the fishing industry notice and such declarations shall be required for the exemption referred to in Article 3 (1)*(b)* of the Port State Measures to Prevent, Deter or Eliminate Illegal Unreported and Unregulated Fishing.

(4) The Chief Fisheries Officer shall, in consultation with stakeholders, develop specific reporting procedures to collect and cross reference data and information on the quantity of fish landed, by species, product form, area or country of origin.

(5) The Chief Fisheries Officer shall, in consultation with relevant stakeholders

(a) establish procedures to follow up on enforcement against infractions by Barbados registered vessels involved in fish transshipment, including prosecution and the levying of effective and deterrent penalties or other sanctions;

(b) where appropriate place vessels on lists of vessels involved in IUU fishing; and

(c) report the follow up on the relevant competent authorities and relevant RFMO.

(6) A compliance review process of RFMO shall assess all obligations related to fish transshipments, including vessel authorizations, transshipment notifications, reporting and cross referencing of transshipment data.

Monitoring

330.(1) The Chief Fisheries Officer shall require Barbados registered vessels that receive fish from more than one donor vessel to store the fish and related documentation from each donor vessel separately and such documentation should be provided to the relevant port and coastal State authorities when required.

(2) The fish shall be stowed in such a manner as to enable the relevant port and coastal state authorities to distinguish from which donor vessel each part of the fish onboard comes.

(3) The Chief Fisheries Officer shall require that the receiving vessel maintain an up-to-date stowage plan and other documents showing the location and the quantities of species received from each donor vessel.

(4) All documentation relating to receipt of fish from more than one donor vessel shall be made available to the relevant competent authorities and retained on board until the vessel has been unloaded completely.

(5) All donor and receiving vessels authorized to conduct transshipment of fish shall maintain an approved VMS onboard which shall be fully functional at all times and transmitting VMS information from port exit to port entry.

(6) The Chief Fisheries Officer shall, in consultation with stakeholders, establish a system to monitor the data transmitted to allow effective MCS.

(7) The Chief Fisheries Officer shall, in consultation with stakeholders, develop procedures to allow VMS data to be reported to relevant competent authorities and if applicable to RFMO, as near to real time as possible, in particular when the vessel is engaged in activities subject to the regulatory competence of such RFMO.

(8) Notwithstanding the requirements in subsection (2), vessel reporting requirements and procedures in case of VMS malfunction or failure shall be established and where the VMS malfunctions or fails, no further transshipment of fish may be initiated until reporting requirements and procedures described in this section are established and complied with.

(9) Subject to subsection (10), mechanisms for independent verification of transshipment such as human observers or electronic monitoring or equivalent sensor technologies, or a combination of these, shall be implemented for vessels engaged in transshipment activities, with a one hundred percent coverage rate required for receiving vessels.

(10) An alternate approach may be adopted only where the relevant State or RFMO has adopted a comprehensive set of risk based integrated monitoring measures at sea and in port, consistent with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing sufficient to achieve a comparable degree of control.

(11) Information and data that are independently collected by observers on transshipment events may be authorized for use for both scientific and compliance purposes.

(12) The Chief Fisheries Officer shall ensure that Barbados registered vessels engaged in transshipment of fish as a donor vessel confirm within a reasonable period of time, if requested by the port State or coastal State or RFMO, that the donated fish was taken in accordance with the applicable rules and regulations of a relevant coastal State or a relevant RFMO.

(13) Port State measures should be in place and implemented consistent with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing for ports where receiving vessels land their transshipped fish, including donor vessels arriving from fishing grounds for direct landing or transshipment, including by collected data being cross referenced against available catch and transshipment information and by inspections and follow up actions being carried out pursuant to Part 4 of the Agreement on Port State Measures to Prevent, Deter or Eliminate Illegal Unreported and Unregulated Fishing.

(14) The Chief Fisheries Officer shall ensure that Barbados registered vessels that are

(a) conducting transshipment; and

(b) ineligible for IMO numbers under the IMO Ship Identification Number Scheme 1,

shall be regulated, monitored and controlled in a manner that is consistent with the relevant provisions of this Part.

Data exchange and information sharing

331.(1) Procedures for sharing transshipment data in respect of Barbados registered vessels such as authorized vessel lists, transshipment notifications, authorizations and declarations, reported fish, landing declarations, observer reports, inspection reports, infractions and sanctions shall be established among all relevant States and RFMO.

(2) Transshipment data may be shared or exchanged electronically, where possible and in a sufficiently timely manner to support effective MCS of transshipment subject to applicable data confidentiality provisions adopted by the relevant States and RFMO.

(3) Formal procedures for sharing transshipment data between RFMO shall be established, especially between RFMO with overlapping areas of competence, and where the same receiving vessels are authorized to be involved in transshipment in more than one RFMO area of competence.

(4) Information related to transshipment subject to the regulatory competence of an RFMO such as number of events, locations, quantities of fish by species, product form and catch area transshipped and landed, shall be made publicly available on an annual basis with due regard for appropriate confidentiality requirements.

(5) The Chief Fisheries Officer and the relevant RFMO shall make publicly available updated lists with detailed information of all donor and receiving vessels authorized to transship, through vessel authorization records of RFMO, the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels or other appropriate means.

Recognition of the special requirements of developing States

332. The Chief Fisheries Officer shall ensure that the provisions in the FAO Guidelines on Transshipment of Fish concerning recognition of the special requirements of developing States are taken into account in the application of this Part.

PART XXXIV

MARINE LIVING RESOURCES AND FISHERIES RELATED CRIME

Marine living resources crime

333.(1) For the purposes of this Act, marine living resources crime is any

(a) conduct that is likely to cause harm to, or causes harm to, the marine living environment;

(b) act that contravenes national, regional and international marine living resource management and conservation laws and regulations;

(c) illegal catching of fish or other marine living resources;

(d) destruction of habitats or ecosystems of fish and other marine living resources;

(e) harm to fish and other marine living resources, whether by

(i) the over-exploitation of target stocks;

(ii) the by catch of non-targeted species or marine wildlife species;

(iii) an act that causes loss of biological resources;

(iv) degradation of management systems for the marine environment;

(v) ecosystem disruption; and

(vi) environmental pollution; and

(f) illegal bio-prospecting for marine genetic resources and other marine living resources,

within Barbados waters by a vessel, wherever it is registered and by Barbados registered vessels wherever they may be.

(2) Where a marine living resources crime is committed in

(a) Barbados,

(i) but a significant part of its preparation, planning direction or control takes place in a foreign State;

(ii) involves an organized criminal group that engages in marine living resources criminal activity in more than one State; or

(iii) has substantial effects in a foreign State; or

(b) a foreign State,

(i) but a significant part of its preparation, planning, direction or control takes place in Barbados; or

(ii) has substantial effects in Barbados,

and is committed by a Barbados registered vessel or a foreign registered vessel in Barbados waters, the owner or operator is guilty of an offence and is liable on conviction on indictment to a fine of $200 000 or to imprisonment for 3 years or to both.

PART XXXV

SEAFOOD TRACEABILITY AND FRAUD PREVENTION IN FISHERIES

Development of fish catch documentation scheme

334. The Chief Fisheries Officers shall, in consultation with stakeholders, develop a fish catch documentation scheme to track and trace fish and other

seafood from the point of capture through unloading and throughout the supply chain, for the purposes of

(a) combating fraud in fisheries and the seafood sector;

(b) ensuring high standards of sustainable fisheries management;

(c) ensuring that fish and other seafood are sustainably harvested;

(d) enforcing safety regulations pertaining to safety and suitability of fish and fishery products;

(e) ensuring the quality of fish and fishery products; and

(f) minimizing health risks to consumers.

Record keeping traceability

335.(1) A participant in the national fisheries supply chain shall keep records of

(a) the source of fish and other seafood products;

(b) the form of fish and other seafood products;

(c) the volume of fish and other seafood products; and

(d) certificate numbers of fish and other seafood products received under a fish catch documentation scheme.

(2) All traceability records shall be electronically submitted to the Chief Fisheries Officer annually for inspection of records and regular central filing.

Continuous data acquisition traceability

336. The Chief Fisheries Officer shall, in consultation with stakeholders, develop a national online database for tracing of fish and other seafood products, for the

(a) identification and logging of fish catch documentation scheme, covered fish and seafood products on entry to the national supply chain;

(b) identification and logging of all national supply chain transactions; and

(c) identification and logging of all transactions relating to fish and seafood products exiting the national supply chain.

Online platform design

337. The Chief Fisheries Officer shall, in consultation with stakeholders, design and implement a national online platform for tracing of fish and seafood products

(a) to accommodate all supply chain shifts and scenarios as they occur in reality, to facilitate the logging of all movements and transaction types;

(b) built upon current and internationally accepted technologies; and

(c) to continually monitor and develop for effective and efficient functioning.

Requirements for handlers of fish and seafood products

338. Any person processing or storing fish or fishery products shall record any movement of such fish and seafood products.

Inter-regional cooperation mechanisms

339. The Minister may, in consultation with other national governmental authorities, regional governmental authorities, RFMO and stakeholders, create a regional register and establish harmonized minimum terms and conditions for foreign fishing vessel access, so as to strengthen compliance and enforcement in the traceability of fish and fishery products.

Inter-regional cooperation: requirements in the harmonized minimum terms and conditions

340. Fishing access agreements at the Caribbean regional level may include the following:

(a) foreign vessels shall not be permitted to fish in any Caribbean Member States' EEZ unless a standard licence is issued;

(b) purse seine transshipments at sea shall be prohibited, except in designated ports;

(c) longline vessel transshipments can occur at sea, subject to application to, and approval by, the licensing State;

(d) vessel operators shall maintain and submit catch logs for operations in a Caribbean Member States' EEZ and adjacent high seas areas, which shall be released to the licensing States within 50 days of any fishing trip;

(e) vessel operators shall provide regular catch records for the licensing State while operating in any Caribbean Member States' EEZ;

(f) vessel operators shall carry observers to verify reports, and they shall have access to appropriate parts of the vessel and shall record their observations;

(g) vessel operators shall maintain a local agent;

(h) fishing gear shall be stowed while transiting a Caribbean Member States' EEZ;

(i) vessel operators shall comply with orders of licensing States;

(j) operators shall mark their vessels in accordance with FAO Standard Specification for the marking and identification of fishing vessels; and

(k) vessel operators shall register automatic location communicators on the VMS Register of Foreign Fishing Vessels.

Eco-labelling schemes for fish and other seafood products

341. The Chief Fisheries Officer shall, in consultation with stakeholders, design and develop eco-labelling schemes for fish and other seafood products from capture fisheries, in accordance with FAO standards and other international best practices.

Document fraud in fisheries

342.(1) A person who falsifies any book, document or system relating to the keeping of fish and fishery products is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

(2) A person who

(a) manufactures;

(b) counterfeits;

(c) alters;

(d) sells; or

(e) uses false identity documents and other fraudulent documents to contravene this Act or any other enactment made under this Act,

is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Offence of fish and seafood fraud

343.(1) A person who places fish or other seafood on the market, whether for local, regional or international sale and distribution, with intent

(a) to deceive the consumer by

(i) substituting one fish species for another without changing the label;

(ii) adding too much ice to fish or other seafood in order to increase weight;

(iii) indicating less fish or seafood in the package than what is specified on the label;

(iv) shipping fish or other seafood products through different countries to avoid duties and tariffs; or

(v) any other activity that misleads consumers about fish or seafood products in order to increase profits to the detriment of the consumer; or

(b) to make financial gain from such activity,

is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

(2) Any person who

(a) intentionally mislabels;

(b) substitutes fish species or varieties of fish with less desirable species or varieties of fish;

(c) fraudulently markets aquaculture produced fish or mariculture produced fish as wild caught;

(d) misbrands, dilutes, counterfeits or adulterates fish or other seafood products;

(e) over-glazes or over-breds fish to deceive consumers regarding the nature of fish and other seafoods;

(f) uses water-binding agents without so declaring, so as to increase the weight of seafood products;

(g) markets higher valued fish species and seafood products as lower valued fish species and seafood products so as to avoid taxation; or

(h) markets fish species illegally harvested in protected areas as species legally harvested, so as to conceal that the species of fish were caught from or harvested in a protected area, contrary to national law,

is guilty of an offence and is liable on conviction on indictment to a fine of $200 000 or to imprisonment for 3 years or to both.

Establishing an agreed list of names of fish and other seafood

344.(1) The Chief Fisheries Officer shall, in consultation with stakeholders, put necessary measures in place to prevent food fraud in the fisheries sector, including the establishment of an agreed list of common names that are linked to scientific nomenclature of fish and other seafoods.

(2) The agreed list of names of fish and other seafoods shall be

(a) accessible to consumers; and

(b) publicly available via a fishing industry notice.

(3) The Chief Fisheries Officer shall oversee and ensure the creation and publication of a national seafood list, which shall contain the following:

(a) a list of common names of fish and other seafoods;

(b) a list of scientific fish names corresponding to their commonly used names; and

(c) market names,

that are mandatory for commercial trade in fisheries.

Harmonized fisheries information system base

345. The Minister may, in consultation with other national and regional authorities and relevant stakeholders, put measures in place for the harmonization of commercial species of fish and other seafoods list under an internationally recognized fisheries information system base.

Mandatory labelling requirements for fish and seafood products

346.(1) All fish and seafood products originating in, entering, or exiting Barbados shall be appropriately labelled to ensure that consumers are not misled, particularly with respect to characteristics of such fish and seafood products.

(2) Labels on fish and seafood products originating in, entering or exiting Barbados shall contain the

(a) species commercial and scientific name;

(b) production method, whether caught in the sea or freshwater, aquaculture produced or mariculture produced;

(c) area where fish or other seafood product was caught, aquaculture produced or mariculture produced;

(d) information as to whether fish or seafood product was defrosted, where appropriate;

(e) date of minimum durability of fish and seafood product, where appropriate.

Strengthening official food control systems

347.(1) The Minister shall, in consultation with the Chief Fisheries Officer and other stakeholders,

(a) develop a monitoring and surveillance programme to assess the degree of compliance with national fish labelling laws and regulations; and

(b) develop and implement laboratory detection methods based on DNA barcoding.

(3) Fish and seafood products traceability systems shall be continually authenticated and validated based on a documentary paper trail.

Food fraud in fisheries vulnerability assessment

348. The Minister shall, in consultation with the Chief Fisheries Officer and other stakeholders, develop a structured system for food fraud in fisheries vulnerability assessment for integration into routine food quality and safety management programmes of fish and seafood products for human consumption.

PART XXXVI

FISHERY PROTECTION OFFICERS

Fishery protection officers

349. There shall be fishery protection officers who shall be public officers.

Identification of fishery protection officers

350.(1) A fishery protection officer shall

(a) wear a uniform bearing a logo and a badge;

(b) carry an identification card; and

(c) ensure that the land vehicles and sea transportation are appropriately marked.

(2) Where a fishery protection officer is working incognito he may wear civilian clothing but shall carry his identification card.

Duties of fishery protection officers

351.(1) The duties of a fishery protection officer shall be to

(a) operate various forms of sea transportation;

(b) patrol near shore and offshore maritime areas, as may be necessary;

(c) stop and search fishing vessels in accordance with this Act;

(d) inspect fish markets, aquaculture establishments and port premises;

(e) handle fish;

(f) sample biological specimens;

(g) analyze data and produce reports;

(h) manage special stock recovery measures for 'at risk' or endangered fish stock and marine living resources;

(i) protect the rights of fishers, whether local or foreign, legally operating in the fishing waters of Barbados;

(j) ensure that all fishers, whether local or foreign are complying with their environmental obligations as prescribed under Part VII of this Act;

(k) advise members of the public, fishing crews and offshore fish farmers and other persons in the fisheries sector;

(l) control, monitor and surveille all activities under this Act requiring licences and permits;

(m) ensure that fisheries and fisheries related activities authorized under this Act are conducted in a manner that does not compromise the quality of the marine environment or have deleterious impacts on it; and

(n) ensure that no fisheries or fisheries related activities not authorized under this Act take place.

(2) The Chief Fisheries Officer shall departmentalize fishery protection officers according to the respective duties of fishery protection officers as specified in subsection (1) to ensure proper and effective execution of the duties.

General powers of fishery protection officers

352.(1) For the purposes of enforcing the provisions of this Act a fishery protection officer may exercise the following powers with respect to any Barbados registered fishing vessel, wherever that vessel may be:

(a) stop the vessel;

(b) require the master to stop fishing and take the fishing gear of the vessel back onboard;

(c) require the master to facilitate the boarding of the vessel by all appropriate means;

(d) go onboard the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;

(e) require the master, crew or any of them to produce, and the officer to examine and take copies of any certificate of registry, license, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and the crew or any member thereof or to any person onboard the vessel, which is in their respective possession or control;

(f) muster the crew of the vessel;

(g) require the master to appear before him and give any explanation concerning the vessel and any crew or any person onboard the vessel and any document mentioned in paragraph *(e)*;

(h) execute any search, examination or enquiry which he considers necessary to determine whether any provision of this Act has been contravened;

(i) if he has reasonable grounds for suspecting that any person has committed an offence against this Act, he may without summons, warrant or other process, take the suspected offender, and take or require the master of the vessel together with the crew thereof, to a port or harbour in Barbados for the purpose of executing any search, examination or enquiry and bring him or them before a competent court and detain him or them and the vessel in Barbados until the alleged offence has been adjudicated upon;

(j) take steps, having regard to the safety of the vessel, to immobilize any fishing vessel seized, taken or detained in accordance with this Act, for the purpose of preventing the vessel being taken away by any person

prior to the release of the vessel under sections 375 and 376 or as the case may be, by the court;

(k) in the case of any offence against Parts VI, XI or XII, or offences related to transshipment and export of fish, he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed or that is the result of an offence;

(l) seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;

(m) seize any fish which he believes have been taken or fish products produced in the commission of such offence; and

(n) seize or take copies of any documents which he believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) a fishery protection officer may use or employ such force as may be reasonably necessary.

(3) The powers conferred on a fishery protection officers by this Act may be exercised in respect of a fishing vessel irrespective of whether the vessel is at the time of such exercise engaged in fishing or any activities in any way related to fishing.

Powers of entry and search on land of fishery protection officers

353. A fishery protection officer may

(a) enter, at any reasonable time, any premises used for carrying on business in connection with the operation of fishing vessels and activities ancillary thereto or with the sale, storage or treatment of fish;

(b) require any person on the premises to produce any documents relating to the catching, landing, transshipment, export, import, sale or disposal of fish;

(c) if he has reasonable grounds for suspecting that an offence under this Act has been committed and that the cause of the offence may be removed or suppressed,

(i) enter and search without a warrant, and with or without assistance, any premises referred to in paragraph *(a)*, or any vehicle, aircraft, vessel or other means of conveyance and open and search any baggage, pack or other thing;

(ii) seize any document or any gear or thing that he believes to have been used in the commission of such offence; or

(iii) seize any fish that he believes to have been used, handled or processed in the commission of such offence.

PART XXXVII

ENFORCEMENT

Power of authorized officer

354.(1) For the purposes of enforcing this Act, the Chief Fisheries Officer or any authorized officer may, where reasonable grounds exist, without a warrant,

(a) stop, board and search any foreign fishing vessel in the waters of Barbados or any Barbados registered fishing vessel within or outside the waters of Barbados;

(b) require to be produced, and examine and take copies of any licence or other documents required under this Act; and

(c) require to be produced and examine any fishing net or other fishing gear onboard a fishing vessel, whether at sea or on land.

(2) Where the Chief Fisheries Officer or any authorized officer has reasonable grounds to believe that an offence has been committed under this Act, he may without a warrant,

(a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe that the offence has been committed or where the fish or aquatic flora illegally taken are being stored;

(b) stop and search any vehicle in which he has reasonable grounds to believe that fish or aquatic flora illegally taken are being transported;

(c) take samples of any fish or aquatic flora found in any fishing vessel, vehicle or premises searched;

(d) seize any vessel together with its stores and cargo, vehicle, fishing gear, net or other fishing appliance which he has reasonable grounds to believe has been used in the commission of the offence or in respect of which the offence has been committed;

(e) seize any fish or aquatic flora which he has reasonable grounds to believe has been caught in the commission of the offence or is being possessed, imported or exported in contravention of this Act;

(f) seize any explosive or poison which he has reasonable grounds to believe is being possessed in contravention of this Act; or

(g) arrest or detain any person whom he has reasonable grounds to believe is involved in the commission of an offence against this Act.

(3) Any fishing vessel seized under subsection (2) may be detained and the crew may be taken to the nearest or most convenient port and the fishing vessel may also be detained, pending the outcome of any legal proceedings under this Act or its release on bond or other form of security.

(4) Where an offence under this Act is committed by any foreign fishing vessel, and that vessel is pursued beyond the limits of the waters of Barbados, the powers conferred on an authorized officer under this section may be

exercisable beyond the limits of the waters of Barbados in the circumstances and to the extent recognized by international law.

(5) The Chief Fisheries Officer or an authorized officer in exercising any of the powers conferred on him by this section, shall produce such means of identification as may be necessary to show that he is either the Chief Fisheries Officer or an authorized officer for the purposes of this Act.

Sale of perishable goods seized

355.(1) The Chief Fisheries Officer or an authorized officer, in order to avoid spoilage or decay of any fish, aquatic flora or other articles of a perishable nature may seize them and dispose of them in a manner appropriate to the Chief Fisheries Officer or the authorized officer.

(2) Where the items seized are sold, all money resulting from the sale of fish, aquatic flora, or other articles of a perishable nature shall be paid into the Consolidated Fund.

(3) The Chief Fisheries Officer or an authorized officer who sells fish, aquatic flora or other articles of a perishable nature must give to the person from whom he seized the fish, aquatic flora or other articles of a perishable nature a receipt bearing the Chief Fisheries Officer's or authorized officer's signature and containing the

(a) date of the sale;

(b) quantity of the fish, aquatic flora or other articles of a perishable nature; and

(c) amount realized by the sale.

(4) The Court may order compensation not exceeding the net amount realized by the sale, to be paid to the person from whom the fish, aquatic flora or other article of a perishable nature were seized, where that person is found not guilty.

Immunity of Chief Fisheries Officer and authorized officers

356. The Chief Fisheries Officer and any authorized officer is immune from suit or legal process in respect of anything done or omitted to be done by him in good faith in the execution of his powers and duties under this Act.

Assaulting the Chief Fisheries Officer and authorized officers

357. A person who, obstructs, assaults, threatens with violence, bribes or otherwise interferes with the Chief Fisheries Officer or an authorized officer in the exercise of the powers conferred on him under this Act, is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Offences committed onboard his vessel

358. Where an offence against this Act has been committed by any person onboard or employed on a fishing vessel, he is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

Release of items on bond

359. The Court may, on application and on receipt of a satisfactory bond or other form of security from the owner or other person claiming such property, order the release of any fishing vessel together with its stores, cargo, and gear, vehicle, fish or aquatic flora, fishing gear, net or other fishing appliance seized under this Act.

Power of the Court of forfeiture and cancellation or suspension of licences

360. Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty imposed

(a) order that any fishing vessel together with its stores and cargo and any vehicle, fishing gear, net or other fishing appliances, used in the commission of the offence be forfeited;

(b) order that any fish or aquatic flora caught in the commission of such offence or the proceeds of sale of such fish or aquatic flora and any explosive, poison or other noxious substance possessed for use in the commission of such offence be forfeited; and

(c) order that any fishing licence issued under this Act be cancelled or suspended and that no new fishing licence be issued to the person convicted of the offence for such period as the court may specify.

Presumptions

361.(1) All fish or aquatic flora found onboard any fishing vessel which has been used in the commission of an offence under this Act is presumed to have been caught in the commission of that offence unless the contrary is proved.

(2) Where in any legal proceedings under this Act relating to the seizure of a foreign fishing vessel by the Chief Fisheries Officer or an authorized officer onboard any government or other enforcement vessel and the location in which an event is alleged to have taken place is in issue, the location stated in a certified copy of the relevant entry in the logbook or other official record maintained by the officer in charge of the government or other enforcement vessel is presumed to be the location in which such event took place, unless the contrary is proved.

Onus of proof

362. Where in any proceedings under this Act, the defendant is charged with having committed an offence in respect of which a licence, authority or the permission of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, he held a valid licence, permission or authority.

Disposal of items forfeited

363. Any fishing vessel together with its stores and cargo, and any vehicle, fishing gear, net or other fishing appliance, explosive or poison ordered to be forfeited under this Act may be sold or otherwise disposed of in such manner as instructed by the Chief Fisheries Officer.

Offences committed outside national maritime areas

364. An offence committed under this Act or any enactment in maritime areas beyond Barbados waters by any person onboard a Barbados registered fishing vessel is triable in any court of competent jurisdiction in Barbados as if such offence had been committed in Barbados waters.

Power to inspect fishing vessels and their equipment, etc.

365.(1) For the purpose of ensuring that this Act or any other enactment is complied with, or that the terms of any approval, licence, consent, direction or exemption given by virtue of this Act or any other enactment are duly complied with, the following persons:

(a) a fishery protection officer;

(b) maritime law enforcement officer;

(c) surveyor of ships;

(d) a shipping superintendent;

(e) a designated port State control officer; or

(f) any person appointed by the Minister, either generally or in a particular case, to exercise powers under this section,

may at all reasonable times go onboard a fishing vessel in Barbados or Barbados waters and inspect the vessel and her equipment or any part thereof, any articles onboard and any document carried in the fishing vessel in pursuance of this Act or any other enactment.

(2) The powers conferred by subsection (1) are not exercisable in relation to a foreign registered fishing vessel while that vessel is exercising the right of innocent passage.

(3) The powers conferred by subsection (1) are, if the fishing vessel is a Barbados registered fishing vessel, also exercisable outside Barbados waters and may be so exercised by an authorized officer as well as the persons mentioned in that subsection.

(4) A person exercising powers under this section shall not unnecessarily detain or delay a fishing vessel but may, if he considers it necessary in consequence of an accident or for any other reason, require a fishing vessel to be taken into dock for a survey of its hull or machinery.

(5) Where any person referred to in subsection (1) has reasonable grounds for believing that there are on any premises, provisions or water intended for supply to a Barbados registered fishing vessel, which if provided on the vessel, would not be in accordance with an enactment containing requirements as to the type of provisions and water that should be provided on fishing vessels, he may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they are in accordance with the enactment.

(6) A person who obstructs

(a) a law enforcement officer, or

(b) an officer authorized to carry out activities under this Act or any other enactment,

in the exercise of their duty, or fails to comply with a requirement made under subsection (4), is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Powers of inspectors and law enforcement officers in relation to premises and fishing vessels

366.(1) The powers conferred by this section on inspectors and law enforcement officers apply to

(a) any premises in Barbados; or

(b) any Barbados fishing vessel wherever she may be and any other fishing vessel which is present in Barbados or in Barbados waters,

and are available to any inspector and national maritime law enforcement officer carrying out inspection activities, in accordance with this Act.

(2) An inspector or a maritime law enforcement officer carrying out inspection duties

(a) may, at any reasonable time, or in a situation which in his opinion is or may be dangerous, at any time,

(i) enter any premises; or

(ii) board any fishing vessel;

if he has reason to believe that it is necessary for him to do so;

(b) may, on entering any premises by virtue of paragraph *(a)* or on boarding a fishing vessel by virtue of that paragraph, be accompanied by any other person authorized for the purpose by the Minister and may carry any equipment or materials he requires;

(c) may make such examination and investigation as he considers necessary;

(d) may direct that the premises or fishing vessel or any part of the premises or fishing vessel or anything on the premises or fishing vessel or such

part shall be left undisturbed, whether generally or in particular, for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph *(c)*;

(e) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph *(c)*;

(f) take samples of any articles or substances found on the premises or fishing vessel and of the atmosphere in or in the vicinity of the premises or fishing vessel;

(g) in the case of any article or substance which he finds in the premises or fishing vessel and which appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test but shall not damage or destroy it unless the circumstances deemed it necessary;

(h) in the case of any such article or substance as is mentioned in paragraph *(g)*, take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely

(i) to examine it and do to it anything which he has power to do under that paragraph;

(ii) to ensure that it is not tampered with before examination of it is completed;

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act or any enactment made under it;

(i) require any person who has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph *(c)*

(i) to attend at a place and time specified by the inspector; and

(ii) to answer, in the absence of persons other than any person whom the inspector may allow to be present and a person nominated to

be present by the person on whom the requirement is imposed, such questions as the inspector thinks fit to ask; and to sign a declaration of the truth of his answers;

(j) require the production of, and inspect and take copies of any entry in

(i) any books or documents which by virtue of any provision of this Act are required to be kept; and

(ii) any other books or documents which he considers necessary for him to see for the purposes of any examination or investigation under paragraph *(c)*;

(k) require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers necessary to enable him to exercise any of the powers conferred on him by this Act or any enactment made hereunder.

(3) Notwithstanding subsection (2), an inspector, a maritime law enforcement officer or an authorized officer shall not unnecessarily prevent a fishing vessel from proceeding on a voyage.

Improvement notices

367.(1) If an inspector or any person specified in section 365 is of the opinion that a person

(a) is contravening one or more of the provisions of this Act; or

(b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated;

he may serve on that person an improvement notice.

(2) An improvement notice shall

(a) state that the inspector, or authorized officer specified in section 366, is of the said opinion, specify the provision or provisions as to which

he is of that opinion, and give particulars of the reasons why he is of that opinion; and

(b) require the person on whom the improvement notice is served to remedy the contravention in question or as the case may be, the matters occasioning it within such period as may be specified in the notice.

(3) The period specified in pursuance of subsection (2)*(b)* shall not expire before the end of the period within which a notice can be given under section 369, requiring questions relating to the improvement notice to be referred to arbitration.

Prohibition notices

368.(1) Where any activity is being carried on or is likely to be carried on onboard any fishing vessel by or under the control of any person and, an inspector or authorized officer mentioned in section 365, is of the opinion that, that activity being carried on or likely to be carried on, will involve the risk of

(a) serious personal injury to any fisher, whether onboard the fishing vessel or not; or

(b) serious breach of

(i) this Act or any other enactment; or

(ii) fisheries agreements to which Barbados is party,

the inspector may serve on the person in control of the vessel a prohibition notice.

(2) A prohibition notice shall

(a) state the opinion of the inspector or authorized officer;

(b) specify the matters which in his opinion give rise to the risk;

(c) if in his opinion any of those matters would involve a contravention of this Act or any other enactment

(i) state the reasons for his opinion; and

(ii) specify the provisions that are likely to be contravened and give particulars of the reasons for his opinion;

(d) direct

(i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served; or

(ii) that the fishing vessel shall not go to sea,

unless the matters specified in the notice in pursuance of paragraph *(b)*, and any associated contravention of any provision so specified in pursuance of paragraph *(c)*, have been remedied.

(3) A direction contained in a prohibition notice in pursuance of subsection (2)*(d)* shall take effect

(a) at the end of a period specified in the notice; or

(b) if the direction is given in pursuance of subsection (2)*(d)*(ii) or the notice so declares, immediately.

References of notices to arbitration

369.(1) Any question

(a) as to whether any of the reasons or matters specified in an improvement notice or a prohibition notice in pursuance of sections 367(2)*(a)* or 368(2)*(b)* or in connection with any opinion formed by the inspector constitutes a valid basis for that opinion; or

(b) as to whether any directions included in the prohibition notice in pursuance of section 368(3) were reasonable shall, if the person on whom the prohibition notice was served so wishes, the person may by a notice given to the inspector within 21 days from the service of the prohibition notice, request that the direction be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by the arbitrator.

(2) Where a notice is given by a person in accordance with subsection (1), then

(a) in the case of an improvement notice, the notice shall have the effect of suspending the operation of the improvement notice until the decision of the arbitrator is published to the parties or the reference is abandoned by that person;

(b) in the case of a prohibition notice, the notice shall have the effect of suspending the operation of the prohibition notice if, but only if, on the application of that person the arbitrator so directs and then only from the giving of the direction.

(3) Where any reference under this section involves the consideration by the arbitrator of the effects of any particular activities or state of affairs on the health or safety of any persons, he shall not on that reference make any decision such as is mentioned in subsection (3)*(a)* or *(b)* except after

(a) in the case of an improvement notice, affording an opportunity of making oral representations to him with respect to those effects to a member of any such panel of representatives of maritime trade unions as may be appointed by the Minister for the purposes of this subsection; or

(b) in the case of a prohibition notice, affording an opportunity of making such representations to him by either

(i) a representative of a trade union representing persons whose interests it appears to him that the notice was designed to safeguard; or

(ii) a member of any such panel as is referred to in paragraph *(a)*, as he thinks appropriate; and

(c) considering any representations made to him in pursuance of paragraph *(a)* or *(b)*.

(4) A person shall not be qualified for appointment as an arbitrator under this section, unless he is

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to any such certificate;

(b) a naval architect or a person falling within subsection (6); or

(c) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(5) For the purposes of subsection (4)*(c)* a person falls within this subsection if he is a an attorney-at-law of at least 10 years standing.

(6) For the purposes of this section, an arbitrator shall have the powers conferred on an inspector by section 366 other than subsection (3).

Compensation in connection with invalid prohibition notices

370.(1) If on a reference under section 369 relating to a prohibition notice

(a) the arbitrator decides that any reason or matter did not constitute a valid basis for the inspector's opinion; and

(b) it appears to the arbitrator that there were no reasonable grounds for the inspector or authorized officer to form that opinion,

the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by the person in consequence of the service of the notice as the arbitrator thinks fit.

(2) If on any such reference the arbitrator decides that any direction included in the notice was unreasonable, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by him in consequence of the direction as the arbitrator thinks fit.

(3) An arbitrator shall not award any compensation under subsection (1) or (2) in the case of a prohibition notice unless

(a) it appears to the arbitrator that the direction given in pursuance of section 368(2)(*d*) contained any such requirement as is mentioned in sub-paragraph (ii) of that paragraph; or

(b) it appears to arbitrator that

(i) the inspector or authorized officer was of the opinion that there would be such a risk of injury or pollution as is referred to in the notice if the fishing vessel went to sea; and

(ii) the effect of the direction given in pursuance of section 368(2) *(d)* was to prohibit the departure of the fishing vessel, unless the matters referred to in the direction were remedied.

Offences: improvement and prohibition notices

371.(1) Any person who contravenes any requirement imposed by an improvement notice is guilty of an offence and is liable on summary conviction to a fine of $20 000 or to imprisonment for 3 months or to both.

(2) Any person who contravenes any prohibition imposed by a prohibition notice is be guilty of an offence and is liable on summary conviction to a fine of $75 000 or to imprisonment for 6 months or to both.

(3) It shall be a defence for a person charged with an offence under this section to prove that he exercised all due diligence to avoid a contravention of the requirement or prohibition in question.

Detention of a fishing vessel

372.(1) The following officers may detain a fishing vessel:

(a) a maritime law enforcement officer;

(b) a Barbados consular officer; or

(c) any other officer authorized in writing by the Chief Fisheries Officer.

(2) A notice of detention may include a direction that the fishing vessel

(a) must remain in a particular place;

(b) must be moved to a particular anchorage or berth; or

(c) any other relevant information.

(3) If a notice of detention includes direction referred to in subsection (2), the notice may specify circumstances relating to vessel safety, security, protection of the marine environment or maritime labour abuse prevention.

(4) The master of a fishing vessel in respect of which notice of detention has been served is guilty of an offence if he proceeds to sea, otherwise than in accordance with the notice, before it is released by a competent authority.

(5) The master of a fishing vessel in respect of which notice of detention has been served is guilty of an offence if he fails to comply with a direction given under subsection (2).

(6) A person who contravenes subsection (4) or (5) is guilty of an offence and is liable

(a) on summary conviction, to a fine of $100 000 or to imprisonment for 12 months or to both; or

(b) on conviction on indictment, to a fine of $200 000 or to imprisonment for 3 years or to both.

(7) The owner of a fishing vessel, and any person other than the master who knowingly sends to sea a fishing vessel, to which subsection (4) or (5) provides is guilty of an offence and is liable

(a) on summary conviction, to a fine of $100 000 or to imprisonment for 12 months or to both; or

(b) on conviction on indictment, to a fine of $200 000 or to imprisonment for 3 years or to both.

(8) A person to whom subsection (6) or (7) applies may, opt to pay an administrative penalty of $50 000 to the Chief Fisheries Officer.

(9) Where a fishing vessel proceeding to sea in contravention of subsection (4) or failing to comply with a direction given under subsection (2) carries away without his consent any of the following who is onboard the fishing vessel in the execution of his duty

(a) any officer authorized by subsection (1) to detain the fishing vessel; or

(b) any surveyor of ships;

the owner and master of the fishing vessel are each liable to pay all expenses of and incidental to the officer or surveyor being carried away and are guilty of an offence.

(10) A person guilty of an offence under subsection (9) is liable on

(a) on summary conviction to a fine of $75 000 or to imprisonment for 6 months or to both; or

(b) on conviction on indictment to a fine of $175 000 or to imprisonment for 12 months or to both.

(11) A person exercising the power of detention in respect of an alleged contravention of this Act shall immediately release the fishing vessel if

(a) no proceedings for the offence in question are instituted within 7 days beginning with the day on which the fishing vessel is detained;

(b) such proceedings, having been instituted through exercise of the power conferred by subsection (1) within that period, are concluded without the master or owner being convicted;

(c) either

(i) the sum of $200 000 is paid to the Minister by way of security; and

(ii) security which, in the opinion of the Minister, is satisfactory and is for an amount not less than $250 000 is paid to the Minister by or on behalf of the master or owner;

(d) the master or owner is convicted of the offence, any costs or expenses ordered to be paid by him or any fine imposed on him have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea, 1982, and any bond or other financial security ordered by such a court or tribunal is posted.

(12) The Minister shall repay any sum paid in pursuance of subsection 11*(c)* or release any security so given

(a) if no proceedings for the offence in question are instituted within 7 days beginning with the day on which the sum is paid; or

(b) if such proceedings, having been instituted within that period, are concluded without the master or owner being convicted.

(13) Where a sum has been paid, or security has been given, by any person in pursuance of subsection (11)*(c)* and the master or owner is convicted of the offence in question, the sum so paid or the amount made available under the security shall be applied,

(a) first in the payment of any costs or expenses ordered by the Court to be paid by the master or owner; and

(b) second in the payment of any fine imposed by the Court;

and the balance, if any, shall be repaid to the person paying the sum or giving the security.

(14) Before a fishing vessel is released from detention, the detaining officer shall issue to the master, or the vessel's owner, agent or representative a notice of release from detention, stating that the detaining officer is satisfied that the defects related to the fishing vessel have been rectified, apart from any minor

ones which are listed and that the fishing vessel can now be released from detention.

(15) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea and references to sending or taking to sea shall be construed accordingly.

References of detention notices to arbitration

373.(1) Any question as to whether any of the matters specified in relation to a fishing vessel in a detention notice in pursuance of this Act or any other enactment thereunder or fisheries agreements to which Barbados is party, in connection with any opinion formed by the relevant inspector or authorized officer constituted a valid basis for that opinion shall, if the master or owner of the fishing vessel so requires by a notice given to the relevant inspector within 21 days from the service of the detention notice, be referred to a single arbitrator appointed by an agreement between the parties for that question to be decided by him.

(2) Where a notice is given by the master or owner of the fishing vessel in accordance with subsection (1), the notice shall not suspend the operation of the detention notice unless, on the application of the person requiring the reference, the arbitrator so directs.

(3) The arbitrator shall have regard, in coming to his decision, to any other matters not specified in the detention notice which appear to him to be relevant to whether the fishing vessel was or was not in conformity with this Act, any other enactment thereunder, or fisheries agreements to which Barbados is party.

(4) Where on a reference under this section the arbitrator decides in respect to any matter to which the reference relates, that in all the circumstances the matter did not constitute a valid basis for the inspector's opinion he shall cancel or affirm the detention notice or affirm it with such modifications as he may in the circumstances think fit.

(5) The arbitrator shall include in his decision a finding whether there was or was not a valid basis for the detention of the fishing vessel as a non-compliant fishing vessel.

(6) A person shall not be qualified for appointment as an arbitrator under this section, unless he is

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to any such certificate;

(b) a naval architect;

(c) a person falling within subsection (7); or

(d) a person with special experience of shipping matters, or of activities carried on in ports.

(7) For the purposes of subsection (6)*(c)* a person falls within this subsection if he is an attorney-at-law of 10 years standing entitled to practice in Barbados or in any commonwealth jurisdiction.

(8) For the purposes of this section, an arbitrator shall have the powers conferred on an inspector by section 366.

Compensation in connection with invalid detention of fishing vessel

374.(1) If upon a reference under section 373 relating to a detention notice in relation to a fishing vessel

(a) the arbitrator decides that any matter did not constitute a valid basis for the relevant inspector's opinion; and

(b) it appears to the arbitrator that there were no reasonable grounds for the inspector to form that opinion;

the arbitrator may award the owner of the fishing vessel such compensation in respect of any loss suffered by him in consequence of the detention of the fishing vessel as the arbitrator thinks fit.

(2) Any compensation awarded under this section shall be payable into the Consolidated Fund.

Release of vessel or thing if no proceedings instituted

375. Where a fishing vessel or any other thing has been taken, seized or detained under this Act, the Chief Fisheries Officer shall on demand of the master, owner, charterer or agent release the vessel or thing if no proceedings are instituted within 14 days of the arrival of the vessel or the thing in a port or harbour.

Security for release of the fishing vessel

376.(1) Where a fishing vessel or any other thing has been taken, seized or detained under this Act and a charge is laid against the master, owner or charterer of the vessel in respect of the offence for which the vessel has been detained, the master, owner, charterer or agent of the owner or of the charterer of the vessel may at any time before the determination of the charge apply to the court by which the charge is due to be determined for the release of the vessel on the provision of security in accordance with this Act.

(2) On hearing the application the court, on ensuring that no evidence that may be required is thereby prejudiced, shall either

(a) on being satisfied that reasonable security has been paid to the Government in respect of the aggregate of the maximum fine to which the offender may be liable, order the release of the fishing vessel; or

(b) order the release of the fishing vessel on the production, by any person or persons, so authorized by the court, of a reasonable bond in favour of the Government in the specified form, and in an amount not less than the aggregate of the maximum fine to which the offender may be liable.

(3) Notwithstanding subsection (2), the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond be in a specified amount that is not less than the minimum fine to which the offender may be liable.

(4) The conditions of the bond shall be that, if

(a) the offender is found not guilty of the offence; or

(b) the offender, on being convicted of the offence, pays in full within 14 days after he is convicted the amount of the fine imposed by the court,

then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the State jointly or severally by the person by whom the bond is given unless the person proves due performance of the condition for which the bond was made.

(6) For the purposes of this section, "fishing vessel" includes all equipment onboard or used by the vessel and also includes all fish that has been seized from the vessel under this Act and is detained onboard the vessel in custody of the Government.

Disposal of seized fish and other perishables

377. Where any fish or other thing of a perishable nature is seized under section 352, the Chief Fisheries Officer may, after ensuring that all evidence that may be necessary is preserved, notwithstanding any other provisions of this Act,

(a) return the fish or other thing to the person from whom it was seized on receiving the security that in the Chief Fisheries Officer's opinion is adequate for the equivalent value of the fish or the thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amount shall be adjudged by the court to be forfeited to the State; or

(b) cause the sale by public auction of the fish or other thing and if court proceedings are instituted deposit the proceeds of sale in court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or release the proceeds to the person from whom the fish or thing was seized in accordance with section 352.

Protection from personal liability

378. No liability shall lie personally against any authorized public officer or any authorized entity who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act or any other enactment.

Offences not specifically provided for

379.(1) A person who commits an offence under this Act or any other enactment, for which no specific penalty is provided, is liable on summary conviction to a fine of $100 000 or to imprisonment for 12 months or to both.

(2) Where an offence under this Act is a continuing one, and no penalty is otherwise provided in respect of the continuance, every person guilty of that offence, in addition to any other liability, is liable on summary conviction to a fine of $1 000 for everyday or part thereof during which the offence continues after conviction was first obtained.

PART XXXVIII

FISCAL ARRANGEMENTS

Fees

Services

380. The Chief Fisheries Officer may provide additional services for the proper operation of fishing vessels, fishing ports, fish vending and processing facilities and mooring places and other sectors of the fishing industry, including in particular, the lifting and launching of fishing vessels, at a fee specified in the fishing industry notice.

List of fisheries services and fees

381.(1) The Chief Fisheries Officer shall maintain in electronic or other form a list of fisheries services and fees, which shall be set out

(a) all services provided by Government to the fishing industry;

(b) fees in respect of those services; and

(c) any other particulars deemed necessary by the Chief Fisheries Officer.

(2) The list of fisheries services and fees may be specified in a fishing industry notice as necessary by the Chief Fisheries Officer, in consultation with the Minister, in respect of such services and related fees.

Marine living resources royalties

382.(1) Foreign fishing license holders shall pay to the Accountant General such sums by way of royalties for the extraction of Barbados' fishery and other marine living resources at such times as may be prescribed by the Minister responsible for Finance.

(2) A payment made under subsection (1) shall be accompanied by details of the fish and other marine living resources extracted, sold or disposed of, and the details of the payment and how it has been calculated.

PART XXXIX

FISHING VESSEL ACCIDENTS

Enquiry into fishing vessel accidents

383.(1) When

(a) any fishing vessel is lost, abandoned, stranded or materially damaged at sea or in harbour;

(b) any fishing vessel causes loss or material damage to any other fishing vessel at sea or in harbour; or

(c) by reason of any injury happening onboard any fishing vessel at sea, loss of life ensues,

the master of the fishing vessel involved shall report the events to the Chief Fisheries Officer immediately.

Assistance to be rendered to collision

384.(1) In every case of a collision between fishing vessels, the master of each fishing vessel shall, if and so far as he can do so without danger to his own crew, to render to the other vessel and its crew such assistance as may be practicable and necessary to save them from any danger caused by the collision.

(2) Where the master of a fishing vessel fails to comply with subsection (1) and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

(3) Where the master of a fishing vessel fails without reasonable cause to comply with this section, he is guilty of an offence and liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

PART XL

FISHERIES DISPUTE SETTLEMENT

Fisheries dispute settlement tribunal

385.(1) There is hereby established a tribunal to be known as the “Fisheries Dispute Settlement Tribunal”.

(2) The Tribunal shall be appointed by the Minister and shall comprise the following 4 members:

(a) an attorney-at-law of at least 10 years' standing, who shall be Chairman;

(b) a fishing vessel owners' representative, who may be a person from a fishing vessel owners' organization;

(c) a fisher's representative, who may be a person from a fisherfolk organization or a person holding a certificate of competency as a vessel master, or a person holding a certificate equivalent to any such certificate; and

(d) a specialist in fisheries affairs with at least 10 years' experience.

(3) The Tribunal shall hear and determine

(a) any conflict arising in connection with any provision of this Act or any other enactment; and

(b) disciplinary action on cases, which are administrative in character, involving or arising out of violations of recruitment laws, rules and regulations involving employers, principals, contracting partners and Barbadian fishers.

(4) A fishing vessel owner or fisher may, submit in such form as the Chief Fisheries Officer approves, a dispute for settlement by the Tribunal within 30 calendar days from the date on which the dispute arose, and where the parties fail to settle the dispute between themselves.

(5) A person aggrieved by the decision of the Tribunal may make an application to the High Court.

(6) On any application under this section, the High Court may, if satisfied

(a) that the decision of the Tribunal is not within the powers of this Act; or

(b) that the interests of the applicant have been substantially prejudiced,

quash the decision of the Tribunal, either generally or in so far as it affects the applicant's rights or interests.

(7) Notwithstanding the appeal to a Tribunal or Court, the parties to a fisheries dispute may seek recourse to other dispute settlement fora, including but not limited to conciliation or mediation.

Labour supplying State jurisdiction of Barbados

386. In the event of a labour specific fisheries dispute arising between a fisher who is a Barbadian citizen and an owner onboard whose vessel a Barbadian fisher is employed arising in Barbados, the laws of Barbados shall be the applicable laws.

Labour supply State dispute settlement option

387.(1) In the cases of claims and disputes involving Barbadian fishers and a vessel owner irrespective of nationality on whose vessel a Barbadian fisher is employed, arbitration or other dispute settlement options as agreed to by the parties may be used.

(2) If the parties are not covered by a collective bargaining agreement, the parties may submit the claim or dispute to

(a) the original and exclusive jurisdiction of the Tribunal, pursuant to this Part; or

(b) the original and exclusive jurisdiction of the arbitrator or panel of arbitrators.

(3) If there is no provision as to the voluntary arbitrators to be appointed by the parties, the same shall be appointed in accordance with the *Arbitration Act of Barbados*, Cap. 110.

Flag State fisheries labour dispute settlement option

388. The State where the fishing vessel is flagged, and upon which vessel a Barbadian fisher is employed, shall have jurisdiction in relation to the settlement

of any maritime labour related dispute arising between a fisher who is a Barbadian citizen and a vessel owner, irrespective of nationality, on board whose vessel a Barbadian fisher is employed, or in the case of an unfair or wrongful dismissal, the Barbadian citizen was employed on board such vessel.

Dispute settlement jurisdiction clauses in fishers' agreements

389.(1) Dispute settlement jurisdiction clauses in fishers' employment agreements may be agreed upon between the fisher and vessel owner and such clauses must not reduce the choice of law and choice of forum available to a fisher under this Act.

(2) Subsection (1) applies to

(a) dispute settlement in Barbados;

(b) dispute settlement in the flag State;

(c) dispute settlement in the vessel owner's domicile; and

(d) dispute settlement in the port State, if the incident giving rise to the dispute occurred in the port State.

Non-Barbados fishers: fisheries labour dispute settlement options

390.(1) Non-national fishers employed on board Barbados flagged vessels may seek to have their fisheries labour related disputes settled by any Court, Tribunal or other alternative dispute settlement mechanism in Barbados.

(2) Subject to subsection (3), non-national fishers employed on board any fishing vessel, irrespective of the flag the vessel flies, whilst that ship is in a Barbados port may seek to have their fisheries labour related dispute settled in Barbados where the dispute arose while the vessel is in Barbados' territory.

(3) A court or tribunal, in determining whether to hear a case brought by a nonnational fisher pursuant to subsection (2), in Barbados shall consider the following

(a) the place of the wrongful act;

(b) the law of the vessel's flag;

(c) the nationality or domicile of the fisher;

(d) the nationality or domicile of the vessel owner;

(e) the place where the fisher's employment agreement was concluded;

(f) inaccessibility of the foreign forum;

(g) the law of the forum; or

(h) the vessel owner's base of operations.

Protection of fisher against discrimination

391.(1) A person may not in any manner discriminate against a fisher because

(a) the fisher in good faith has reported or is about to report to a maritime law enforcement officer or other authorized officer that the fisher believes that a violation of maritime labour law has occurred;

(b) the fisher has refused to perform duties ordered by the fisher's employer because the fisher has a reasonable apprehension or expectation that performing such duties would result in serious injury to the fisher, another fisher, or the public;

(c) the fisher testified in a proceeding brought to enforce a fisheries labour law;

(d) the fisher notified or attempted to notify, the vessel owner, master, or agent work-related personal injury or work-related illness of a fisher;

(e) the fisher cooperated with a maritime safety investigation by the Minister or an entity authorized by the Minister to cooperate in such safety investigation;

(f) the fisher furnished information to the Minister, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

(g) the fisher accurately reported hours of duty under this Part.

(2) The circumstances causing a fisher's apprehension of serious injury under subsection (1)*(b)* must be of such a nature that a reasonable person, under similar circumstances, would conclude that there is a real danger of an injury or serious impairment of health resulting from the performance of duties as ordered by the fisher's employer.

(3) To qualify for protection against the fisher's employer under subsection (1)*(b)*, the employee must have sought from the employer, and been unable to obtain, correction of the unsafe condition.

(4) Every employer to whom this Act applies, shall ensure that employees under their employ shall have a safe system of work, and that maritime labour standards and practices are complied with.

(5) A fisher alleging discharge or discrimination in violation of subsection (1) , or another person at the fisher's request, may file a complaint with respect to such allegation.

PART XLI

FISHERIES AND TOURISM

Sustainable fish tourism plan

392.(1) The Minister, in consultation with the Chief Fisheries Officer, Fisheries Advisory Council, the Minister responsible for Tourism and other fisheries sector stakeholders shall develop a sustainable fish tourism plan to

(a) empower fisherfolk to benefit from sustainable marine development;

(b) effectively link fisheries with tourism;

(c) secure fisher's involvement in fish tourism projects;

(d) support quality tourism in fisheries areas;

(e) promote eco-friendly fisheries tourism;

(f) identify assets for fisheries-related tourism;

(g) identify and address the environmental and socio-economic impacts of fishing tourism; and

(h) ensure the continued sustainable development of the fish tourism industry.

(2) The sustainable fish tourism plan shall take due consideration of other activities occurring within Barbados waters, and also take into account any marine spatial planning requirements.

Ambit of the local fish tourism industry

393. The local fish tourism industry includes

(a) onshore fisheries and fisheries related activities; and

(b) offshore fisheries and fisheries-related activities,

engaged in by Barbados registered fishing vessels solely for tourism recreational purposes by local fishers, and foreign and domestic tourists.

Area restrictions on seagoing fish tourism activities

394. Seagoing fish tourism activities shall only take place in Barbados waters, by vessels flying the flag of Barbados, and are prohibited in maritime areas outside the jurisdiction of Barbados.

Authorization of foreign and domestic tourists to participate in seagoing fisheries

395. Foreign and domestic tourists may participate in seagoing fishing activities onboard fishing vessels registered in Barbados, for the purposes of enjoying local fishing and sea culture in Barbados.

Fish tourism activities

396. Fish tourism activities include

(a) boat excursions on Barbados registered fishing vessels, including remaining onboard the vessel overnight;

(b) watching and engaging in fishing activities;

(c) introduction to sustainable fishing methods, safe and environmentally sound use of fishing gear;

(d) game fishing;

(e) participating in preparation of seafood cuisine onboard or ashore;

(f) preparation of traditional fish recipes by crew members onboard or in local restaurants or other similar establishments;

(g) exposure of traditional fisheries knowledge and expressions of folklore in fishing and local sea culture to tourists;

(h) general education on the marine environment and coastal biodiversity in the local fishing area;

(i) snorkeling and scuba diving with fishers;

(j) deep sea fishing with fishers; and

(k) any other tourist attractive, environmentally sustainable and safe activities involving fishing, whether at sea or ashore.

Requirements for vessels engaged in fish tourism activities

397. Fish tourism activities shall only be conducted by professional fishers operating on vessels that

(a) are seaworthy;

(b) are registered in Barbados and flying the flag of Barbados;

(c) are equipped for fishing;

(d) are equipped with the necessary safety and hygiene equipment;

(e) have accommodation suitable for overnight excursions, where such excursions are part of the fish tourism package; and

(f) are compliant with all other requirements under national law for fishing vessels operating in the fishing waters of Barbados.

Compulsory third party liability insurance

398. No fishing vessel shall be used as part of a fish tourism venture, except that vessel has third party liability insurance, or other equivalent form of financial security.

Fish tourism licence

399.(1) All local fishers intending to engage in or engaging in fish tourism activities shall have a fish tourism licence, issued by the Chief Fisheries Officer.

(2) A fish tourism licence is valid for a period of one year and is renewable.

(3) A person who conducts any fish tourism activities under an expired fish tourism licence is guilty of an offence and is liable on summary conviction to a fine of $5 000 or to imprisonment for 3 months or to both.

(4) A person who uses a fish tourism licence other than for the purpose for which it was granted is guilty of an offence and is liable on summary conviction to a fine of $7 000 or to imprisonment for 3 months or to both.

Itinerary

400.(1) All fishing vessels engaged in fish tourism activities shall have an itinerary detailing

(a) the place of commencement of the trip, any intended destinations in between as well as the final destination of the trip ;

(b) the route to be taken for departure from shore to sea and arrival from sea to shore;

(c) the intended activities for tourists;

(d) the duration of the trip; and

(e) any other relevant information as may be required.

(2) All fishing vessels engaged in fish tourism activities shall return to the origin of departure upon termination of the trip.

Passenger list

401.(1) All fishing vessels engaged in fish tourism activities shall have a passenger list detailing

(a) the identity and contact details of tourist to be travelling on the fishing vessel concerned, particularly where fish tourism activities involve going out to sea;

(b) length of stay of the tourists in Barbados; and

(c) any other relevant information as may be required.

(2) The passenger list shall be in duplicate, with one copy being kept aboard the fishing vessel concerned and the other copy being left ashore in the custody of the Chief Fisheries Officer or any other person authorized by him.

(3) The crew list and the passenger list shall also be provided to the Chief Fisheries Officer or any other person authorized by him.

Passenger capacity

402. The passenger capacity for fishing vessels engaged in fish tourism activities shall not exceed passenger carrying limits of the fishing vessel or limits otherwise specified by the Chief Fisheries Officer in a notice.

Passenger safety

403. All applicable national and international laws on safety of life at sea apply in relation to the carriage of passengers onboard fishing vessels engaged in fish tourism activities, and shall be strictly observed and complied with.

Fish tourism rules and regulations

404. The Minister shall, in consultation with the Chief Fisheries Officer and the Minister responsible for Tourism, make regulations for the peaceful and orderly development of fish tourism activities in Barbados waters, having regard to human safety, security, environmental and any other relevant considerations.

Applicable UNCLOS and FAO Requirements

405. Sustainable fishing tourism activities shall adhere to international best practices contained in the United Nations Convention on the Law of the Sea (UNCLOS), 1982 and instruments of the FAO regarding

(a) conservation of marine living resources;

(b) fisheries-specific conservation and management measures;

(c) preservation of fish stocks and prevention of overfishing;

(d) responsible fisheries practices;

(e) IUU fishing; and

(f) ecosystem approach to fisheries.

PART XLII

FISHING VESSEL CHARTERING

Conditions and Procedure for Bareboat Charter Registration

Interpretation

406.(1) In this Part,

"bareboat" means a fishing vessel without a crew;

"bareboat charter" means the contract for the lease or sublease of a fishing vessel, 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 her master and crew for the duration of the charter but excluding the right to sell or mortgage the vessel;

"bareboat charter registration" means the registration of a vessel in a barefoot charter registry under the name of the charterer;

"bareboat charter registry" means the registry of the State whose flag the fishing vessel is entitled to fly during the period in which the charterer is registered as the bareboat charterer;

"compatible registry" means a vessel registry of a foreign State declared by the Principal Registrar, in the case of vessels registered on the international fishing vessel register, or the Chief Fisheries Officer, in the case of the domestic fishing vessel register, to be a compatible registry in terms of subsection (2);

(2) Whenever it appears to the Principal Registrar or Chief Fisheries Officer, that the provisions of the law of a State with regards to bareboat charter registration are compatible with the provisions of this Act, the Principal Registrar or Chief Fisheries Officer may declare the vessel registry of that State to be a compatible registry for the purposes of this Act.

Bareboat Chartering-in of foreign registered fishing vessels

Bareboat charter-in registration

407.(1) Whenever it appears to the Principal Registrar or Chief Fisheries Officer, as the case may be, that the provisions of the law of a State with regard to bareboat charter-in registration are compatible with the provisions of this Act, he may declare the vessel registry of that State to be a compatible registry for the purposes of this Part.

(2) Notwithstanding anything contained in the registration provisions of this Act, a fishing vessel not eligible under this Act to be registered as a Barbados fishing vessel shall be eligible to be registered at the discretion of the Principal Registrar or Chief Fisheries Officer, as the case may be, as a Barbados vessel pursuant to this section provided that

(a) the vessel is bareboat chartered to a citizen or national of Barbados domiciled in Barbados or to any person authorized in writing by the Principal Registrar or Chief Fisheries Officer, as the case may be;

(b) the vessel is not a Barbados registered fishing vessel and is registered in a compatible registry;

(c) subject to subsection (6) the fishing vessel is not registered in another bareboat charter registry; and

(d) such certified documents as the Principal Registrar or Chief Fisheries Officer, as the case may be, may require are submitted to such Registrar or officer shall include but shall not be limited to the following:

(i) an application for registration under this Part made by the charterer or his authorized agent containing such information as may be required by the Principal Registrar or the Chief Fisheries Officer, as the case maybe;

(ii) a declaration of bareboat charter made by the charterer accompanied by a copy of the charter agreement which shall not be available for public inspection;

(iii) a copy of the existing Certificate of Seaworthiness and any other relevant documentation in respect of the fishing vessel;

(iv) a payment of relevant fee;

(v) a certificate of good standing of the bareboat charterers, in the case of a foreign bareboat charter;

(vi) true copies of all relevant mortgages and the copies shall be made in the English Language or an authenticated translation,

indicating the name of the vessel, the name of the parties, the total original amount, the discharge amount, and the date of maturity;

(vii) a transcript or an extract of the primary registration of the vessel that shall include a description of the fishing vessel, the owners and where applicable, all registered mortgages and encumbrances of the vessel and the document shall be available for public inspection; and

(viii) the consent in writing, for the vessel to be bareboat chartered in Barbados, of the appropriate authorities of the primary registry.

(3) For the purposes of subsection (2)*(d)(viii)*, the bareboat charterer may be further required by the Principal Registrar or Chief Fisheries Officer, as the case may be, to declare that during the period of bareboat charter registration the fishing vessel will not be entitled to fly their flag, the owners of the vessel and all holders of registered mortgages, hypotheques and charges.

(4) The charterer shall produce to the Registrar or Chief Fisheries Officer, as the case may be, within 30 days any amendments or modifications to the bareboat charter.

(5) Where amendments or modifications are effected to the primary registration, the charterer shall

(a) within 7 days from the amendments being effected, communicate to the Registrar or Chief Fisheries Officer, as the case may be, the amendments or modifications; and

(b) within 30 days of the amendments or modifications having been entered into the primary register, produce to the Registrar or Chief Fisheries Officer, as the case may be, a transcript or an extract of the primary registration showing the amendments or modifications.

(6) The Registrar or Chief Fisheries Officer, as the case may be, may, under such circumstances and conditions as may be specified by him, permit the

registration of a fishing vessel pursuant to this section that is already bareboat chartered with a foreign registry.

(7) Subject to subsection (7), a fishing vessel shall be registered pursuant to this section by the name under which she is registered in the primary registry, if the name is not already the name of a registered Barbados fishing vessel or a name so similar as to be calculated to deceive.

(8) The name of a fishing vessel to be registered or of a vessel already registered under this Part may be changed prior or subsequent to registration pursuant to this Part, as the case may be if the appropriate authorities of the primary registry, the owners and the registered mortgagees, if any, have consented to it.

Procedure for bareboat charter-in registration

408.(1) Where the Registrar or Chief Fisheries Officer, as the case may be, is satisfied that all conditions for registration specified in this section or other provisions of this Act, where applicable, have been complied with and upon payment of the prescribed fee, the Registrar or Chief Fisheries Officer, as the case may be, shall

(a) enter in the register of Barbados fishing vessels all particulars of the fishing vessel and her primary registration, owners and charterers, stating that it is a bareboat charter-in registration, the expiry date of the registration and enter in the register the official record of any mortgages affecting the fishing vessel;

(b) inform the appropriate authorities of the primary registry of the registration under this section; and

(c) issue a certificate of bareboat charter-in registration that includes the name and particulars of the fishing vessel, the name of the home port Bridgetown, Barbados and the expiry date of the registration.

(2) Upon the issue of a certificate of bareboat charter-in registration all documents issued in respect of the fishing vessel by the primary registry shall be

surrendered to the appropriate authorities of that registry and within 30 days of the issue of the certificate, the charterer shall make and deliver to the Registrar or Chief Fisheries Officer, as the case may be, a declaration to that effect.

(3) Subject to subsection (4), the duration of such registration shall be for a period not exceeding the duration of the bareboat charter or the expiry date of the primary registration, whichever is the shorter period but in no case for a period exceeding 5 years.

(4) At the request of the charterer or his authorized agent, the Registrar or the Chief Fisheries Officer, as the case may be, may extend and further extend the bareboat registration for the remaining period of the charter or until the expiry date of the primary registry, whichever is the shorter period but in no case for periods exceeding 2 years at a time, provided that he has received written consent to this extension from the appropriate authorities of the primary registry, the owners and the registered mortgagees, if any, within 7 days from the Registrar having informed them of the request for extension.

(5) Upon the grant of an extension, the Registrar or Chief Fisheries Officer, as the case may be, shall

(a) enter the new expiry date in the register of the fishing vessel;

(b) issue a certificate of extension of bareboat charter-in registration that includes the expiry date; and

(c) inform the appropriate authorities of the primary registry.

(6) No extension of a bareboat charter-in registration pursuant to subsection (5) shall be permitted beyond a period of 5 years from the date of first registration of the bareboat charter; and in the event that the charterer or his authorized agent wishes to extend a bareboat charter beyond 5 years, the bareboat charter shall be re-registered under this section as if it were the first registration of such a bareboat charter.

(7) A vessel registered pursuant to this section shall be deemed to be a Barbados fishing vessel and except where otherwise provided shall be under the

jurisdiction and control of Barbados and shall comply with the laws applicable to Barbados.

(8) A fishing vessel registered under this section shall only hoist the Barbados flag as provided for in this Act.

(9) The home port of a fishing vessel registered under this section shall be Bridgetown, and shall be shown on the certificate of bareboat charter registration and shall be marked as specified in writing by the Registrar or Chief Fisheries Officer, as the case may be.

(10) The charterers shall notify the Registrar or Chief Fisheries Officer, as the case may be, of any transfer of ownership of a fishing vessel registered pursuant to this Part and the registration of the fishing vessel under this section shall be closed, unless the new owners, within 7 days, inform the Registrar or Chief Fisheries Officer, as the case may be, that they have no objection to the registration of the fishing vessel in accordance with this section, and within 30 days of having made the declaration, deliver in writing to the Registrar or Chief Fisheries Officer, as the case may be, their consent to the registration.

(11) In respect of a registered fishing vessel bareboat chartered-in, the following fees are to be paid

(a) bareboat charter-in registration fee; and

(b) commercial operation fee.

Mortgages and encumbrances: bareboat chartered fishing vessels

409.(1) The registration of mortgages and encumbrances under this Act, in respect of fishing vessels registered under this Part are prohibited and the Chief Fisheries Officer shall not register any such mortgages and encumbrances, such power of registration shall remain vested in the Registrar.

(2) Extracts of mortgages, hypotheques and charges shall be recorded in a bareboat charter registry book in the same order as recorded in the foreign registry.

(3) The bareboat charter book shall be maintained at the offices of the

(a) Registrar, in respect of fishing vessels registered on the international fishing vessel register; and

(b) the Chief Fisheries Officer, in respect of fishing vessels registered on the domestic fishing vessel register,

and the information contained in the statement affixed to the document shall be endorsed upon the vessels bareboat charter certificate of registration.

(4) The bareboat charter book may be in electronic format.

Closure of bareboat charter registration

410.(1) The Registrar or the Chief Fisheries Officer, as the case may be, may order that the registration of a fishing vessel under this Part be closed

(a) if any of the provisions of this Act, in so far as the same may be applicable to a fishing vessel registered pursuant to this section, is not complied with; or

(b) for any reason specified in this Part, in so far as the same may be applicable to a fishing vessel registered under this section.

(2) Where the charterer of a fishing vessel, registered pursuant to this section, desires to close the bareboat charter registration of such vessel, he shall make an application to that effect to the Registrar or the Chief Fisheries Officer, as the case may be, giving all particulars and information which the Registrar or the Chief Fisheries Officer, as the case may be, may require for the purpose and the application made and substantiated shall be acceded to if all liabilities and obligations in respect of the fishing vessel towards Barbados whether for fee, charges, fines or otherwise have been paid.

(3) The Registrar or the Chief Fisheries Officer, as the case may be, shall close the registration of a fishing vessel under this Part, and shall make an entry to that effect in the register, if

(a) the Registrar or Chief Fisheries Officer, as the case may be, has ordered the closure in terms of subsection (1);

(b) a voluntary closure of registry has been requested and the request has been acceded to by the Registrar or Chief Fisheries Officer, as the case may be, in terms of subsection (2);

(c) the appropriate authorities of the primary registry, or the owners or any of the mortgagees, if any, have withdrawn their consent to the bareboat charter-in registration in Barbados;

(d) the registration in the primary registry has for any reason been terminated;

(e) the charter lapses or is terminated by any of the parties to it; or

(f) the period for which the vessel has been bareboat charter registered lapses and no extension has been granted in accordance with this Part.

(4) Upon the closure of registration in terms of subsection (3) the vessel shall cease to be a Barbados fishing vessel and the Registrar or Chief Fisheries Officer, as the case may be, shall immediately notify the appropriate authorities of the primary registry and the owners of the closure.

(5) The Registrar or Chief Fisheries Officer, as the case may be, may refuse to issue a deletion certificate of registration or a transcript of registry showing the closure of registry until

(a) the certificate of bareboat charter-in registration has been surrendered to him; and

(b) all liabilities and obligations in respect of the fishing vessel towards the State of Barbados whether for fees, charges, fines or otherwise have been paid.

Bare boat charter-out registration in a foreign registry

411.(1) Notwithstanding any other provision of this Act a Barbados fishing vessel registered under this Part may bareboat charter-out to a foreign registry if the Registrar or Chief Fisheries Officer, as the case may be, gives consent in terms referred to in subsection (2).

(2) The Registrar or the Chief Fisheries Officer may, as the case may be, under such conditions as he may deem fit to impose, give his consent referred to in subsection (1) and issue a confirmation of registration and letter of authorization to bareboat charter with a foreign registry if

(a) the fishing vessel is registered as a Barbados vessel in accordance with the relevant provisions of this Act;

(b) the bareboat charter registry where the fishing vessel is to be registered is a compatible registry;

(c) payment of relevant fees are forthcoming; and

(d) the following documents are submitted to him

(i) an application for bareboat charter-out to a foreign registry made by the owners containing such information as may be required by the Registrar or Chief Fisheries Officer, as the case may be;

(ii) the consent in writing to such registration of all registered mortgagees, if any;

(iii) a written undertaking by the owners to surrender the certificate of registry issued under this Act within 15 days from the entry into the bareboat charter registry;

(iv) a written undertaking by the charterer that the Barbados flag shall not be hoisted during the period of bareboat charter-out to the foreign registry; and

(v) a copy of the bareboat charter.

(3) The owners shall, within 30 days of such amendments or modifications being effected, produce to the Registrar or Chief Fisheries Officer, as the case may be, any amendments or modifications to the bareboat charter.

(4) Subject to the provisions of subsection (5) a Barbados registered fishing vessel shall be bareboat charter registered in a foreign registry by the name under which it is registered in Barbados.

(5) The name of a Barbados registered fishing vessel, bareboat chartered-out to a foreign registry may only be changed with the written permission of the Registrar, or Chief Fisheries Officer, as the case may be, if such change is being effected also in the bareboat charter registry.

(6) The registration in a foreign bareboat charter registry of a vessel registered under this Act not made in accordance with the provisions of this Act shall be void.

(7) Upon the bareboat charter registration of a Barbados registered fishing vessel in a foreign registry

(a) the owners shall immediately notify the Registrar or Chief Fisheries Officer, as the case may be, of the registration, and within 30 days surrender to the Registrar or Chief Fisheries Officer, as the case may be, the certificate of registry issued to the vessel under this Act and deliver to the Registrar or the Chief Fisheries Officer, as the case may be, a transcript or an extract of the foreign bareboat charter registration; and

(b) where the Registrar or Chief Fisheries Officer, as the case may be, is satisfied that the registration has been effected according to the provisions of this Act, the Registrar or Chief Fisheries Officer, as the case may be, shall make an entry to that effect in the appropriate fishing vessel register.

(8) The owners shall immediately notify the Registrar or Chief Fisheries Officer, as the case may be, of the closure or lapse of the bareboat charter

registration in a foreign registry and shall within 30 days of the closure of the registry deliver to the Registrar or Chief Fisheries Officer, as the case may be, a transcript or an extract of the foreign bareboat charter registration showing the closure.

(9) Unless otherwise provided for in this section, the owners of a Barbados registered fishing vessel shall comply with the laws of the foreign registry.

(10) Notwithstanding any other provision in this Act, during the time a Barbados registered fishing vessel is bareboat chartered-out to a foreign registry in accordance with this section

(a) the fishing vessel shall not hoist the flag of Barbados and shall be permitted to fly the flag of the foreign bareboat registry; and

(b) the home port of the fishing vessel shall be that of the bareboat charter registry.

(11) The owners shall, within one month from the entry into the foreign bareboat charter registry, make and deliver to the Registrar or Chief Fisheries Officer, as the case may be, a

(a) copy of the foreign flag carving note; or

(b) declaration to the effect that the name of the foreign home port has been marked on the stern of the vessel in lieu of the name Bridgetown, Barbados.

(12) A Barbados fishing vessel bareboat chartered-out to a foreign registry shall, notwithstanding such registration, continue to be subject to the payment of all the fees in respect of the fishing vessel.

(13) Notwithstanding that a Barbados registered fishing vessel may bareboat charter-out to a foreign registry, all matters with respect to title over the vessel, mortgages and encumbrances shall continue to be governed by the laws of Barbados which includes the provisions of the International Convention on Maritime Liens and Mortgages 1993.

(14) Any transaction affecting the title over the fishing vessel or relating to the registration, amendment, transfer and transmission and discharge of mortgages shall be made and registered in accordance with the provisions of this Act and only by the person specified therein.

(15) The registration of any mortgages or encumbrances in the foreign bareboat charter registry shall be void.

(16) The Registrar or the Chief Fisheries Officer, as the case may be, may withdraw the consent referred to in subsection (1), if any of the applicable provisions of this Act are not complied with and the Principal Registrar or Chief Fisheries Officer, as the case may be, shall withdraw the consent, if

(a) the Minister, in the national interest or in the interest of Barbados fishing industry and after giving the owners and the charterers of the fishing vessel a reasonable opportunity to make representations, has ordered the Registrar to withdraw the consent;

(b) any of the conditions required to be fulfilled in terms of subsection (2) are not so fulfilled; or

(c) the charter terminates or is terminated by any party to it.

(17) Upon the withdrawal of the consent of the Registrar under subsection (16)

(a) the Registrar or the Chief Fisheries Officer, as the case may be, shall inform the appropriate authorities of the bareboat charter registry, the owners and the charterers of the withdrawal; and

(b) the bareboat charter-out registration shall be terminated.

(18) Upon the termination of the bareboat charter registration

(a) the Registrar or Chief Fisheries Officer, as the case may be, shall make an entry to that effect in the appropriate register, and the fishing vessel shall be subject to all the provisions of the laws of Barbados;

(b) within 30 days from the termination of such registration the owners shall make and deliver a declaration to the Registrar or Chief Fisheries Officer, as the case may be, that the certificate of bareboat charter registration has been surrendered to the foreign bareboat charter registry, and the Registrar or Chief Fisheries Officer, as the case may be, unless the registry of the fishing vessel elsewhere under this Act is also being closed shall deliver to the owners the certificate of registry which had been surrendered to him in accordance with subsection (2); and

(c) within 30 days from the termination of such registration the owners shall deliver to the Registrar or Chief Fisheries Officer, as the case may be, a transcript or an extract of the register showing that the bareboat charter registration has been cancelled.

Duration of bareboat charter-out

412.(1) The duration of the charter-out period shall be for a period not exceeding the duration of the bareboat charter or the expiry date of the present registry, if any, whichever is shorter but in no case shall the period exceed 5 years.

(2) To renew the bareboat charter-out period, on expiry of duration of the bareboat charter in subsection (1) the following are required:

(a) an addendum to the Charter Party Agreement; and

(b) consent from the primary registry.

Payment of fees during charter-out period

413. A Barbados registered fishing vessel bareboat chartered-out to a foreign registry continues to be subject to the payment of all prescribed fee in relation to the fishing vessel.

PART XLIII

BARBADOS INSTITUTE FOR FISHERIES AND FISHERIES-RELATED STUDIES

Establishment of Barbados Institute for Fisheries and Fisheries-related Studies

414.(1) At any time after the entry into force of this Act, the Minister may after consultation with the Chief Fisheries Officer and other stakeholders, and with Cabinet's approval, establish an institute to be known as the Barbados Institute for Fisheries and Fisheries-related Studies in this Act referred to as the "Institute".

(2) The objectives of the Institute shall include

(a) providing education in fisheries, including technical and vocational training and other allied fields of learning and research scholarship;

(b) advancing fisheries specific life long learning for national, regional and international interests;

(c) undertaking extension fisheries oriented education programmes and promoting student exchange opportunities between the Institute and other regional and international institutions offering fisheries oriented programmes;

(d) formulating new courses in academic, scientific, technical and vocational disciplines, in alignment with advancements in these respective fields;

(e) being a centre of excellence, having a leading role in human resources and career development in the fishing industry, and various sectors within the industry;

(f) assisting in the continued sustainable management and development of Barbados' fishing industry; and

(g) performing such other functions in support of national development in fisheries, including continued advancement of fisherfolk and the fishing industry.

(3) Where effect is given to subsection (1), the Chief Fisheries Officer, in consultation with relevant stakeholders shall develop a governing instrument to be known as the Charter of the Barbados Institute for Fisheries and Fisheries-related Studies.

(4) All administrative, management, operational and regulatory aspects of the Institute shall be carried out in accordance with the Charter.

(5) In addition to the Charter, such other instruments in respect of the Institute may be developed as necessary to ensure the continued proper and effective governance of the Institute and its activities.

PART XLIV

APPLICATION OF INTERNATIONAL AND REGIONAL FISHERIES INSTRUMENTS

International fisheries instruments to have force of law

415. The following international fisheries instruments shall have the force of law in Barbados

(a) United Nations Convention on the Law of the Sea (UNCLOS), 1982;

(b) United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UNFSA);

(c) FAO Code of Conduct on Responsible Fisheries;

(d) FAQ Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, 2009;

(e) International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995; and

(f) ILO Work in Fishing Convention, 2007.

Cape Town Agreement of 2012 on International Convention for the Safety of Fishing Vessels

416. The Cape Town Agreement on the implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels shall, when it enters into force internationally have the force of law in Barbados.

Ambulatory Reference

417. In respect of international Conventions given force of law under this Act any reference to those Conventions shall be construed as

(a) a reference to those Conventions and Protocols as modified from time to time; and

(b) if those Conventions and Protocols are replaced in whole or in part by another instrument, as a reference to that instrument.

Regional fisheries agreements

418. Regional fisheries agreements to which Barbados is party shall be complied with to the extent practicable.

Conventions prevail

419. Where this Act conflicts with any international fisheries conventions to which Barbados is party, namely fisheries-related conventions of the International Maritime Organization, International Labour Organization or the Food and Agriculture Organization of the United Nations, the conventions and any pursuant international regulations prevail unless the Minister otherwise provides by such regulations as he may make.

Extent of application of international fisheries legal and policy frameworks

420. International fisheries legal and policy frameworks apply to the extent necessary for ensuring adherence to international best practices, and compliance with international standards in the fisheries sector; giving due regard to the capacity, capability, resources and other local circumstances peculiar to the national fisheries sector.

PART XLV

MISCELLANEOUS

Non-payment of Fees

Non-payment of fees

421.(1) A person who operates a fishing vessel and owes any fees shall pay all outstanding fees to the Fisheries Division 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 Chief Fisheries Officer stating reasons for non-payment of fees and make a request to enter into a settlement arrangement.

Environmental and social impact assessment

422.(1) An environmental and social impact assessment shall be undertaken in respect of certain fisheries specific activities or projects, based on the type of activity or project and its environmental and social implications.

(2) A determination as to whether an environmental and social impact assessment should be carried out is to be determined by the Chief Fisheries Officer, in consultation with relevant stakeholders.

(3) An environmental and social impact assessment shall be accompanied by an environmental and social management plan, which shall be submitted to the Chief Fisheries Officer along with the application in relation to the fisheries specific activity or project.

(4) The environmental and social management plan shall document

(a) mitigation and management measures specific to the environmental impacts of the applicant's proposed activities; and

(b) mitigation and management measures specific to the social impacts of the applicant's proposed activities.

Fisheries Sector Investment Schemes

Entry into fisheries sector investment schemes

423.(1) The Chief Fisheries Officer may, as directed by the Minister, subject to Cabinet’s approval, facilitate entry into investment schemes in respect of any sub-sector within the fisheries sector, excluding the aquaculture and mariculture sectors.

(2) The Chief Fisheries Officer may, in consultation with the Minister and interested investors, develop and manage schemes directed at investment for development of Barbados' fishing industry.

Binding nature of fisheries sector investment scheme

424. A fisheries sector investment scheme is legally binding on all parties to the scheme where

(a) the terms, conditions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme; and

(b) the scheme is validated in accordance with this Act.

Validity of the scheme

425. A fisheries sector investment scheme is valid for the purposes of this Act where it is registered with the Fisheries Division.

Particulars of the scheme

426. The scheme shall detail the following particulars:

(a) parties to the scheme;

(b) duration of the scheme;

(c) scope of activities to be undertaken within the scheme;

(d) rights and responsibilities of all parties to the scheme;

(e) insurance or other form of equivalent financial security for the venture;

(f) benefit sharing arrangements;

(g) duty free concessions;

(h) fisheries research, training and knowledge transfer;

(i) environmental and ecosystem protection and restoration measures, as appropriate;

(j) use of traditional fisheries knowledge;

(k) specific actions that will be undertaken to promote corporate social responsibility, in furtherance of Part XXVII of this Act;

(l) dispute settlement arrangements; and

(m) any other relevant particulars as determined by the parties to the scheme.

Compliance requirements for scheme parties

427. Parties to the scheme shall comply with

(a) national fisheries policies and laws;

(b) fisheries management plan;

(c) marine spatial planning requirements;

(d) maritime boundary and jurisdictional rights; and

(e) international best practices on fisheries.

Scheme restrictions

428.(1) A fisheries sector investment scheme shall not be concluded where it would be

(a) disadvantageous to the local fishing industry or other marine users or uses; or

(b) otherwise detrimental to the cultural development or environmental, economic or social interests of Barbados.

(2) The Chief Fisheries Officer shall hold stakeholder consultations prior to concluding a fisheries sector investment scheme.

(3) Where after entering into and operationalizing a fisheries sector investment scheme, its disadvantages become apparent, the scheme may be temporarily suspended to allow for rectification of the matters causing the identified disadvantages.

(4) Subsection (3) shall not come into effect unless

(a) a request for temporary suspension of the scheme is made in writing to the Minister by the affected person or group of persons; or

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

(5) Where the identified disadvantages cannot be wholly remedied, the Minister shall ensure that an equitable compromise is agreed to in writing, and the fisheries sector investment scheme is modified accordingly.

Fisheries Subsidies

Fisheries subsidies

429.(1) The Minister may, in consultation with the Chief Fisheries Officer, stakeholders other agencies, where it is the best interest of Barbados' fishing industry, facilitate entry into agreements on fisheries subsidies.

(2) Notwithstanding subsection (2), any agreement on fisheries subsidies that may result in

(a) fisheries stock depletion;

(b) negative impacts on the marine ecosystem;

(c) economically, socially or otherwise disadvantage fisherfolk;

(d) unsustainable development of Barbados' fishing industry,

shall not be entered into.

(3) The Minister shall, in consultation with the Chief Fisheries Officer, ensure appropriate mechanisms for managing fisheries activities within the context of a fisheries subsidies agreement are in place.

Disclosure of Information

Disclosure of information

430. The Chief Fisheries Officer may disclose information which he receives to

(a) an authorized official; or

(b) a duly authorized representative of the government of another country,

in connection with the enforcement of this Act or any other law of Barbados.

Prohibition of publication or disclosure of information by unauthorized persons

431.(1) No person shall, without the consent in writing given by the Chief Fisheries Officer, publish or disclose to any person other than in the course of his duties, or when lawfully required to do so by any court or under any law, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

(2) Any 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 6 months or to both.

(3) Any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) who unlawfully publishes or communicates any such information to any other person, is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

(4) The consent of the Chief Fisheries Officer under subsection (1), shall not be unreasonably withheld.

Confidentiality

432.(1) No employee or agent of the Fisheries Division shall

(a) use, either directly or indirectly, any confidential information obtained as a result of his relationship with the Fisheries Division for his own benefit or advantage; or

(b) disclose confidential information obtained as a result of his relationship with the Fisheries Division to any person other than

(i) an authorized official; or

(ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or another law of Barbados.

(2) A person who receives confidential information from a person specified in subsection (1) is subject to the provisions of this section as if he were a person specified in subsection (1).

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for 6 months or to both.

Publication of information

433. The Chief Fisheries Officer may publish in the *Official Gazette* and in a daily newspaper published and circulating in Barbados and, in such form as may be appropriate, any information which the he considers to be of public interest.

Suspension, cancellation; revocation or variation of licences, permits, etc.

434. The Chief Fisheries Officer, after consultation with the Minister, may suspend, cancel, revoke or vary any licence, permit or other instrument issued by him pursuant to this Act or any other enactment in respect of any contraventions by the holder of such licence, permit or other instrument.

Restriction on grant of licence, permit, etc.

435.(1) A permit, licence or other instrument shall not be issued or endorsed as valid to an applicant who is under the age of 18 years.

(2) Notwithstanding anything contained in this Act or any other enactment, no permit, licence or other instrument shall be issued to a person, the results of whose environmental and social impact assessment shows negative impacts which

(a) are irreversible;

(b) no alternatives have been identified in order that the activity or project may proceed via an alternative means, so that the negative impacts may be avoided;

(c) has significant difficulties in adequately dealing with uncertainties; and

(d) for other reasons, specified in writing by the Chief Fisheries Officer,

would not be in the best interest of Barbados.

(3) Notwithstanding anything contained in this Act or any other enactment, no permit, licence or other instrument shall be issued to a person who lacks the financial capacity and technical competence required to successfully carry out the activities or projects to which the application relates, the effect of which, in the opinion of the Chief Fisheries Officer, makes it undesirable that he be issued with a permit, licence or other instrument.

(4) Notwithstanding anything contained in this Act or any other enactment, no permit, licence or other instrument shall be issued to a person who has an unsatisfactory track record in performance or execution of activities or projects the effect of which, in the opinion of the Chief Fisheries Officer, makes it undesirable that the person be issued with a permit, licence or other instrument.

(5) The Chief Fisheries Officer may require at the time of any application submitted to him, that a reference or testimonial from such number of persons or entities whom the applicant previously undertook similar activities or a similar project be submitted along with the application to the Chief Fisheries Officer.

(6) Nothing in this section precludes the Chief Fisheries Officer from carrying out any background checks in relation to any applicant.

Miscellaneous

Transfer of functions outside of Barbados

436. The Chief Fisheries Officer may, with the approval of the Minister, where he considers it justifiable, authorize an entity or competent person outside Barbados to perform specified regulatory oversight responsibilities on behalf of the Fisheries Division.

Fisheries management and conservation measures

437. Where necessary, fisheries management and conservation measures may include

(a) closed seasons and closed areas for species;

(b) prohibited fishing areas or prohibited fishing methods;

(c) limitations on the types of gear, number and type of fishing vessels, licences to engage in fishing;

(d) limitations on the amount, size, age and other characteristics and species of fish that may be caught, landed or traded;

(e) regulation of the landing of fish and providing for the management of fish landing facilities;

(f) regulation of trade in endangered fisheries species of fish and fish products;

(g) prohibiting the possession, importation or manufacture of prohibited gear;

(h) mitigating vulnerabilities, building resilience and aiding in quick recovery from impacts such as hurricanes and climate change;

(i) integration of fisheries into national environmental, coastal, economic, social and marine planning and discussions;

(j) prevention of pollutants, such as oils, sewage, garbage, agro-chemical and toxic substances from entering the marine environment;

(k) protection of critical fisheries resources and their habitats from destruction, degradation, pollution and other negative impacts;

(l) rehabilitation of overfished fisheries resources and ecosystems as far as possible;

(m) ensuring that the activities in the fishery do not undermine the effectiveness of conservation and management measures;

(n) monitoring, control and surveillance of fishing activities in the waters of Barbados and vessels flying the flag of Barbados, wherever the vessel may be;

(o) cooperation at the national, regional and international levels to promote conservation and management and ensure responsible behaviour at all levels of the value chain;

(p) protection of the rights of fishers and other fisheries workers;

(q) provision of measures to ensure conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, when engaging in fishing activities in such areas; or

(r) any other measures consistent with the objective and principles of this Act and any enactments made under this Act.

Regulations

438.(1) The Minister may make regulations generally for the sustainable management and development of fisheries, aquaculture and mariculture in Barbados and in particular, for the following:

(a) mesh sizes, types, use and storage of fishing gear;

(b) fishing methods, closed seasons, closed areas;

(c) fishing effort and minimum sizes of fish that may be caught and retained;

(d) use of fish aggregating devices and activities around fish aggregating devices;

(e) standards for aquaculture and mariculture;

(f) maximum allowable catches for all or any specified fisheries;

(g) fees to be paid for services under this Act;

(h) catching and utilization of fish taken incidentally when fishing for a species for which a licence has been issued;

(i) registration and licensing of fishing gear, fishing vessels, fisheries workers, fisheries associations, recreational fishing clubs, fishing entities and other fisheries related activities;

(j) data and information to be collected or submitted on fishing and fishing related activities;

(k) use of underwater breathing apparatus, spear guns or other similar devices;

(l) export of fish, aquatic flora or fish products;

(m) regulating the landing, marketing and distributing of fish or aquatic flora including

(i) the control, management and regulation of any undertaking established by the Government for the marketing and distribution to the public of any fish, aquatic flora or fish products; and

(ii) the control, management and regulation of the premises and adjacent waters at which such undertaking is conducted;

(n) implementation of any agreement or arrangement entered into under this Act

(o) recreational fishing and related activities;

(p) regulating

(i) the taking, injuring or destroying of coral and shells outside any restricted area;

(ii) the setting of fishing fence;

(iii) the taking of ornamental fish;

(iv) aquaculture operations; and

(v) taking or injuring any endangered species;

(q) prescribing measures for the protection of turtles, lobsters, conchs, sea-eggs and endangered or threatened species and their habitats;

(r) measures for the safety of Barbados registered fishing vessels and fishermen;

(s) inspection and certification of fishing vessels;

(t) particulars to be recorded in the registers of fishing vessels, fisheries workers and fisheries establishments;

(u) standards for

(i) construction or alteration of Barbados registered fishing vessels;

(ii) display of registration and identification marks on fishing vessels;

(iii) stability and seaworthiness of fishing vessels;

(iv) safety equipment and other equipment to be carried on fishing vessels;

(v) sanitary conditions of fishing vessels;

(v) use and protection of the marine genetic resources;

(w) use of fish and fishery products in the spa industry;

(x) use of fish and fishery products in cosmetic, biomedical and pharmaceutical applications;

(y) for the development, deterrence and elimination of marine living resources and fisheries related crimes;

(z) the prevention of food fraud practices in fisheries;

(aa) respecting international see going fishing vessels registered under Part XIV;

(bb) respecting the payment of annual tonnage tax by vessels registered under Part XIV; and

(cc) any other matter that is by this Act required or authorized to be prescribed.

Fishing industry notices

439. The Chief Fisheries Officer may issue a fishing industry notice to facilitate the administration of this Act.

Fisheries sector management directives

440. The Chief Fisheries Officer may, with the approval of the Minister, issue fisheries sector management directives.

Amendment of Schedules

441. The Minister may by order amend the *Schedules* to this Act.

Power to waive fees

442. The Minister may by order waive any fees imposed under this Act or any enactment made under this Act.

Transitional

443. 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 fishing vessel or otherwise engaged in fisheries activities to which this Act applies shall within 18 months after the commencement of this Act, comply with the provisions of this Act.

Repeal

444. The *Fisheries Act*, Cap. 391, is hereby repealed.

FIRST SCHEDULE

(Section 8(3))

Fisheries Advisory Council

1.(1) The Fisheries Advisory Council shall comprise 13 members appointed by the Minister by instrument under the public seal.

(2) The members of the Council are as follows:

(a) a person with expertise in commercial fishing;

(b) a person with expertise in recreational fishing;

(c) a person with expertise in aquaculture;

(d) a person with expertise in fisheries management;

(e) a person with expertise in conservation of aquatic resources;

(f) a person with expertise in fish marketing;

(g) a person with expertise in project preparation and financing;

(h) a person with expertise in international fisheries and fisheries related matters;

(i) a person with expertise in fisheries legislation;

(j) a person with expertise fish processing;

(k) a representative from the fisherfolk organization;

(l) the Chief Fisheries Officer, *ex officio*; and

(m) the Senior Manager of Markets, *ex officio*.

(3) The Minister shall appoint a member to be the Chairman and another member to be the Deputy Chairman.

2. A member of the Council holds office for a term of 3 years unless he dies, resigns or has his appointment revoked before the end of that term, but

(a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member;

(b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

3. The Minister may, in writing, grant leave of absence to a member of the Council, and may appoint a person to act temporarily in the place of that member.

4. A member of the Council, other than the Chairman, may resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of the receipt of the instrument by the Minister that member ceases to be a member of the Council.

5. The Chairman may resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister the Chairman ceases to be Chairman and, where the instrument so specifies, ceases to be a member.

6. The Council shall meet on such days and at such times and places as may be expedient for the transaction of business.

7. The Chairman, or in the event of his being absent from Barbados or for any reason unable to act, the Deputy Chairman, may call a special meeting of the Council and is required to call such a meeting within 7 days after receiving a notice to do so by any 4 members.

8. Five members shall constitute a quorum.

9. Decisions of the Council shall be by a majority of votes and where the voting is equal, the officer presiding at the meeting shall, in addition to his original vote, have a casting vote.

10. Minutes of each meeting shall be kept by the Secretary or other person appointed by the Council for the purpose, and confirmed by the Council at its next meeting, and signed by the officer presiding at that meeting.

11. The Council may invite persons to attend any of its meetings for the purpose of assisting or advising it in respect of any matter but a person so invited does not have a right to vote.

12.(1) The Seal of the Fisheries Advisory Council shall be

(a) kept in the custody of the Chairman or the Deputy Chairman or such officer of the Council as the Council may approve, and may be affixed to instruments pursuant to a resolution of Council and in the presence of the Chairman or Deputy Chairman and any other member of the Council; and

(b) authenticated by the signature of the Chairman or the Deputy Chairman and of the other member of the Council in whose presence it was affixed, and such Seal shall be officially and judicially noticed.

(2) All documents, other than those required by law to be made under seal, made by, and all decisions of the Council shall be signified under the hand of the Chairman or any member of the Council authorized to act in that behalf or by the Secretary.

13. Subject to this *Schedule*, the Council may regulate its own proceedings.

SECOND SCHEDULE

(Section 22)

Sustainable Fisheries Management and Development Act, 2024
(Act 2024-)

Fisheries Sector Census

Seafood Harvesting Sector Annual Census

1. **General Information**

Individual/company name:	
Seafood harvesting methods:	
Wild capture fish targets:	
Aquaculture fish targets:	
Mariculture fish targets:	
Harvesting seasons:	

Second Schedule - (Cont'd)

Seafood Processing Sector Annual Census

2. **General Information**

Individual/Company name:	
Name of site/facility/unit:	
Site/facility/unit address:	
Name of company contact person:	
Name of site contact person:	
Email address:	
Phone number:	

NB: If your company operates multiple fish processing sites, please complete a survey sheet for film site and include the address for each site.

Processing Activity

3. With regards to wild-capture fisheries, aquaculture fisheries or mariculture fisheries, which of the following activities are you or your company involved in? (tick all that apply)

☐ processing ☐ trading/wholesaling ☐ retailing ☐ exporting

4. If you included processing, approximately what portion of the annual turnover this year will be from fish processing (as opposed to trading/wholesaling, retailing, exporting, etc.)?

_____

Second Schedule - (Cont'd)

5. **Details on type of fish processed**

Second Schedule - (Cont'd)

6. **Which types of processing are undertaken on your site?** (tick all that apply)

Primary	☐ cutting ☐ chilling ☐ filleting ☐ heading/gutting
Primary (shellfish-specific)	☐ picking ☐ shucking ☐ washing ☐ trimming ☐ peeling
Secondary	☐ freezing ☐ brining ☐ canning ☐ deboning ☐ vacuum/controlled packaging ☐ marinating ☐ smoking ☐ breading ☐ battering ☐ making ready meals/cooking

Sources and Supply

7. **Approximately what portion of your total raw materials (in terms of value) and what portion of your product sales (in terms of value), are from/to Barbados and the and the rest of the world, respectively:**

Source of raw materials and sales of your products:

Raw Materials Source (%)	Product Sales (%)	Geographic Region
		☐ Local ☐ Regional ☐ International

Second Schedule - (Cont'd)

8. Does your processing business use fishing vessels owned by you or the processing business?

☐ Yes

☐ No

If yes, how many vessels are owned by you?_____

If you included importing or exporting, which countries are you currently importing from or exporting to?

_____

_____

_____

Current Workforce Composition

9. How many workers (including administrative and support staff) are employed at your site (if managing a site)?

	Permanent (full-time)	**Permanent (part-time)**	**Seasonal**
Male			
Female			
Other			

Second Schedule - (Concl'd)

Seasonal Workforce (if applicable)

10. During which months do you employ seasonal workers and for what duration?

Month	Duration of Work
January	weeks
February	weeks
March	weeks
April	weeks
May	weeks
June	weeks
July	weeks
August	weeks
September	weeks
October	weeks
November	weeks
December	weeks

THIRD SCHEDULE

(Section 102(5))

Sustainable Fisheries Management and Development Act, 2024
(Act 2024-)

Oath

I, _____ *(insert the name of the person swearing)*, being Master or in command of the _____ *(insert type of vessel)* or vessel called the _____ *(insert the name of the vessel)*, Official No. _____ *(insert No.)* owned by _____ *(insert the name of the owner)* of _____ *(insert domicile of the owner)* do swear/affirm that the said fishing vessel has been, as I verily believe, registered according to the law of Barbados by the name of _____ *(insert the name of the vessel)*, and that a Permanent/Provisional Certificate of Registry bearing No. _____ *(insert No. of lost Certificate)* was issued for such vessel pursuant to the laws of Barbados at _____ *(insert place of issuance of lost Certificate)* on _____ *(insert date of issuance of lost Certificate)*, which Certificate has been lost/destroyed; and that the same, if found, and within my power, will be delivered up to the Principal Registrar of International Sea-going Fishing Vessels.

FOURTH SCHEDULE

(Section 328(1)(b))

Sustainable Fisheries Management and Development Act, 2024
(Act 2024-)

PART 1

Information to be included in a Transshipment Declaration Unique Identifier

Element	Donor Vessel	Receiving Vessel
1. Vessel name:		
2. Flag State:		
3. Vessel type (ISSCFV):		
4. IMO number, required if eligible:		
5. External ID, if available:		
6. Registration ID, if different to above:		
7. International Radio Call Sign, if available:		
8. MMSI number, if available:		

Fourth Schedule - (Cont'd)

Element	Donor Vessel	Receiving Vessel
9. Vessel owner/company information:		
Name:		
Address:		
Phone number:		
Email:		
10. Vessel contact information:		
Name of master:		
Nationality:		
Phone number:		
Email:		
11. Transshipment authorization identifier, if any:		
12. Transshipment authorization issued by:		
13. Transshipment authorization period of validity:		
14. Time and date of the transshipment:		
Start date (day/month/year):		
End date (day/month/year):		

Fourth Schedule - (Cont'd)

Element	Donor Vessel	Receiving Vessel
15. Transshipment location:		
Name of Port:		
Position at sea (latitude, longitude):		
16. VMS tracking:		
17. Quantities on board prior to transshipment:		
Catch area(s):		
RFMO/Arrangement(s)/geographical location:		
FAO Statistical area:		
Species (FAO/ASFIS codes):		
Product form (preservation and presentation type):		
Estimated Quantity (weight):		
18. Transshipped fish:		
Catch area(s):		
RFMO/Arrangement(s)/geographical location:		
FAO Statistical area:		
Species (FAO/ASFIS codes):		
Product form (preservation and presentation type):		
Estimated Quantity (weight):		

Fourth Schedule - (Cont'd)

Element	Donor Vessel	Receiving Vessel
19. Fish remaining on board after transshipment:		
Catch area(s):		
RFMO/Arrangement(s)/geographical location:		
FAO Statistical area:		
Species (FAO/ASFIS codes):		
Product form (preservation and presentation type):		
Estimated Quantity (weight):		
20. Observer's name and signature on board, if present:		
21. Signature:		
Master's signature:		
Master's stamp and Juli name:		

Note: International codes as per PSMA Annex D, *(d)*, as applicable.
***Rules should be established by relevant authorities and RFMO/As to ensure consistency in how weight is reported by both donor and receiving vessels.**

Fourth Schedule - (Cont'd)

(Section 328(1)(b))

Sustainable Fisheries Management and Development Act, 2024
(Act 2024-)

PART 2

Information to be included in a Landing Declaration Unique Identifier

1. Vessel Name:	
2. Flag State:	
3. Vessel Type (ISSCFV):	
4. IMO number, required if eligible:	
5. External ID, if available:	
6. Registration ID, if different to above:	
7. International Radio Call Sign, if available:	
8. VMS Tracking:	
9. MMSI number, if available:	

Fourth Schedule - (Cont'd)

Element	
10. Vessel Contact Information:	
Master's or vessel's representative:	
Phone number:	
Email:	
11. Vessel master name and nationality:	
12. Vessel owner/company information:	
Name:	
Address:	
Phone number:	
Email:	
13. Port State:	
14. Port of Landing:	
15. Date and Time of Landing:	
16. Landed Fish:	
Catch area(s):	
Species (FAO/ASFIS Codes):	
Product form (presentation and preservation type):	
Quantity (weight):	

Fourth Schedule - (Concl'd)

Element	
Next destination, if applicable/available:	
Next mode of transport and transport ID, if applicable/available:	
17. Fish retained on board (not landed):	
Catch area(s):	
Species (FAO/ASFIS Codes):	
Product form (presentation and preservation type):	
Quantity (weight):	
18. Competent port authority:	
19. Date of inspection, if any:	
20. Signature:	

Note: International codes as per PSMA Annex D, *(d)*, as applicable.
***Rules should be established by relevant authorities and RFMO/As to ensure consistency in how weight is reported by both donor and receiving vessels.**

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

MARITIME AND UNDERWATER HERITAGE ACT, 2024

OBJECTS AND REASONS

This Bill would provide for

(a) the protection, management, sustainable development and regulation of maritime and underwater heritage in Barbados;

(b) the advancement of sustainable maritime heritage tourism;

(c) the regulation of vessels engaged in maritime heritage activities;

(d) the recognition and protection of traditional cultural expressions associated with the sea and marine-specific traditional knowledge which are held by fishing communities and coastal communities in Barbados;

(e) the regulation of marine-specific research in fishing communities and coastal communities;

(f) the regulation and sustainable economic development of marine genetic resources;

(g) the regulation of underwater cultural heritage;

(h) the regulation of deep-sea natural heritage activities; and

(i) related matters.

MARITIME AND UNDERWATER HERITAGE ACT, 2024

Arrangement of Sections

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4. Guiding principles

5. Force of Law

6. Act binds the State

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7. Administration

8. Objectives and duties

9. Sustainable tourism principles

10. Barbados Maritime Heritage Tourism Development Program

11. Maritime Heritage Tourism Development Plan

12. Duties of the Administration

13. Requirements for vessels engaged in maritime heritage

14. Director of Ocean Affairs

15. Powers and functions

16. Duties and functions of heritage officers

17. Designation of areas

18. Barbados Museum and Historical Society

19. Powers of Ministers

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PROTECTION AND PRESERVATION OF LIGHTHOUSES AND HISTORIC VESSELS

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21. Application

22. Purpose

23. Designation as heritage lighthouse

24. Protection and alteration of heritage lighthouses

25. Maintenance of heritage lighthouses

26. Demolition of heritage lighthouses

Historic vessels

27. Barbados Historic Vessels' Registry Program

28. Historic Vessels Register

29. Restoration of historic vessels

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31. Fisheries Division

32. Marine biotechnology inspectors

33. Inspection

34. Limitation on authority of a marine biotechnology inspector

35. Barbados Marine Biotechnology and Bioprospecting Sector Plan

36. Protection and management of intangible heritage

Marine-specific traditional knowledge and traditional cultural expressions associated with the sea

37. Rights of the State

38. Collaboration to protect traditional knowledge holders

39. Rights of coastal communities and fishing communities

40. Designation of community custodian

41. Marine Community Heritage Register

42. Marine heritage research permit

43. Issue of marine heritage research permit

44. Terms

45. Duration and renewal

46. Suspension, revocation or refusal to renew

47. Misappropriation of marine-specific traditional knowledge

48. Misappropriation of traditional cultural expressions associated with the sea

Marine biotechnology and marine genetic resources

49. Marine biotechnology permit

50. Application for marine biotechnology permit

51. Issue of marine biotechnology permit

52. Terms

53. Duration and renewal

54. Suspension, revocation or refusal to renew

55. Marine biotechnology licence

56. Application for marine biotechnology licence

57. Publication of application

58. Opposition

59. Public consultation

60. Issue of marine biotechnology licence

61. Terms

62. Duration and renewal

63. Suspension, revocation or refusal to renew

64. Surrender of licence

65. Approval to export marine genetic resources and marine biotechnology products

66. Licence to export marine genetic resources or marine biotechnology products

67. Terms, conditions and restrictions

68. Compliance with enactments

69. Duties of customs authorities

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71. Non-application

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73. Duties and powers of the Ministry

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76. Powers and duties of the Museum

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78. Discovery of underwater cultural heritage objects

79. Claims to underwater cultural heritage objects

80. Underwater Cultural Heritage Register

81. Underwater cultural heritage permit

82. Application for underwater cultural heritage permit

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84. Terms

85. Duration and renewal

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87. Surrender of permit

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BARBADOS

A Bill entitled

An Act to provide for

(a) the protection, management, sustainable development and regulation of maritime and underwater heritage in Barbados;

(b) the advancement of sustainable maritime heritage tourism;

(c) the regulation of vessels engaged in maritime heritage activities;

(d) the recognition and protection of traditional cultural expressions associated with the sea and marine-specific traditional knowledge which are held by fishing communities and coastal communities in Barbados;

(e) the regulation of marine-specific research in fishing communities and coastal communities;

(f) the regulation and sustainable economic development of marine genetic resources;

(g) the regulation of underwater cultural heritage;

(h) the regulation of deep-sea natural heritage activities; and

(i) related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Maritime and Underwater Heritage Act, 2024*.

Interpretation

2.(1) In this Act,

"Area" means the seabed and ocean floor and the subsoil of the seabed and ocean floor beyond the limits of Barbados' waters, as defined in Article 1(1) of the United Nations Convention on the Law of the Sea, 1982;

"Administration" has the meaning assigned to it under section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

"applicant" means a person who applies for a permit, licence, certificate or other document, as the case may be, under this Act or its statutory instruments;

"Barbados Museum and Historical Society" or "Museum" means the body incorporated by the *Barbados Museum and Historical Society Act, 1933* (Act 1933-10);

"Barbados Ocean Minerals Secretariat" or "Secretariat" means the body established under the Ministry responsible for Natural Resources and responsible for regulating ocean minerals activities under this Act;

"Barbados waters" mean the

(a) internal waters;

(b) territorial sea;

(c) contiguous zone;

(d) exclusive economic zone; and

(e) continental shelf;

"baselines" mean the lines from which the breadth of Barbados' maritime zones are measured and established in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), 1982;

"biological resource" mean the genetic resources, organisms or part thereof, populations or any other biotic component of ecosystems with real or potential value or usefulness to human beings;

"bioprospecting" means the search for biological materials or natural resources produced by living organisms that may be commercially exploited;

"coastal community" means a community specified in Part I of the *First Schedule* which contains persons who

(a) are culturally, socially and economically connected to a coastal or marine area by virtue of certain activities conducted by them in the coastal or marine area;

(b) make a livelihood as divers, boat-builders, boat repairers, watercraft operators, and other related forms of livelihood; and

(c) includes local military, local merchant mariners and local seafarers;

"coastal resources"

(a) means the land, water and living resources associated with the shoreline and marine areas of Barbados; and

(b) includes beaches, shore cliffs, coral reefs, coral rubble, algae beds, seagrass beds, sand dunes, wetlands and other ecosystems found along the shore together with the flora and fauna found in these areas;

"Coastal Zone Management Unit" means the unit within the Ministry responsible for Coastal and Marine Affairs that is responsible for the protection, management and restoration of coastal and marine areas within Barbados;

"Commission on the Limits of the Continental Shelf" means the Commission established under Annex II, United Nations Convention on the Law of the Sea (UNCLOS), 1982;

"community custodian" means a coastal community or a fishing community which

(a) has established a special claim to any aspect of marine-specific traditional knowledge or traditional cultural expressions associated with the sea or any related activity; and

(b) is empowered to assist the Chief Fisheries Officer, the Fisheries Division, the Administration or maritime law enforcement officers with investigating, supervising and monitoring any relevant activities under the Act or its statutory instruments;

"contiguous zone" means the area of Barbados waters 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 twenty-four nautical miles from the nearest points of the baselines from which the breadth of the territorial sea is measured;

"continental shelf" includes the

(a) inner continental shelf of Barbados, comprising the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and

(b) outer continental shelf of Barbados, comprising the outer edge of the continental margin extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, but not beyond a distance up to the distance defined by coordinates and other information related to the establishment of Barbados' outer continental shelf area, as specified by the Commission on the Limits of the Continental Shelf;

"deep-sea natural heritage" includes water, sea-floor areas, habitats, ocean minerals, biodiversity and natural resources below 200 metres;

"designated competent authority" means

(a) in relation to maritime heritage tourism, the Minister responsible for Tourism;

(b) in relation to vessels engaged in maritime heritage activities and related matters, the Minister responsible for Shipping;

(c) in relation to maritime heritage including traditional knowledge and marine genetic resources, the Minister responsible for Coastal and Marine Affairs;

(d) in relation to maritime and underwater cultural heritage, the Ministry responsible Underwater Cultural Heritage; and

(e) in relation to ocean minerals, the Barbados Ocean Minerals Secretariat;

"designated marine area" means any area within Barbados waters designated as any of the following:

(a) a marine managed area;

(b) a marine protected area;

(c) a marine reserve; or

(d) any other area designated for protection, management, conservation or restoration of the marine environment, a marine habitat, species or the marine ecosystem;

"environmental and social impact assessment" means the process of identifying the future consequences of an existing or proposed action on the environment and society;

"environmental and social management plan" means a written document detailing measures and activities to mitigate potential negative impacts on the environment and society as revealed by an environmental and social impact assessment;

"exclusive economic zone" means Barbados waters up to a limit not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

"exploration" means the search for seabed mineral deposits with exclusive rights including the sampling, testing and analysis of such deposits for the purpose of investigating whether those minerals can be commercially exploited;

"extended continental shelf" includes

(a) that area of Barbados comprising the seabed and substitute of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the Continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, where the outer edge of the Continental margin does not extend up to that distance; and

(b) the outer continental shelf area of Barbados, established in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), 1982 and consistent with the Table of Coordinates and Other Information Related to the Establishment of the Outer Edge of the Continental Margin and the Outer Limit of the Continental Shelf beyond 200 nautical miles, as contained in the final recommendations made by the Commission on the Limits of the Continental Shelf to Barbados;

"fisheries-specific maritime heritage" means heritage oriented around the fishing industry including oral and written histories, customs, traditions and traditional knowledge, skills and practices and other tangible and intangible elements that have shaped Barbados' fisheries landscape;

"fishing community"

(a) means a community specified in Part II of the *First Schedule* which is a community that is substantially dependent on or substantially engaged in fishing activities to meet economic and social needs; and

(b) includes fishing vessel owners, operators, crew, harvesters, processors, fish vendors, and fisher folk;

"hazard" means any condition or threat that

(a) poses a danger or impediment to navigation; or

(b) may result in harmful consequences to the ocean, seas, marine environment or damage to the coastline;

"high seas" means that area of sea regulated under PART VII, UNCLOS, in which is open to all States, whether coastal or land-locked and excludes the internal waters, territorial sea, contiguous zone and exclusive economic zone of Barbados;

"historic vessel" means a vessel that

(a) is of pre-eminent national, regional or international significance;

(b) is significant to Barbadian maritime history;

(c) illustrates changes in vessel construction and technology; or

(d) merits priority for long-term preservation;

"innovation" means a product derived from a traditional method or process, whether documented, recorded or in oral form, which introduces a change and includes an alteration, modification or improvement or any component of a biological resource or gene, enhanced use or value through the application of traditional knowledge;

"inspector" means

(a) a person appointed by the Administration for the purposes of ensuring vessels engaged in activities directed at maritime heritage are carried out in accordance with this Act and any other shipping enactment;

(b) a biotechnology inspector or any other person appointed by the Ministry responsible for Coastal and Marine Affairs for the purposes of ensuring marine biotechnology and other maritime heritage activities are executed in accordance with this Act, its statutory instruments, a permit, licence or other instrument issued in relation to such activities;

(c) a person appointed by the Ministry responsible for Coastal and Marine Affairs for the purposes of ensuring marine biotechnology and other maritime heritage activities are executed in accordance with this Act, its statutory instruments, a permit, licence or other instrument issued in relation to such activities;

(d) a person appointed by the Ministry responsible for Underwater Cultural Heritage for the purposes of ensuring maritime and underwater cultural heritage activities are executed in accordance with this Act, its statutory instruments, a permit, licence or other instrument issued in relation to such activities;

"intangible cultural heritage" means the practices, representations, expressions, knowledge and know-how, transmitted from generation to generation within communities, created and transformed continuously by them, depending on the environment and their interaction with nature and history;

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

"land-based maritime museum" means a museum based on land which specializes in the display of maritime-related articles, objects, artefacts and such other exhibits;

"marine-specific traditional knowledge" means traditional knowledge that is primarily of a coastal and marine nature and includes the technical know-how, practices, skills and innovations related to fisheries, marine genetic resources, coastal and marine activities, marine biodiversity and any other aspects of the coastal and marine environment forming part of the cultural identity of coastal and fishing communities;

"marine and aquatic freshwater resources" means all living and non-living resources contained in freshwater, coastal and marine areas;

"marine environment" means the environment of the sea and includes the physical, chemical, geological and biological and genetic components, conditions and factors which interact and determine the productivity, state, condition and quality of the marine ecosystem, the waters of the seas and oceans, the airspace above those waters and the seabed and ocean floor and subsoil thereof;

"marine genetic resources" means any genetic material of a biological resource derived from fauna and flora of terrestrial, aquatic or marine containing genetic information having actual or potential value for humanity such as

(a) benthic organisms;

(b) pelagic organisms;

(c) migratory species and resources;

(d) straddling species and resources; or

(e) any other biological resource in the sea;

"marine reserve"

(a) means any conservation area, marine park or reserve; and

(b) includes the protective measures for the marine environment or biology in such areas;

"maritime heritage" includes the following:

(a) tangible resources including shipwrecks, submerged sites, relics, pre-historic and historic archaeological sites, objects, artefacts and wrecks;

(b) intangible resources including archival documents, oral histories, local and indigenous cultural practices, artistic and linguistic expressions, local skills, traditional and historical knowledge and past and continued maritime experiences and practices of Barbadians;

(c) natural heritage in coastal and marine areas including

(i) coastal and marine archaeology, culturally significant landscapes, natural features, maritime ecology, geological and physiographical formations and delineated areas that constitute the habitat of threatened species of animals and plants and natural sites of value from the point of view of science, conservation or natural beauty; and

(ii) nature parks and reserves, aquaria and marine botanical gardens;

(d) marine living and non-living natural resources; and

(e) the sum total of the elements of marine biodiversity including marine flora and fauna, marine ecosystems and geological structures, inherited from past generations, maintained by existing generations and bestowed upon future generations;

"maritime heritage centre" includes any land-based area, building or other designated facility that incorporates maritime heritage, educational programs and local maritime activities;

"maritime heritage park" means any area having maritime historical, traditional, cultural or scientific value and includes any area constructed or designated as such;

"maritime law enforcement officer" has the meaning assigned to it under section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

"Minister responsible for Underwater Cultural Heritage" means the Minister responsible for Culture;

"Ministry responsible for Underwater Cultural Heritage" means the Ministry responsible for Culture;

"misappropriation"

(a) means any acquisition or appropriation of marine-specific traditional knowledge by unfair or illicit means; and

(b) includes deriving commercial benefit from

(i) the acquisition or appropriation of marine-specific traditional knowledge when the person using that knowledge knows, or is grossly negligent in failing to know, that it was acquired or appropriated by unfair means; and

(ii) other commercial activities contrary to honest practices that gain inequitable benefit from marine-specific traditional knowledge;

"ocean minerals" include seawater minerals and seabed minerals;

"ocean mineral activities" mean

(a) activities or operations within Barbados's national jurisdiction related to ocean minerals including;

(i) prospecting for seabed minerals under a prospecting permit;

(ii) exploration for seabed minerals under a seabed mineral exploration licence;

(iii) mining for seabed minerals under a seabed mineral mining licence; or

(iv) extracting of seawater minerals under a seawater mineral permit or seawater licence, as the case may be;

(b) exploration, mining or extraction, as the case may be, of the relevant ocean minerals in the Area under Barbados' sponsorship in accordance with this Act;

(c) other activities connected with the operations at (*a*) and (*b*), including gathering, separation and treatment, storage and transportation of seabed minerals to a point of export or to an agreed point of supply within Barbados;

"practice" means a traditional method or process or way of doing things in relation to marine-specific traditional knowledge, marine genetic resources or traditional cultural expressions associated with the sea;

"precautionary approach" means the approach, in accordance with Principle 15 of the 1992 Rio Declaration on Environment and Development, that in order to protect the environment, where there are threats of serious and irreversible damage to the marine environment or threats to human health in Barbados, a lack of full scientific certainty regarding the extent of adverse effects shall not be used as a reason for postponing cost-effective measures to prevent or minimise environmental degradation arising in any way from a matter or person or activity regulated under this Act;

"prior informed consent" means the giving by a prospective user of marine-specific traditional knowledge, a marine genetic resource or traditional cultural expressions associated with the sea, complete information to the Government of Barbados, civil society of Barbados, including local coastal and fishing communities, an individual or group within the local coastal and fishing community, and based on the information, the prior understanding

and acceptance by the Government of Barbados, civil society of Barbados, including local coastal and fishing communities, an individual or group within the local coastal and fishing community, to use their marine-specific traditional knowledge, traditional cultural expression associated with the sea, marine genetic resources and traditional knowledge associated with marine genetic resources, in accordance with the Act and related statutory instruments;

"rehabilitation plan" means a written document outlining a detailed process or activities for restoring the marine environment or ecosystem to its original condition or to an improved condition;

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

"traditional cultural expressions associated with the sea" means any form of expression, whether tangible or intangible, in which any local coastal or fishing community culture and knowledge is expressed, appears or manifests and includes the following or a combination of the following:

(a) ocean-themed verbal expressions, including epics, legends, names, narratives, poetry, riddles, signs, stories, symbols and words;

(b) ocean-themed literary expressions;

(c) ocean-themed musical expressions, including sea songs and sea shanties;

(d) ocean-themed expressions by movement or incorporating movement, including artistic forms, dances, plays, rituals and other performance, whether or not reduced to a material form;

(e) tangible expressions of local marine culture, including ocean-themed architectural forms, art productions, baskets, body painting, carpets, costumes, drawings, designs, glassware, handicrafts, jewellery, metal, mosaic, needlework, paintings, pottery, musical instruments, sculptures, terracotta, textiles and woodwork; and

(f) any other output of creative and cumulative intellectual activity characteristic of civil society's, including a local coastal or fishing community's distinctive cultural identity and traditional and local heritage developed and maintained by civil society, including local coastal and fishing communities, or individuals or groups who have the right or responsibility to do so in accordance with law and customs;

"traditional knowledge" means knowledge, innovation, skills and practices that are developed from the intellectual effort of any person that has been sustained and passed on from generation to generation within a community often forming part of the cultural identity of the community;

"traditional knowledge associated with fisheries and marine genetic resources" means substantive knowledge of the properties and uses of fish, fishery resources and marine genetic resources and their derivatives held by local coastal and fishing communities and which directly leads to a claimed invention;

"underwater cultural heritage" means all traces of human existence having cultural, historical or archaeological character which are underwater or are periodically submerged underwater, irrespective of the length of time underwater includes

(a) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;

(b) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context;

(c) relics;

(d) treasure; or

(e) objects of prehistoric character,

but does not include pipelines and cables placed on the seabed or installations other than pipelines and cables, placed on the seabed and still in use;

"underwater maritime museum" means a museum established on the sea floor, specialising in the display of natural or man-made marine-themed articles, objects, artefacts or such other exhibits;

"United Nations Convention on the Law of the Sea" or "UNCLOS" means the United Nation's convention speaking to the treatment of the seas by the nations of the world, to which Barbados is signatory, signed in Montego Bay, Jamaica on the 10th December, 1982, this convention became effective on the 16th November, 1994 having obtained the 60 ratifications required to become effective;

"wreck" means

(a) a sunken, stranded or adrift ship;

(b) any part of a adrift, sunken or stranded ship, including any object that is or has been on board such a ship;

(c) a vessel or aircraft or any portion of a vessel or aircraft that is abandoned in the sea, underwater or on the seabed;

(d) any part of the cargo, stores or equipment of a vessel, aircraft or ship that is abandoned in the sea, underwater or on the seabed;

(e) any item on board a vessel or aircraft that is abandoned in the sea, underwater or on the seabed;

(f) a flotsam, jetsam, lagan or derelict found in the sea;

(g) any object that is lost at sea from a ship which is abandoned, sunken or adrift at sea; or

(h) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken.

(2) This Act shall, where possible, be interpreted consistently with the following:

(a) Barbados' international obligations under the United Nations Convention on the Law of the Sea;

(b) any other relevant international instruments; and

(c) Barbados' duties to

(i) protect and preserve the marine environment including rare or fragile ecosystems and habitats;

(ii) prevent, reduce and control pollution from vessel related activities;

(iii) prevent trans-boundary harm;

(iv) conserve biodiversity;

(v) employ best environmental practices;

(vi) conduct prior environmental and social impact assessments of activities likely to cause harm to the marine environment; and

(vii) take measures for ensuring safety at sea.

Application

3. This Act shall apply to

(a) citizens of Barbados;

(b) all persons within the State of Barbados; and

(c) all Barbados-registered vessels and foreign-registered vessels engaged in any activity within Barbados waters or the Area, as the case may be, authorized by and in accordance with this Act and its statutory instruments.

Guiding principles

4. The exercise of any power, function or duty under this Act or its statutory instruments shall be guided by the following principles:

(a) ensuring the sustainable use of the marine environment and marine resources for the benefit of both existing and future generations;

(b) promoting fair and equitable benefit sharing by ensuring that the benefits from marine biodiversity, associated traditional knowledge and commercialization are equitably shared among all invested parties, affected parties, civil society, local coastal and fishing communities and other relevant stakeholders;

(c) encouraging sustainability by development of heritage resources having regard to environmental protection needs, societal needs and economic development needs;

(d) protecting and recognizing the rights of civil society, local coastal and fishing communities and local peoples;

(e) facilitating the effective participation in maritime and underwater heritage management and development activities;

(f) promoting sustainable utilization of marine resources including traditional knowledge associated with such resources to prevent over-exploitation of marine resources and apply associated traditional knowledge in marine resource conservation and development based on such resources;

(g) enforcing the principle that the polluter pays by ensuring that persons who cause pollution to the local marine environment in the conduct of underwater heritage activities are held liable for the costs of managing and remedying such pollution in order to prevent damage to human health or to the marine environment; and

(h) taking a precautionary approach by ensuring that marine genetic resources and biodiversity within Barbados are protected irrespective of the status of science on those resources.

Force of Law

5. The *UNESCO Convention on the Protection of Underwater Cultural Heritage, 2001* and the *UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003* as set out in the *Second Schedule* shall have the force of law in Barbados.

Act binds the State

6. This Act binds the State.

PART II

ADMINISTRATION

Administration

7. Subject to this Act, the Ministry responsible for Tourism shall have overall responsibility for the Administration of this Act.

Objectives and duties

8. The Ministry responsible for Tourism shall

(a) preserve, promote and apply maritime and nautical heritage to the development, enhancement and regeneration of sustainable heritage tourism;

(b) encourage investment in Barbados' maritime heritage sector;

(c) make recommendations and provide advice in relation to maritime and nautical heritage sector;

(d) explore and create opportunities locally and abroad for Barbados' maritime heritage sector;

(e) set objectives for economic, ecological, educational, social and cultural targets for the sustainable development of the maritime heritage sector;

(f) develop and maintain policies, programs and activities to support and enhance Barbados' maritime heritage sector;

(g) liaise with other government ministries, agencies, departments and relevant stakeholders;

(h) undertake any plan of action, initiative or strategy that will lead to significant growth and continued development of Barbados' maritime heritage economy and sustain livelihoods around such heritage;

(i) discharge such duties relating to maritime heritage; and

(j) perform any function necessary to give effect to the Act.

Sustainable tourism principles

9.(1) All tourism-related activities directed at maritime heritage shall be carried out in a sustainable manner.

(2) All persons engaged in tourism-related activities shall

(a) take into account the following:

(i) the existing and future economic, social and environmental impacts;

(ii) the needs of locals and visitors;

(iii) the maritime heritage sector; and

(iv) the environment;

(b) promote responsible maritime heritage practices that will minimize marine environmental damage and reduce the carbon footprint;

(c) positively connect people and nature through sustainable tourism activities oriented around maritime heritage through initiatives that recognize tourism's dependence on nature for the industry's survival and by asserting tourism as a guardian for nature;

(d) encourage solidarity tourism through undertaking activities or initiatives aimed at helping local coastal and marine communities; and

(e) promote the fair trade in goods and services deriving from maritime heritage.

Barbados Maritime Heritage Tourism Development Program

10.(1) There is established a program to be known as the Barbados Maritime Heritage Tourism Development Program for the coordination and facilitation of national maritime heritage activities within cultural and natural heritage domains.

(2) The Program shall

(a) coordinate a system for the strategic and sustainable development of activities directed at maritime heritage across all relevant agencies;

(b) facilitate collaboration across various institutions, agencies, stakeholders and partners to ensure the effective implementation of the maritime heritage regimes embedded in this Act and its statutory instruments and in accordance with applicable international standards and best practices;

(c) promote the protection and sustainable utilization of maritime heritage assets in the interest of maritime heritage tourism development and to advance Barbados' maritime heritage economy;

(d) integrate maritime heritage in developing, enhancing and regenerating Barbados' tourism product;

(e) encourage research activities to aid in understanding maritime heritage and the associated values and integrating them into marine spatial

planning processes, taking into account increased human activities at sea and climate change impacts on the ocean;

(f) harness outputs from tangible and intangible maritime heritage ecosystem services to support economic development and create employment opportunities; and

(g) ensure the adoption of any policies, plans of action, initiatives, strategies or other measures that

(i) are necessary for the protection, preservation and sustainable utilization of all components of maritime heritage;

(ii) are essential to securing lasting benefits to Barbados through capitalizing on the tourism potential and potential in other key sectors in maritime natural and cultural heritage activities;

(iii) will effectively enhance the interface between tourism and natural resources with a view to maximizing on their educational, scientific, cultural, ecological, economic or other value;

(iv) shall, in relation to deep-sea natural heritage, promote sustainable development of the marine natural resources tourism sector on the research, leisure and commercial spectra; and

(v) shall, in relation to the various kinds of maritime heritage, incorporate tourism into cultural and natural resources management recognizing that tourism is an important element in the national development strategy.

(3) The Barbados Maritime Heritage Tourism Development Program shall be supported by the Maritime Heritage Tourism Development Plan.

Maritime Heritage Tourism Development Plan

11.(1) The Ministry responsible for Tourism, in consultation with the Administration and any other governmental or non-governmental organizations,

including the private sector, with an interest in matters pertaining to the Maritime Heritage Tourism Development Plan.

(2) The Plan shall

(a) implement the Maritime Heritage Tourism Development Program and the overarching goals of this Act and its statutory instruments;

(b) facilitate the development of tourism products that will enhance Barbados' tourism activities directed at maritime heritage;

(c) ensure continued collaboration across all ministries, departments and agencies involved in the management, protection and regulation of maritime heritage;

(d) promote leisure, business and other forms of heritage tourism;

(e) strengthen the linkages between tourism, culture, shipping, fisheries, marine biotechnology and other sectors that directly and indirectly participate, contribute to, and benefit from, maritime heritage;

(f) leverage the scientific and cultural values of Barbados' ocean space to create opportunities for strategic linkages between the creative economy, tourism, shipping, fisheries and other sectors to enhance tourism and commercial product offerings;

(g) provide a framework for

(i) national development opportunities deriving from maritime heritage; and

(ii) the development of the maritime heritage sector;

(h) harmonize where appropriate, formalities, administrative and documentary requirements, to enable the smooth and efficient interfacing with processes relating to maritime heritage activities;

(i) ensure adoption and implementation of practices for the orderly engagement and participation in maritime heritage activities to ensure

peace, good order and security of Barbados in relation to its maritime heritage;

(j) establish an administrative and management strategy that will promote peaceful uses of any area where maritime heritage is held whether in tangible or intangible form;

(k) integrate sustainable physical planning components to support development and operationalization of facilities and amenities including land-based and underwater maritime museums and parks or other maritime heritage centres to enhance ocean-based heritage values and the maritime heritage tourism product; and

(l) ensure the periodic evaluation and review of the overall performance activities directed at maritime heritage and make necessary modifications based on evaluation findings in the interest of continued improvement of the maritime heritage sector.

(3) The Plan shall be

(a) developed and implemented, subject to the approval of the Minister of Tourism, within 2 years after the coming into force of this Act; and

(b) reviewed and updated every 5 years;

(4) The Plan may be replaced with a new plan subject to the approval of the Minister of Tourism.

Duties of the Administration

12.(1) The Administration shall

(a) regulate vessels engaged in maritime heritage activities and any other activity under this Act;

(b) collaborate with the relevant ministries, departments and agencies involved in maritime heritage activities;

(c) ensure that vessels engaged in maritime heritage activities are equipped with the following:

(i) meteorological services;

(ii) radio communication services;

(iii) hydrographic services; and

(iv) any other services, facilities or amenities essential to successfully engaging in maritime heritage activities;

(d) ensure that all vessels engaged in maritime heritage activities or any other activity specified in this Act comply with the following:

(i) this Act and its statutory instruments;

(ii) the relevant terms, conditions or restrictions of any permit, licence, contracts, certificate, approval, written authorization or the document, as the case may be;

(iii) the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22) and its statutory instruments;

(iv) the *Marine Transport (Emissions Control) Act, 2024* (Act 2024-25) and its statutory instruments;

(v) the Code for the Construction and Equipment of Mobile Offshore Drilling Units;

(vi) the Code of Safe Practice for the Carriage of Cargoes and Persons by Offshore Supply Vessels;

(vii) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf;

(viii) national merchant shipping laws; and

(ix) any other relevant enactments.

Requirements for vessels engaged in maritime heritage

13.(1) All vessels engaged in maritime heritage activities

(a) shall comply with the requirements of this Act and its statutory instruments;

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

(c) shall not engage in activities or be operated in such manner that will cause harm to the marine environment; and

(d) shall have a vessel-specific plan or strategy to minimize pollution and ensure maritime safety.

(2) A vessel specific-plan or strategy referred to in subsection (1)(*d*) shall outline measures to minimize pollution from

(a) vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges and regulating the design, construction, equipment, operation and manning of vessels;

(b) installations and devices used in ocean mineral activities, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea and regulating the design, construction, equipment, operation and manning of such installations or devices;

(c) other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

(3) No person shall pollute the marine environment of Barbados in the conduct of any activities under this Act or its statutory instruments.

(4) A person who is liable to manage and remedy any pollution shall consult with the Director of Coastal Zone Management Unit and the Director for the Environmental Protection Department before engaging in any pollution clean-up activities.

(5) A person who contravenes subsection (3) is guilty of an offence and is liable on conviction on indictment to a fine of $150 000 or to imprisonment for 7 years or to both and liable to pay the costs of managing and remedying such pollution.

Director of Ocean Affairs

14.(1) The Director of Ocean Affairs shall be assisted by a senior maritime heritage officer, maritime heritage officers or such other person.

(2) The Director of Ocean Affairs shall, in the discharge of the functions, duties and power under the Act, be subject to the direction and guidance of the Minister responsible for Coastal and Marine Affairs.

Powers and functions

15.(1) The Director of Ocean Affairs shall

(a) propose programs, policies, plans, strategies and other initiatives that will support the development of maritime and underwater cultural and natural heritage;

(b) liaise with the Ministry responsible for Coastal and Marine Affairs, the Fisheries Division, Coastal Zone Management Unit, the Ministry responsible for Underwater Cultural Heritage, the Barbados Museum and Historical Society, the Ministry responsible for Natural Resources, the Barbados Ocean Minerals Secretariat and all other relevant entities, in order to

(i) set objectives for economic, ecological, educational, social and cultural targets for the national maritime heritage sector;

(ii) take such steps as may be necessary to procure sustainable development of the maritime heritage sector of Barbados;

(iii) assist with the implementation of the provisions of this Act and its statutory instruments;

(iv) collaborate with relevant agencies in the effective exercise of coastal state control over vessels engaged in activities directed at maritime heritage;

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

(vi) perform any function necessary to give effect to this Act and its statutory instruments;

(c) supervise the senior maritime heritage officer, maritime heritage officers and any other person;

(d) ensure that necessary measures are taken to protect the rights of the State;

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

(f) take steps to give effect to any directive or policy given by the Minister responsible for Coastal and Marine Affairs;

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

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

(2) The Director of Ocean Affairs may issue maritime heritage directives, notices or guidelines after consultation with the relevant Ministry, agency, department, entity or stakeholder.

Duties and functions of heritage officers

16.(1) The Senior Maritime Heritage Officer shall have the following duties and functions:

(a) assist the Director of Ocean Affairs, the Administration and maritime law enforcement officers with investigating, supervising and monitoring of maritime and underwater cultural and natural heritage related activities;

(b) assist in the promotion of maritime and underwater cultural and natural heritage; and

(c) perform such other functions as may be required by the Director of Ocean Affairs.

(2) The functions of a maritime heritage officer are to

(a) assist the Director of Ocean Affairs, the Administration, maritime law enforcement officers and the Senior Maritime Heritage Officer with investigating, supervising and monitoring of maritime and underwater cultural and natural heritage related activities; and

(b) perform such other functions as may be required by the Director of Ocean Affairs or the Senior Maritime Heritage Officer.

Designation of areas

17.(1) The Minister responsible for Coastal and Marine Affairs in collaboration with the Minister responsible for Underwater Cultural Heritage may, by order,

(a) designate an area as a land-based maritime museum, maritime heritage centre, underwater museum or maritime heritage park in order to effectively protect tangible and maritime and underwater heritage for public enjoyment; and

(b) designate a period of time for the annual celebration and showcasing of national maritime and underwater heritage and to commemorate such period as a national marine heritage festival.

(2) An area designated under subsection (1)(*a*) shall be managed by the Ministry responsible for Coastal and Marine Affairs, the Ministry responsible for Underwater Cultural Heritage in collaboration with the Ministry responsible for Tourism and the Coastal Zone Management Unit.

Barbados Museum and Historical Society

18.(1) The Barbados Museum and Historical Society shall be responsible for the curation of excavated archaeological material in Barbados.

(2) The Museum shall supervise any marine archaeological investigation and exploration that may result in the excavation of archaeological material from the sea floor.

(3) All excavated archaeological material excavated from the sea floor shall be delivered to the Museum for curation.

(4) The Museum shall

(a) where practicable, remove and store in a safe place, tangible forms of maritime and underwater heritage protected under this Act and its statutory instruments, for the purposes of protecting such heritage during times of natural disasters;

(b) where it is safe to do so, return tangible forms of maritime heritage to its original place where it was removed for the purposes of protection and safe keeping;

(c) inform maritime heritage officers where tangible forms of maritime heritage have been removed and returned; and

(d) retain a log of any tangible forms of maritime heritage removed or returned during times of natural disasters.

Powers of Ministers

19. The following Ministers shall have the power to make regulations, rules, orders or notices:

(a) the Minister responsible for Tourism;

(b) the Minister responsible for Shipping;

(c) the Minister responsible for Coastal and Marine Affairs;

(d) the Minister responsible for Underwater Cultural Heritage; and

(e) the Minister responsible for Natural Resources.

Liability

20. No liability shall lie personally against

(a) the Director of Ocean Affairs;

(b) the Chief Fisheries Officer;

(c) the Director of the Coastal Zone Management Unit;

(d) the senior maritime heritage officer or a maritime heritage officer;

(e) the Barbados Ocean Minerals Secretariat;

(f) any member, officer or employee of the following:

(i) the Administration;

(ii) the Environmental Protection Department;

(iii) the Fisheries Division;

(iv) the Coastal Zone Management Unit;

(v) the Barbados Museum and Historical Society;

(vi) the Customs Authority; or

(vii) any Ministry, department unit or agency specified in this Act or its statutory instruments;

(g) a maritime law enforcement officer; or

(h) such other person who is authorized in writing, acting under the direction of a Minister or such Director specified in this Act or its statutory instruments,

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

PROTECTION AND PRESERVATION OF LIGHTHOUSES AND HISTORIC VESSELS

Heritage lighthouses

Application

21. This Part shall apply to all lighthouses owned or managed on behalf of the Government of Barbados.

Purpose

22. The purpose of this Part is to conserve and protect lighthouses by

(a) providing for the selection and designation of lighthouses as heritage lighthouses;

(b) preventing the unauthorized alteration or disposition of heritage lighthouses;

(c) requiring that heritage lighthouses be maintained; and

(d) facilitating sales or transfers of heritage lighthouses in order to ensure the lighthouse serves a public purpose.

Designation as heritage lighthouse

23. The Minister responsible for Shipping may, in consultation with the relevant ministries, agencies, departments and stakeholders, by order, designate a lighthouse to be a heritage lighthouse for the purposes of this Part where

(a) the lighthouse is of historic and continued importance as an aid to navigation and safe voyaging of vessels;

(b) the lighthouse serves the traditional representation of hope and guidance to generations of mariners;

(c) the role of the lighthouse in Barbadian maritime cultural heritage including its historic and aesthetic interest is of significance to communities, especially maritime communities;

(d) there is a need to enhance understanding and appreciation of the lighthouse; or

(e) there is a need to protect and preserve lighthouses as part of national maritime heritage conservation efforts.

Protection and alteration of heritage lighthouses

24.(1) Subject to subsection (2) and (3), a heritage lighthouse may only be altered in accordance with

(a) international standards and best practices for the alteration of heritage properties;

(b) the criteria and procedures established in guidelines developed by the Barbados Institute of Architects, in consultation with the Administration, the Museum and other relevant stakeholders;

(c) notices or directives issued by the Administration; or

(d) any statutory instruments made under this Act.

(2) Subsection (1) shall not apply in respect of an alteration made to a lighthouse

(a) in response to an emergency situation or an urgent operational requirement; or

(b) for operational reasons if the alteration does not affect the lighthouse's heritage characteristics.

(3) No person shall alter a heritage lighthouse without written approval from the Administration.

(4) A person may apply to the Administration to alter a heritage lighthouse.

(5) An application shall be

(a) in the form and manner specified; and

(b) accompanied by any relevant information and documentation specified by the Administration.

(6) Where a person has satisfied the requirements of an application the Administration shall grant written approval to alter a heritage lighthouse.

(7) 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 of 2 years or to both.

Maintenance of heritage lighthouses

25. All heritage lighthouses shall be maintained in accordance with

(a) international standards for the conservation of heritage properties;

(b) any applicable national standards and guidelines;

(c) notices or directives issued by the Administration; or

(d) any statutory instruments made under this Act.

Demolition of heritage lighthouses

26. A heritage lighthouse, or any part of it, shall be demolished if

(a) there is no reasonable alternative to its preservation; and

(b) a notice is published at least 90 days before the demolition in one or more newspapers of general circulation in the area in which the lighthouse is situated.

Historic vessels

Barbados Historic Vessels' Registry Program

27.(1) There shall be established the Barbados Historic Vessels' Registry Program for the purpose of protecting and preserving the national historic fleet of vessels.

(2) The Barbados Historic Vessels' Registry Program shall be managed by the Administration in consultation with the Barbados Museum and Historic Society.

Historic Vessels Register

28.(1) The Administration shall create and maintain a Historic Vessels Register which shall include the following particulars:

(a) the details of the vessel designer;

(b) the details of the vessel builder;

(c) the details of the vessel;

(d) the vessel dimensions;

(e) the vessel construction, propulsion, service history;

(f) the current location of the vessel;

(g) the current ownership of the vessel;

(h) images of the vessel; and

(i) any other particulars in relation to the vessel and its history.

(2) The Administration shall register a vessel as a historic vessel in the Historic Vessels Register where it meets the requirements the Act.

(3) A vessel classified as abandoned or derelict under any shipping or related enactment may be restored and registered as a historic vessel in the Historic Vessels Register where it meets the requirements under the Act.

(4) The Administration shall

(a) maintain the Historic Vessels Register;

(b) ensure that the particulars specified in subsection (1) are entered into the Historic Vessels Register;

(c) maintain

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

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

Restoration of historic vessels

29. The Administration, in collaboration with the Museum and the Fisheries Division, may

(a) establish, develop or manage any program relating to the restoration of historic vessels; and

(b) partner with the local boat building community or any educational and training institutions to promote knowledge and skills in vessel construction and repair and in the restoration of historic vessels.

PART IV

TRADITIONAL KNOWLEDGE AND MARINE GENETIC RESOURCES

Administration

Chief Fisheries Officer

30.(1) The Chief Fisheries Officer shall be responsible for the administration of this Part.

(2) The Chief Fisheries Officer shall

(a) promote and develop fisheries-specific maritime heritage including fisheries-specific traditional knowledge for the collective benefit of coastal, marine and fishing communities;

(b) ensure the collection and preservation of fisheries-related data and information on Barbados' fishing industry from yesteryear to contemporary times;

(c) undertake activities to support fisher-folk in obtaining maximum benefit from sustainable utilization of fisheries-specific heritage;

(d) promote policies, programs, plans of action and other initiatives that harness the benefits to be derived from linkages between fisheries and maritime heritage protection, management and development;

(e) carry out any other action in the interest of fisheries-specific maritime heritage development and preservation; and

(f) ensure compliance with this Part;

(g) take steps to give effect to any directive or policy given by the Minister responsible for Coastal and Marine Affairs;

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

(i) perform any function necessary to give effect to the Act and its statutory instruments; and

(j) do such things as are necessary or expedient for the proper and efficient administration of this Part.

Fisheries Division

31.(1) The Fisheries Division shall

(a) formulate and implement policies, procedures, plans and public education programmes or workshops

(i) on fisheries-specific maritime heritage and marine genetic resources in Barbados waters; and

(ii) to promote the sustainable development of the fishing industry in the fishing communities and coastal communities and other related forms of business or livelihoods;

(iii) for the fishing communities and coastal communities to ensure that these communities are consistently informed of the provisions of relevant enactments, treaties and conventions and of the available knowledge on coastal areas, marine life and marine genetic resources in Barbados waters;

(iv) to increase the understanding of marine-specific traditional knowledge, marine genetic resources and traditional cultural expressions associated with the sea to educate the fishing communities and coastal communities of the benefits to be derived from preserving and protecting and using these aspects of the culture;

(v) to encourage the development of industry from local sea culture and traditional cultural expressions associated with the sea;

(vi) that will support the development of marine-specific traditional knowledge, marine genetic resources and traditional cultural

expressions associated with the sea, maritime heritage, underwater cultural and natural heritage;

(b) issue guidelines, directives and notices relating to the following matters including:

(i) the preservation of the marine-specific traditional knowledge and traditional cultural expressions associated with sea which exists in these communities; and

(ii) the sustainable use of fisheries-specific maritime heritage and marine genetic resources;

(c) ensure that the coastal communities, fishing communities, persons issued with permits and licensees under this Part share in a fair and equitable way and on mutually agreed terms any benefit arising from the utilization of the marine-specific traditional knowledge and traditional cultural expressions associated with the sea;

(d) in relation to marine-specific traditional knowledge,

(i) determine whether an act pertaining to marine-specific traditional knowledge constitutes an act of misappropriation of, or another act of unfair competition in relation to, that knowledge;

(ii) determine whether prior informed consent for access to and use of marine-specific traditional knowledge has been granted;

(iii) determine equitable compensation;

(iv) determine whether a user of marine-specific traditional knowledge is liable to pay equitable compensation and if the user is liable, facilitate and administer the payment and use of equitable compensation;

(v) determine whether a right in marine-specific traditional knowledge has been acquired, maintained or infringed and the available or appropriate remedies; and

(vi) assist, where possible and appropriate, holders of marine-specific traditional knowledge to acquire, use, exercise and enforce their rights over their traditional knowledge;

(e) make enquiries and conduct such investigations in relation to any matter under this Part;

(f) suspend, for a specified period, any operations or activities under this Part in the event of a major environmental incident, hazard, health and safety incident, an emergency or natural disaster;

(g) issue, renew, approve, extend, endorse, suspend, revoke, vary, refuse to issue, renew, approve, extend or endorse, as the case may be, any licence, permit, certificate, endorsement or other document issued under this Part;

(h) educate fishing communities on intrinsic value of marine-specific traditional knowledge, traditional cultural expressions associated with the sea, maritime heritage and underwater cultural heritage;

(i) inform members of the coastal communities and fishing communities of the role of the State and matters related to research conducted in coastal communities and fishing communities;

(j) ensure the collection, analysis and collation of data on marine-specific traditional knowledge, traditional cultural expressions associated with the sea, marine genetic resources and marine genetic resources;

(k) impose administrative fines or penalties;

(l) establish and maintain any database or register including the Marine Community Heritage Register;

(m) ensure that community meetings and workshops are held in coastal communities and fishing communities across Barbados to share information on matters related to marine-specific traditional knowledge and traditional cultural expressions associated with the sea;

(n) take the necessary steps to give recognition to persons and communities which contribute to the common heritage held by the State;

(o) take measures necessary to educate the public on the rights benefits of being a community custodian;

(p) implement measures preserve and protect safeguard the environment in which traditional cultural expressions associated with the sea are generated for the direct benefit of nationals;

(q) ensure the preservation of traditional cultural expressions associated with the sea are generated for the direct benefit of nationals;

(r) encourage mutual respect and understanding in relations between local coastal and fishing communities, and the academic, commercial, educational, governmental and other users of traditional knowledge associated with the sea;

(s) implement mechanisms to facilitate and promote intellectual and artistic freedom, cultural exchange or other fair practices in respect of traditional cultural expressions associated with the sea among the fishing communities and coastal communities;

(t) implement mechanisms to prevent the misappropriation or misuse of traditional cultural expressions associated with the sea as well as mechanisms to prevent the offensive and derogatory use of traditional cultural expressions associated with the sea;

(u) encourage the development of community based plans and strategies in the fishing communities and the coastal communities which will facilitate the sharing of the benefits of the traditional knowledge and cultural expressions associated with the sea;

(v) take steps to give effect to any directive or policy given by the Minister with responsibility for coastal and marine affairs;

(w) comply with any directions of the Minister with responsibility for coastal and marine affairs; and

(x) perform any function necessary to give effect to this Part.

(2) The benefits derived from the exploitation of marine-specific traditional knowledge and traditional cultural expressions associated with the sea shall include any of the following:

(a) licence fees, in the case of commercialization or industrialization;

(b) upfront payments;

(c) milestone payments;

(d) royalties;

(e) research and development funding;

(f) institutional capacity building;

(g) employment opportunities;

(h) participation by locals in the research and development related to innovations based on marine-specific traditional knowledge, traditional cultural expressions associated with the sea, marine genetic resources and traditional knowledge associated with marine genetic resources; or

(i) social recognition.

(3) Where the Fisheries Division 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 Part, the Fisheries Division shall notify, in writing, the holder or applicant of its decision and the reason for the decision.

(4) The Fisheries Division shall not revoke a licence, certificate or permit or other document issued under this Part, as the case may be, unless the permit holder or licensee has been given a reasonable opportunity to make representation to the Chief Fisheries Officer in respect of the revocation.

(5) For the purpose of this section, "unfair competition" means any act that is not based on honest practices in industrial or commercial matters and includes the use of deceptive, fraudulent or unethical methods to gain a business or competitive advantage, causes injury to consumers, misleads the public or causes confusion.

Marine biotechnology inspectors

32.(1) The Fisheries Division shall appoint such persons who are qualified as marine biotechnology inspectors.

(2) A marine biotechnology inspector shall be responsible for

(a) inspecting any machinery, equipment, facility or operations of a marine biotechnology licensee or marine biotechnology permit holder for the purpose of ensuring that it is being used or operated in compliance with

(i) the operations or activities authorized under this Part; and

(ii) the terms, conditions or restrictions of the licence or permit, as the case may be, issued under this Part;

(b) documenting any site visit or inspection activity using any reasonable means including video, audio, photograph or other form of recording;

(c) examining and taking copies of books, accounts, documents or records of any kind required to be kept under this Act, its statutory instruments or any enactment;

(d) requiring a person in charge of a marine biotechnology facility or other place of operation to produce the relevant identification, permit, licence, certificate or other documentation, as may be the case, required by this Act, its statutory instruments or any other relevant enactment;

(e) assisting the Chief Fisheries Officer, Fisheries Division, Administration or maritime law enforcement officers with investigating, supervising and monitoring of any relevant activities under this Part;

(f) communicating any breaches of this Act and its statutory instruments to the Chief Fisheries Officer, Fisheries Division and maritime law enforcement officers;

(g) ensuring a marine biotechnology licensee or marine biotechnology permit holder comply with the health and safety management system;

(h) assisting in the general regulation of activities under this Part;

(i) ensuring persons comply with the Act and its statutory instruments; and

(j) performing any other function as may be delegated by the Chief Fisheries Officer or Fisheries Division.

(3) A marine biotechnology licensee or a marine biotechnology permit holder shall make all offices, sites, facilities and records available for inspection and testing by marine biotechnology inspectors.

(4) No person shall

(a) make or provide fraudulent or misleading information to a marine biotechnology inspector in relation to a matter regulated under this Act or its statutory instrument; or

(b) wilfully obstruct or impede a marine biotechnology inspector in the exercise of any of the powers or the performance of any of the duties conferred or imposed by the Act or its statutory instrument.

(5) A person who contravenes subsection (3) or (4) 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 have the relevant permit or licence suspended or revoked.

Inspection

33.(1) Where, following an inspection, a marine biotechnology inspector determines that any machinery, equipment, facility or operations of a marine biotechnology licensee or a marine biotechnology permit holder is unfit for its

intended use or fails to comply with this Act and its statutory instruments, he shall within 14 days prepare a report notifying the marine biotechnology licensee or a marine biotechnology permit holder of his findings and recommendations including any corrective action required and the period within which such corrective action is to be taken.

(2) A marine biotechnology inspector shall send a copy of the report referred to in subsection (1) to the Fisheries Division.

(3) Where any machinery, equipment, facility or operations are unfit for its intended use or fail to comply with this Act and its statutory instruments, a marine biotechnology licensee or a marine biotechnology permit holder shall rectify the deficiencies stated in the report.

(4) Where, a marine biotechnology licensee or a marine biotechnology permit holder refuses or fails to rectify the deficiencies stated in the report the Fisheries Division may suspend or revoke the permit or licence, as the case may be.

Limitation on authority of a marine biotechnology inspector

34. A marine biotechnology inspector shall not, in the performance of his functions, exercise any authority beyond the scope of this Act and its statutory instruments.

Barbados Marine Biotechnology and Bioprospecting Sector Plan

35.(1) The Minister responsible for Coastal and Marine Affairs, in consultation with the Fisheries Division and any other governmental or non-governmental organizations, including the private sector, with an interest in matters pertaining to the Barbados Marine Biotechnology and Bioprospecting Plan.

(2) The Barbados Marine Biotechnology and Bioprospecting Sector Plan shall comprise policies, strategies and standards for

(a) training and educating persons in the application of science and technology to living organisms from marine and freshwater aquatic resources and marine genetic resources;

(b) developing and implementing fiscal measures which will encourage investment in the marine biotechnology sector in order to promote the generation of revenue from the application of science and technology to living organisms from marine and freshwater aquatic resources and marine genetic resources;

(c) developing and implementing valuation and costing measures for the effective use of living organisms from marine and freshwater aquatic resources and marine genetic resources;

(d) ensuring the sustainable use of living organisms from marine and freshwater aquatic resources and marine genetic resources in order to secure a viable revenue stream from marine bioprospecting and marine biotechnology activities;

(e) implementing systematic procedures to prevent the indiscriminate use of living organisms from marine and freshwater aquatic resources and ensure their ability to continuously replenish;

(f) developing and implementing risk management policies and procedures to manage risks associated with marine biotechnology activities; and

(g) ensuring systematic integration and use of ecological and sustainable practices which shall have short, medium and long-term goals to ensure the continued sustainable advancement of Barbados' marine bioprospecting and marine biotechnology sector.

(3) The Fisheries Division shall implement and monitor the Plan.

(4) The Plan shall be

(a) developed and implemented, subject to the approval of the Minister responsible for Coastal and Marine Affairs, within 2 years after the coming into force of this Act; and

(b) reviewed and updated every 5 years.

(5) The Plan may be replaced with a new plan subject to the approval of the Minister responsible for Coastal and Marine Affairs.

Protection and management of intangible heritage

36. Marine-specific traditional knowledge, traditional cultural expressions associated with the sea, traditional knowledge associated with marine genetic resources and other forms of intangible heritage shall be protected and managed in accordance with the *UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003.*

Marine-specific traditional knowledge
and traditional cultural expressions associated with the sea

Rights of the State

37.(1) All rights to, and any privileges associated with, the marine-specific traditional knowledge and traditional cultural expressions associated with the sea developed in relation to

(a) fishing in the seas, catching fish or other marine animals and the preparation of such fish or other marine animals for human consumption or any other purpose; or

(b) the marine genetic resources or marine biodiversity in Barbados waters,

which were developed in the fishing communities and coastal communities, shall vest in the State to the same extent as if the State had been the original creator of the marine-specific traditional knowledge and traditional cultural expressions

associated with the sea, where such knowledge and traditional cultural expressions are registered with World Intellectual Property Organization as a part of the intellectual heritage of the State.

(2) All rights to the marine-specific traditional knowledge and traditional cultural expressions associated with the sea developed in relation to following:

(a) navigation and sailing;

(b) maritime weather forecasting;

(c) maritime communication;

(d) watchkeeping;

(e) vessel handling;

(f) operation of deck equipment, anchors and cables;

(g) rope work;

(h) line-handling;

(i) marine engine operation;

(j) survival-at-sea training and techniques; and

(k) any other relevant aspect of the art of traditional and conventional seamanship used in Barbados,

developed in the fishing communities and costal communities, shall vest in the State to the same extent as if the State had been the original creator of the marine-specific traditional knowledge and traditional cultural expressions with sea, where such knowledge or cultural expression are registered in accordance with the World Intellectual Property Organization as a part of the intellectual heritage of Barbados.

(3) The rights of the State in respect of subsection (1) and (2) are enforceable at the instance of the Attorney-General.

(4) Nothing in subsection (1) or subsection (2) shall operate to prevent a person resident in any community specified in the *First Schedule* from registering

in accordance with the *Copyright Act*, Cap. 300, *Patents Act*, Cap. 314 or *Trade Marks Act*, Cap. 319.

Collaboration to protect traditional knowledge holders

38. The Minister responsible for Coastal and Marine Affairs may collaborate with the following Ministers:

(a) the Minister responsible for Tourism;

(b) the Minister responsible for Shipping;

(c) the Minister responsible for Underwater Heritage; and

(d) the Minister responsible for Natural Resources,

to establish effective mechanisms to facilitate the acquisition, management, enforcement and protection of traditional knowledge holders.

Rights of coastal communities and fishing communities

39. A coastal community or fishing community shall be

(a) deemed to be the holders of the marine-specific traditional knowledge or the traditional cultural expressions associated with the sea for which that fishing coastal community or fishing community is designated as community custodian;

(b) notified of any use of the information in the Marine Community Heritage Register which relates to that coastal community or fishing community;

(c) entitled to be designated as a community custodian;

(d) entitled to display the marine-specific traditional knowledge or the traditional cultural expressions associated with the sea for which that coastal community or a fishing community is registered as community custodian in that community;

(e) entitled to create a community logo to depict the marine-specific traditional knowledge or the traditional cultural expressions associated with the sea of that coastal community or a fishing community and to have that logo registered in the Marine Community Heritage Register; and

(f) entitled to any other related rights.

Designation of community custodian

40.(1) Upon recommendation by the Chief Fisheries Officer, the Minister responsible for Coastal and Marine Affairs may, by order, designate a coastal community or fishing community as a community custodian.

(2) A coastal community or fishing community may apply to the Chief Fisheries Officer to be designated as a community custodian.

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

(4) An application shall

(a) include the following particulars:

(i) the name and location of the coastal community or fishing community;

(ii) reference to the marine-specific traditional knowledge or traditional cultural expressions associated with sea or any related activity which is being claimed; and

(iii) any other relevant information; and

(b) be accompanied by the following:

(ii) evidence of development and usage of the marine-specific traditional knowledge or traditional cultural expressions associated with sea or any related activity which is being claimed; and

(iii) any other information or documentation as the Chief Fisheries Officer may specify.

(5) Where the Chief Fisheries Officer is satisfied that an applicant has met the requirements under this Part, he may recommend that the coastal community or fishing community be designated as a community custodian.

Marine Community Heritage Register

41.(1) There shall be established a Marine Community Heritage Register which shall be maintained by the Fisheries Division.

(2) The Marine Community Heritage Register shall contain the following particulars:

(a) the name of the coastal community or fishing community with marine-specific traditional knowledge or traditional cultural expressions associated with the sea;

(b) the name, address and contact number of the person providing the information in relation to the marine-specific traditional knowledge or the traditional cultural expressions associated with the sea;

(c) a clear and concise written description, with video, diagrammatic or photographic evidence, where relevant, of the marine-specific traditional knowledge or traditional cultural expressions associated with the sea;

(d) a provision registering and recognizing the special designation of a "community custodian" any fishing community or coastal community which can establish a special claim to any aspect of the marine-specific traditional knowledge or traditional cultural expressions associated with the sea or any related activity;

(e) a provision to record any representation, logo or other diagrammatic representation created by a fishing community or coastal community issued the designation of community custodian;

(f) a provision detailing any innovation made by a person based on the marine-specific traditional knowledge or traditional cultural expressions associated with the sea in a coastal community or a fishing community; and

(g) any other particulars specified by the Fisheries Division.

(3) The Fisheries Division shall

(a) ensure that particulars specified in subsection (2) are entered into the Marine Community Heritage Register; and

(b) maintain

(i) the Marine Community Heritage Register in a physical format, electronic format or in both formats; and

(ii) the information referred to in subsection (2) in accordance with the *Data Protection Act, 2019* (Act 2019-1).

Marine heritage research permit

42.(1) No person shall conduct any research or collect any data or information from a coastal community, fishing community or surrounding area without a marine heritage research permit.

(2) A person may apply to the Fisheries Division for a marine heritage research permit.

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

(4) An application shall

(a) include the following particulars:

(i) the name, address and contact information of the researcher and all persons who will be entering the fishing community or coastal community to conduct or participate in the research;

(ii) the name of the person, educational or training institution under whose auspices or whose behalf the research is being conducted;

(iii) the purpose of the research;

(iv) the research methodology;

(v) how the collected data or information in the research process will be used and how it may be used beyond the existing research;

(vi) indicate how the research process may impact members of the fishing community or coastal community;

(vii) indicate how persons living in the fishing community or coastal community will be compensated or rewarded for participating in the research particularly where such participation will involve that person sharing skills, knowledge, expertise and time in relation to marine-specific traditional knowledge and traditional cultural expressions associated with the sea; and

(viii) any other information that may be required by the Fisheries Division; and

(b) be accompanied by the following:

(i) the prescribed fees; and

(ii) any supporting documentation specified by the Fisheries Division.

(5) The Fisheries Division shall inform and consult a coastal community, fishing community or persons in a surrounding area of an application for a marine heritage research permit prior to any determination relating to the issuance of such permit.

(6) 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 of 5 years or to both.

Issue of marine heritage research permit

43. Where a person has satisfied the requirements and has paid the prescribed fee, the Fisheries Division shall issue a marine heritage research permit.

Terms

44.(1) A marine heritage research permit may contain such terms, conditions and restrictions as are considered necessary.

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

(3) A permit is not transferable.

(4) It shall be a condition of all marine heritage research permits that each person from a coastal community or fishing community who contributed to the research or the collection of data or information is appropriately acknowledged in any publication, presentation or related document.

(5) A person who fails to comply with subsection (4) is liable to an administrative fine and the permit suspended or revoked, as the case may be.

Duration and renewal

45.(1) A marine heritage research permit shall be valid for a period of one year from the date of issue.

(2) A marine heritage research permit may be renewed.

(3) A person may apply to the Fisheries Division to renew a permit in the specified form and manner and upon paying the prescribed fee.

(4) The Fisheries Division shall renew a marine heritage research permit where the applicant has met the requirements for renewal.

Suspension, revocation or refusal to renew

46. The Fisheries Division may suspend, revoke or refuse to renew, as the case may be, a marine heritage research permit where it is satisfied that the permit holder

(a) failed to comply with any term, condition or restriction of the permit or has contravened the provisions of this Act or its statutory instruments; or

(b) provided fraudulent or misleading information in relation to an application for a marine heritage research permit.

Misappropriation of marine-specific traditional knowledge

47.(1) A person who

(a) induces breach of contract, breach or inducement of breach of confidence or confidentiality, breach of fiduciary obligations or other relations of trust, deception, misrepresentation, the provision of misleading information when obtaining prior informed consent for access to marine-specific traditional knowledge or other unfair or dishonest means;

(b) acquires marine-specific traditional knowledge or exercises control over marine-specific traditional knowledge in violation of legal measures that require prior informed consent as a condition of access to the knowledge and use of marine-specific traditional knowledge that violates terms that were mutually agreed as a condition of prior informed consent concerning access to that knowledge;

(c) falsely claims or asserts ownership or control over marine-specific traditional knowledge including acquiring, claiming or asserting intellectual property rights over traditional knowledge-related subject matter by a person who knew that the intellectual property rights were

not validly held in the light of that maritime-specific traditional knowledge and any conditions relating to its access; and

(d) possesses commercial or industrial use of marine-specific traditional knowledge without just and appropriate compensation to the recognized holders of the knowledge when such use has gainful intent and confers a technological or commercial advantage on its user and when compensation would be consistent with fairness and equity in relation to the holders of the knowledge in view of the circumstances in which the user acquired the knowledge,

is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for a term of 5 years or to both.

(2) An agency, organization or company shall be deemed to be guilty of the offence of misappropriation of the marine-specific traditional knowledge under subsection (1) unless proven that the offence was committed without the knowledge of the agency, organization or company or that the agency, organization or company exercised all due diligence to prevent the commission of such offence.

Misappropriation of traditional cultural expressions associated with the sea

48.(1) All forms of traditional cultural expressions associated with the sea shall be protected against misappropriation, misuse and unlawful exploitation.

(2) In respect of expressions other than names, signs, symbols and words, no person shall

(a) adapt, publish, reproduce, broadcast, communicate, distribute a publication, publicly perform, rent, make available to the public and fix the expression or any derivative of the traditional cultural expression associated with the sea;

(b) use the expression or adaptation of the expression which does not acknowledge or recognize in the appropriate manner, the local coastal

or fishing community as the source of the traditional cultural expression associated with the sea or any derivative thereof;

(c) distort, mutilate, modify or engage in any derogatory act relating to the traditional cultural expression associated with the sea; or

(d) engage in the unlawful acquisition or exercise of intellectual property rights over the traditional cultural expression associated with the sea.

(3) In respect of names, signs, symbols and words, no person shall use the traditional cultural expression associated with the sea, through the acquisition or exercise of intellectual property rights over the expression or derivative which disparages, offends or falsely suggests a connection with the local coastal or fishing community or brings a coastal or fishing community into contempt or disrepute.

(4) In relation to the use and exploitation of traditional cultural expressions associated with the sea, no person shall

(a) distort, mutilate, modify or engage in other derogatory action in relation to a traditional cultural expression associated with the sea;

(b) make false, confusing or misleading indications or allegations which, in relation to goods or services, refer to, draw upon or evoke the expression of a traditional coastal or fishing community or suggests any endorsement by, or linkage with, that community; or

(c) use or exploit for gainful intent without equitable remuneration or benefit sharing on terms determined and agreed with the local coastal or fishing community.

(5) A person who contravenes subsection (2), (3) or (4) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for a term of 5 years or to both.

Marine biotechnology permit

49.(1) Subject to this Act, no person shall explore, test components, conduct marine biotechnology activities relating to living organisms or marine genetic resources in Barbados for non-commercial purposes without a marine biotechnology permit.

(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 a term of 5 years or to both and is also liable to forfeit the marine genetic resource.

Application for marine biotechnology permit

50.(1) A person may apply to the Chief Fisheries Officer for a marine biotechnology permit.

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

(3) An application shall be accompanied by

(a) the prescribed fee;

(b) an insurance policy or other form of financial security;

(c) particulars of the applicant including the name, address and contact information;

(d) proof of the applicant's legal capacity to contract;

(e) the type and quantitative description of the marine genetic resource for which access is sought, its intended uses, sustainability and risks which may arise from access to the marine genetic resource and associated traditional knowledge;

(f) details relating to how any unused material, including marine genetic resources, will be disposed of;

(g) the locality where marine genetic resource and associated traditional knowledge is to be collected, as well as sites where the research will be conducted;

(h) details relating to whether there is a risk for species loss and whether the collection of the marine genetic resource will endanger any component of biological diversity;

(i) where applicable, details relating to the institution with which the sample of the marine genetic resource is to be deposited;

(j) the purpose for which access to the marine genetic resource is requested including the type and extent of commercial use expected to be derived from the resources;

(k) any collaborative research on marine-specific traditional knowledge, including traditional knowledge associated with marine genetic resources and marine genetic resources, if any, to be undertaken with any other person or institution;

(l) the financial, economical, technical, biotechnology, scientific, environmental, social or other benefits to be obtained by the Government and people of Barbados and civil society including local coastal or fishing communities according to identified benefit-sharing agreements under the Act and its statutory instruments;

(m) any other relevant particulars as may be required by the Chief Fisheries Officer; and

(n) any other documentation specified by the Chief Fisheries Officer.

Issue of marine biotechnology permit

51. Where a person has satisfied the requirements and has paid the prescribed fee, the Chief Fisheries Officer shall issue a marine biotechnology permit.

Terms

52.(1) A marine biotechnology permit may contain such terms, conditions and restrictions as are considered necessary.

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

(3) A permit is not transferable.

Duration and renewal

53.(1) A marine biotechnology permit shall be valid for a period of one year from the date of issue.

(2) A marine biotechnology permit may be renewed.

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

(4) The Chief Fisheries Officer shall renew a marine biotechnology permit where the applicant has met the requirements for renewal.

Suspension, revocation or refusal to renew

54. The Chief Fisheries Officer may suspend, revoke or refuse to renew, as the case may be, a marine biotechnology permit where he is satisfied that the permit holder has

(a) failed to comply with any term, condition or restriction of the permit;

(b) provided fraudulent or misleading information in relation to an application for a marine biotechnology permit; or

(c) contravened the provisions of this Act or its statutory instruments.

Marine biotechnology licence

55.(1) No person shall explore, extract, remove, test components or conduct any marine biotechnology activities relating to living organisms from marine and

aquatic freshwater resources or marine genetic resources in Barbados for commercial purposes without a marine biotechnology licence.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of $200 000 or to imprisonment for a term of 10 years or to both and is also liable to forfeit the marine genetic resource.

Application for marine biotechnology licence

56.(1) A person may apply to the Chief Fisheries Officer for a marine biotechnology licence.

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

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

(a) the prescribed fee;

(b) an insurance policy or other form of financial security;

(c) particulars of the applicant including the name, address and contact information;

(d) proof of the applicant's legal capacity to contract;

(e) the type and quantitative description of the marine genetic resource for which access is sought, its intended uses, sustainability and risks which may arise from access to the marine genetic resource and associated traditional knowledge;

(f) details relating to how any unused material including marine genetic resources will be disposed of;

(g) the locality where marine genetic resource and associated traditional knowledge is to be collected, as well as sites where the research will be conducted;

(h) details relating to whether there is a risk for species loss and whether the collection of the marine genetic resource will endanger any component of biological diversity;

(i) where applicable, details relating to the institution with which the sample of the marine genetic resource is to be deposited;

(j) the purpose for which access to the marine genetic resource is requested including the type and extent of commercial use expected to be derived from the resources;

(k) any collaborative research on marine-specific traditional knowledge, including traditional knowledge associated with marine genetic resources and marine genetic resources, if any, to be undertaken with any other person or institution;

(l) the financial, economical, technical, biotechnology, scientific, environmental, social or other benefits to be obtained by the Government and people of Barbados and civil society including local coastal or fishing communities according to identified benefit-sharing agreements under the Act and its statutory instruments;

(m) any other relevant particulars as may be required by the Chief Fisheries Officer; and

(n) any other documentation specified by the Chief Fisheries Officer.

Publication of application

57.(1) Where it appears to the Chief Fisheries Officer that the requirements of this Act governing an application for a marine biotechnology licence have been complied with, the Secretariat shall notify the applicant and require that the applicant, within a period of 60 days from the receipt of the notification, pay the prescribed fee for publication of the notice of the application.

(2) Upon payment of the fee required under subsection (1), the Chief Fisheries Officer shall publish a notice of the application in the *Official Gazette*.

(3) The publication of a notice of an application for a marine biotechnology licence shall

(a) specify the date of the application;

(b) state the name and address of the applicant and, if relevant, the address for service of the applicant;

(c) indicate the living organisms from marine and aquatic freshwater resources or marine genetic resources for which the licence is being applied for;

(d) indicate the proposed geographic location for the proposed marine biotechnology activities; and

(e) state the terms, conditions and restrictions governing the licence.

Opposition

58.(1) A person who opposes an application for the issuance of a marine biotechnology licence under this Act may, within 60 days from the date of the publication of the notice of the application, inform the Chief Fisheries Officer, by a notice in the prescribed manner, of that person's opposition and the reasons.

(2) Where the Chief Fisheries Officer receives a notice, the Chief Fisheries Officer shall require the opposing person and the applicant to attend before him at a time and place fixed by him, to hear the matter of the opposition.

(3) At the conclusion of the hearing, the Chief Fisheries Officer

(a) may, subject to the Act, issue or refuse to issue the marine biotechnology licence; and

(b) shall state in writing his reasons for his decision.

(4) Where no notice of opposition to the application of a marine biotechnology licence is received by the Chief Fisheries Officer within the specified period the Chief Fisheries Officer shall proceed to consider the application.

Public consultation

59. Before taking a decision to issue an marine biotechnology licence, the Chief Fisheries Officer shall provide

(a) timely and appropriately comprehensive information about that application to the public of Barbados to any groups who may be affected by the proposed activities contained within that licence application; and

(b) an opportunity for the public or interest groups representing the public to provide information that will be taken into account by the Chief Fisheries Officer in taking a decision under this Part.

Issue of marine biotechnology licence

60. Subject to this Part, where a person has satisfied the requirements and has paid the prescribed fee, the Chief Fisheries Officer shall issue a marine biotechnology licence.

Terms

61.(1) A marine biotechnology 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.

(4) Subject to this Act, a licence issued under this Part shall not be issued for a designated marine area or an area that is already the subject of a permit or licence issued under this Act.

Duration and renewal

62.(1) A marine biotechnology licence shall be valid for a period of one year from the date of issue.

(2) A marine biotechnology licence may be renewed.

(3) A person may apply to the Chief Fisheries Officer to renew a licence in the prescribed manner and upon paying the prescribed fee.

(4) The Chief Fisheries Officer shall renew a marine biotechnology licence where the applicant has met the requirements for renewal.

Suspension, revocation or refusal to renew

63.(1) The Chief Fisheries Officer may suspend, revoke or refuse to renew, as the case may be, a marine biotechnology licence where he is satisfied that the licence holder has

(a) failed to comply with any term, condition or restriction of the licence;

(b) failed to comply with any requirement, obligation or other provision contained in any report, plan or programme, approved by the Fisheries Division;

(c) failed to comply with any guidelines, notices or directives issued by the Fisheries Division;

(d) provided fraudulent or misleading information in relation to an application for a marine biotechnology licence; or

(e) contravened the provisions of this Act or its statutory instruments.

(2) The Fisheries Division may, by written agreement with a marine biotechnology licensee, suspend the marine biotechnology licence for a specified period and on specified terms.

(3) Where the operations of a marine biotechnology licensee are partially or totally suspended as a result of a *force majeure* event, the Fisheries Division shall extend the licence for the period which corresponds to the length of time for which the operations were suspended.

Surrender of licence

64.(1) A marine biotechnology licensee shall not, without the approval of the Fisheries Division, surrender a licence.

(2) A marine biotechnology licensee may, within 90 days of a proposed surrender, apply to the Fisheries Division for approval to surrender a licence.

(3) Where a marine biotechnology licensee proposes to surrender a licence, the licensee shall perform or discharge any outstanding obligations under the licence prior to the surrender.

(4) The Fisheries Division shall not approve the surrender of a marine biotechnology licence unless such marine biotechnology licensee has to the satisfaction of the Fisheries Division

(a) satisfied any monetary obligations incurred before the surrender or made arrangements for the satisfaction of the monetary obligations;

(b) provided for the conservation and protection of the marine genetic resources in the area to be surrendered;

(c) made good any damage caused by marine genetic resources operations to the seabed or subsoil in the area to be surrendered;

(d) provided information that should have been but was not previously provided to the Fisheries Division; and

(e) removed or caused to be removed from the area to be surrendered all property brought into the area by the marine biotechnology licensee or made arrangements with respect to the property.

(5) Notwithstanding subsection (4), the Fisheries Division may, where it considers appropriate, waive any of the requirements of subsection (4).

(6) Where a marine biotechnology licensee surrenders a part of the licence area, the licence shall continue in force in respect of the remainder of the licence

area, subject to any modification of the conditions of the licence specified by the Fisheries Division in its approval of the surrender.

(7) The Fisheries Division shall specify the effective date of a surrender.

(8) A person who contravenes subsection (1) is liable to pay an administrative penalty not exceeding $50 000.

Approval to export marine genetic resources and marine biotechnology products

65.(1) No person shall export from Barbados any marine genetic resources or marine biotechnology products or any part thereof without the written approval of the Fisheries Division.

(2) A person may apply to the Fisheries Division for approval to export marine genetic resources or marine biotechnology products.

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

(a) the relevant details of the marine genetic resources or marine biotechnology products;

(b) any relevant documentation related to the marine genetic resources or marine biotechnology products; and

(c) any other information or documentation as may be specified by the Fisheries Division.

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Fisheries Division shall

(a) grant written approval to export the marine genetic resources or marine biotechnology products; and

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

Licence to export marine genetic resources or marine biotechnology products

66.(1) No person shall export marine genetic resources or marine biotechnology products or any part thereof without an export licence.

(2) A person may apply to the Ministry responsible for Commerce for a licence to export marine genetic resources or marine biotechnology products.

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

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

(a) prescribed fee;

(b) the relevant details of the marine genetic resources or marine biotechnology products to be exported;

(c) written approval of the Fisheries Division;

(d) any documentation as may be specified by the Ministry responsible for Commerce.

(5) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Ministry responsible for Commerce may issue a licence to export the marine genetic resources or marine biotechnology products.

(6) 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 a term of 5 years or to both and is also liable to forfeit the marine genetic resources and marine biotechnology products to the State.

Terms, conditions and restrictions

67.(1) An export licence shall be subject to such terms, conditions or restrictions as the Ministry responsible for Commerce specifies.

(2) An export licence is not transferable.

(3) An export licence shall be valid for the export of the item specified therein and is valid for 6 months from the date of issue.

Compliance with enactments

68. A person who has received an export licence shall comply with all other enactments.

Duties of customs authorities

69. The relevant customs authorities shall have the following duties:

(a) inspect and verify any marine genetic resources and marine biotechnology products being exported;

(b) ensure that any marine genetic resources and marine biotechnology products being exported from Barbados are accompanied by the relevant export licence and documentation;

(c) inspect and verify any marine genetic resources and marine biotechnology products exported from Barbados and any accompanying documentation;

(d) require any person who is leaving Barbados and who is in possession of, or transporting marine genetic resources and marine biotechnology products, to have the relevant export licence for the item specified therein; and

(e) seize any marine genetic resources and marine biotechnology products that a person intends to export without the relevant documentation or export licence and immediately report the matter to the appropriate authority.

PART V

UNDERWATER CULTURAL HERITAGE

Interpretation

70. For the purposes of this Part,

"coin" includes any metal token which was, or can reasonably be assumed to have been, used or intended for use as or instead of money;

"precious metal" means silver, gold or other precious metals;

"Minister" means the Minister responsible for Underwater Cultural Heritage;

"Ministry" means the Ministry responsible for Underwater Cultural Heritage;

"underwater treasure"

(a) means

(i) any object at least 100 years old when found

(A) is not a coin but has metallic content of which at least 10 percent by weight is precious metal;

(B) is a coin which has metallic content of which at least 10 percent by weight is precious metal;

(ii) any object at least 100 years old when found belongs to a class designated or classified in an order as underwater treasure by the Minister after consultation with the Museum and other relevant entities; or

(iii) any object classified in an order as underwater treasure by the Minister, after consultation with the Museum and other relevant entities; and

(b) does not include ocean minerals or unworked natural objects; and

"unworked natural objects" means any object found with treasure that has not been cultivated, mined or carved and includes human and animal remains found in association with treasure.

Non-application

71. The law of finds and the law of salvage shall not apply to underwater cultural heritage.

Administration

Administration

72. The Ministry, in collaboration and consultation with the Museum and the Coastal Zone Management Unit, shall be responsible for the administration of this Part.

Duties and powers of the Ministry

73.(1) The Ministry shall have the power to

(a) ensure the protection of underwater cultural heritage;

(b) cooperate with other States to protect underwater cultural heritage;

(c) ensure the preservation *in situ* of underwater cultural heritage is considered as the first option before allowing or engaging in any activities directed at this heritage;

(d) ensure that recovered underwater cultural heritage is deposited, conserved and managed in a manner that ensures its long-term preservation;

(e) take all practical measures to prevent any immediate danger to underwater cultural heritage whether arising from human activity or any other cause;

(f) ensure that underwater cultural heritage is not indiscriminately exploited;

(g) have due regard for all human remains located in Barbados waters by ensuring their preservation or proper disposal, as the case may be.

(2) The Ministry shall

(a) establish, implement and maintain economic development programs for underwater cultural heritage;

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

(c) issue notices, directives or guidelines relating to underwater cultural heritage;

(d) impose administrative fines;

(e) educate the public on underwater cultural heritage;

(f) implement measures to preserve, protect and safeguard the marine environment in which underwater cultural heritage is situated;

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

(h) perform such other functions as may be required by the Minister; and

(i) do such things as are necessary or expedient to effect to the provisions of this Part and for the proper and efficient administration of this Part.

Minister

74.(1) The Minister may give directions of a general nature as to the policy to be followed by the Museum and the Coastal Zone Management Unit in the performance of the functions under this Part, as appear to the Minister to be necessary in the public interest.

(2) The Minister shall have the power to

(a) give the Museum directions with respect to a policy; and

(b) make regulations, orders or notices.

Coastal Zone Management Unit

75.(1) The Coastal Zone Management Unit shall undertake all necessary actions in the course of the exercise of its operations to assist in the protection and management of maritime heritage.

(2) The Director of the Coastal Zone Management Unit shall

(a) adopt relevant policies, programs, plans of action or initiatives to develop and promote maritime heritage protection into integrated coastal and marine management activities and processes;

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

(c) perform any function necessary to give effect to this Part.

Powers and duties of the Museum

76. The Museum shall

(a) undertake any necessary measures for conservation, research, interpretation or exhibition of any kind of maritime heritage in Barbados;

(b) issue notices, guidelines, directives relating to acquisition, protection, preservation and management of maritime heritage in Barbados;

(c) collaborate with and provide guidance to all relevant ministries, agencies, departments, entities and stakeholders responsible for regulating a particular heritage regime in accordance with this Act and any of its statutory instruments;

(d) advance, in collaboration with the Ministry, policies, programs, plans of action or other initiatives that embrace innovative approaches that leverage the power of education, science, technology, innovation, community engagement and collaboration, to protect, manage, and ensure sustainable utilization of tangible and intangible maritime heritage; and

(e) perform any other function in furtherance of the Museum's role in safeguarding maritime heritage in Barbados.

Customs authorities

77. The relevant customs authorities shall have the following duties:

(a) inspect and verify

(i) any underwater cultural heritage object; or

(ii) any underwater cultural heritage object being imported into or exported from Barbados and any accompanying licence or documentation related to such object;

(b) ensure that any underwater cultural heritage object being exported from Barbados is accompanied by the relevant licence or documentation;

(c) require any person who is leaving Barbados and who is in possession of, or transporting underwater cultural heritage object has the relevant licence or documentation; and

(d) seize any underwater cultural heritage object that a person intends to export without the relevant licence or documentation and immediately report the matter to the appropriate authority.

Discovery of underwater cultural heritage objects

78.(1) A person who discovers an underwater cultural heritage object in Barbados' waters shall notify the Ministry, the Coastal Zone Management Unit,

the Museum or maritime law enforcement officer within 7 days of the date of discovery.

(2) The notification referred to in subsection (2) shall be in writing and shall set out

(a) a description of the object;

(b) a description of the location where the object was discovered;

(c) the date of discovery; and

(d) where practicable, a photo of the object.

(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.

Claims to underwater cultural heritage objects

79. Subject to this Act, no act or activity undertaken under this Part shall constitute grounds for claiming, contending or disputing any claim of Barbados to its underwater cultural heritage.

Underwater Cultural Heritage Register

80.(1) There shall be established a register to be known as the Underwater Cultural Heritage Register.

(2) The Register shall contain the following particulars:

(a) the name, address, nationality and contact number of the person finding or providing the information in respect of the underwater cultural heritage site;

(b) the location of the underwater cultural heritage site with a brief description of the area;

(c) a clear and concise written description, with video, diagrammatic or photographic evidence, where relevant, of the underwater cultural heritage site; and

(d) such other particulars that may be required by the Ministry.

(3) The Ministry shall

(a) maintain the Underwater Cultural Heritage Register;

(b) ensure that the particulars specified in subsection (2) are entered into the Underwater Cultural Heritage Register; and

(c) maintain

(i) the Underwater Cultural Heritage Register in a physical format, electronic format or in both formats; and

(ii) the information referred to in subsection (2) in accordance with the *Data Protection Act, 2019* (Act 2019-1).

Underwater cultural heritage permit

81.(1) Subject to the Act, no person shall search for, explore, investigate, research, excavate, interfere with, displace, collect, remove or recover an underwater cultural heritage object in Barbados' waters without an underwater cultural heritage permit.

(2) Subject to subsection (1), a permit shall not be required for recreational activities including:

(a) diving;

(b) snorkelling;

(c) scuba diving; or

(d) any other similar activity.

(3) Subsection (1), shall not apply to the following:

(a) the Coastal Zone Management Unit or any person authorized in writing to act on its behalf;

(b) the Museum or any person authorized in writing to act on its behalf; or

(c) the Ministry or any person authorized in writing to act on its behalf.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to $100 000 or to a term of imprisonment of 5 years or to both and is liable to forfeit the underwater cultural heritage object to the State.

Application for underwater cultural heritage permit

82.(1) A person may apply to the Ministry for an underwater cultural heritage permit in the form and manner prescribed.

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

(a) the prescribed fee;

(b) a design proposal; and

(c) any other documentation specified by the Ministry.

(3) A design proposal shall contain the following:

(a) an evaluation of previous or preliminary studies;

(b) the project statement and objectives related to the underwater cultural heritage activities;

(c) the methodology to be used and the techniques to be employed in relation to the underwater cultural heritage activities;

(d) the anticipated funding for the proposed underwater cultural heritage activity;

(e) an expected timetable for completion of the project;

(f) the composition of the personnel and team members and the qualifications, responsibilities and experience of each team member;

(g) plans for post-field work analysis and other activities;

(h) a conservation programme for artefacts and the site;

(i) a site management and maintenance policy for the duration of the project;

(j) a documentation programme related to any underwater cultural heritage activity undertaken;

(k) a safety policy related to the proposed underwater cultural heritage activity;

(l) an environmental policy related to the proposed underwater cultural heritage activity;

(m) arrangements for collaboration with museums and other institutions including scientific institutions;

(n) a report related to the proposed underwater cultural heritage activity;

(o) a deposition of archives accumulated during the underwater cultural heritage operations including any information relating to underwater cultural heritage objects removed;

(p) a programme for publication related to any underwater cultural heritage activity undertaken; and

(q) any other information or documentation specified by the Ministry.

Issue of underwater cultural heritage permit

83.(1) Where a person has satisfied the requirements and has paid the prescribed fee, the Ministry shall issue an underwater cultural heritage permit.

(2) An underwater cultural heritage permit shall contain the following particulars:

(a) the name, address, telephone number and email address of the permit holder;

(b) the description of the underwater cultural heritage;

(c) the location of the underwater cultural heritage discovered;

(d) the description of the activity authorized;

(e) the period for which the permit is valid;

(f) the terms, conditions or restrictions imposed on the permit holder;

(g) the permit number; and

(h) any other information specified by the Ministry.

Terms

84.(1) An underwater cultural heritage permit may contain such terms, conditions and restrictions as are considered necessary.

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

(3) A permit is not transferable.

Duration and renewal

85.(1) An underwater cultural heritage permit shall be valid for a period of one year from the date of issue.

(2) An underwater cultural heritage permit may be renewed.

(3) A person may apply to the Ministry to renew a permit in the specified form and manner and upon paying the prescribed fee.

(4) The Ministry shall renew an underwater cultural heritage permit where the applicant has met the requirements for renewal.

Suspension, revocation or refusal to renew

86.(1) The Ministry may suspend, revoke or refuse to renew, as the case may be, an underwater cultural heritage permit where the permit holder has

(a) failed to comply with any term, condition or restriction of the permit;

(b) failed to comply with any requirement, obligation or other provision contained in any report, plan or programme, approved by the Ministry, in relation to the permit;

(c) failed to comply with any guidelines issued by the Ministry;

(d) provided fraudulent or misleading information in relation to an application for an underwater cultural heritage permit; or

(e) contravened the provisions of this Act or its statutory instruments.

(2) The Ministry may, by written agreement with a permit holder, suspend the underwater cultural heritage permit for a specified period and on specified terms.

Surrender of permit

87.(1) An underwater cultural heritage permit holder shall not, without the approval of the Ministry, surrender an underwater cultural heritage permit.

(2) An underwater cultural heritage permit may, within 90 days of a proposed surrender, apply to the Ministry for approval to surrender a permit.

(3) Where an underwater cultural heritage permit holder proposes to surrender a permit, the permit holder shall perform or discharge any outstanding obligations under the permit prior to the surrender.

(4) A person who contravenes subsection (1) is liable to pay an administrative penalty not exceeding $50 000.

Approval to export underwater cultural heritage objects

88.(1) No person shall export from Barbados any underwater cultural heritage object without the written approval of the Ministry.

(2) A person may apply to the Ministry for approval, in writing, to export any underwater cultural heritage object.

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

(a) the relevant details of the underwater cultural heritage object;

(b) any relevant documentation related to the underwater cultural heritage object; and

(c) any other information or documentation specified by the Ministry.

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Ministry shall

(a) grant written approval to export an underwater cultural heritage object; and

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

Licence to export underwater cultural heritage object

89.(1) No person shall export an underwater cultural heritage object without an export licence.

(2) A person may apply to the Ministry responsible for Commerce for a licence to export an underwater cultural heritage object.

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

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

(a) prescribed fee;

(b) the relevant details of the underwater cultural heritage object;

(c) written approval of the Ministry to export the underwater cultural heritage object; and

(d) any documentation as may be specified by the Ministry responsible for Commerce.

(5) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Ministry responsible for Commerce shall issue a licence to export an underwater cultural heritage object.

(6) 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 a term of 5 years or to both and is also liable to forfeit the underwater cultural heritage object to the State.

Terms

90.(1) A licence to export an underwater cultural heritage object 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 shall be valid for a period of 6 months from the date of issue.

(4) A licence is not transferable.

Marine heritage area

91.(1) The Coastal Zone Management Unit may, after consultation with the relevant agencies, make a recommendation to the Minister that an area within Barbados waters be declared as a marine heritage area.

(2) Upon recommendation of the Coastal Zone Unit, the Minister may, by order, declare an area within Barbados waters as a marine heritage area.

(3) A marine heritage area shall be developed in accordance with

(a) this Act and its statutory instruments; and

(b) a marine spatial plan.

(4) The Minister may, by order

(a) provide for the protection, management, ownership, preservation, collection, custody and other matters related to underwater cultural heritage including historic wrecks, sites of interest and objects of archaeological and historic nature found within Barbados waters and in a marine heritage area; and

(b) provide for the management and regulation of activities in a marine heritage area.

Rights and jurisdiction of Barbados in a marine heritage area

92.(1) Barbados shall have sovereign rights and exclusive jurisdiction in any area declared as a marine heritage area.

(2) Subject to any other law or international treaty to which Barbados is party, Barbados has, in respect of objects of an archaeological or historical nature found in the marine heritage area, the same rights and powers as it has in respect of its internal waters and territorial sea.

Underwater cultural heritage activity within a marine heritage area

93.(1) No person, entity, foreign government or international organization shall engage in any underwater cultural heritage activity within a marine heritage area except under, and in accordance with

(a) a licence or permit, as the case may be;

(b) written authorization granted by the Minister; or

(c) written agreement with the Government of Barbados.

(2) No person, entity, foreign government or international organization shall engage in any commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal within a marine heritage area.

(3) 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 a term of 5 years or to both and is also liable to forfeit the cultural object to the State.

Discovery of underwater cultural heritage in the Area

94.(1) A person who discovers, finds or locates an object, article or item constituting underwater cultural heritage in the Area shall notify the Ministry within 7 days.

(2) Where the Ministry receives a notification under subsection (1), the Minister shall notify the International Seabed Authority.

Designation as underwater treasure

95. The Minister, after consultation with the Museum may, by order, designate any class or object which he considers to be of historical, archaeological or cultural significance as underwater treasure.

Treasure discovery

96.(1) A person who discovers or finds an object in Barbados waters which he believes or has reasonable grounds for believing is treasure shall, within 14 days of the find, notify the Ministry, the Museum, Coastal Zone Management Unit or a maritime law enforcement officer.

(2) The Ministry in consultation with the Museum may determine whether an object discovered or found is treasure.

(3) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

Reward

97.(1) A person who finds an object in Barbados waters which he believes or has reasonable grounds for believing is treasure may be entitled to a reward.

(2) The Minister of Finance, in consultation with the Ministry and Museum, shall issue guidelines relating to the discovery of treasure including the following:

(a) who is entitled to a reward;

(b) whether a reward is to be paid;

(c) the amount of the reward;

(d) to whom the reward is to be payable; and

(e) if a reward is to be paid to more than one person, how much each person is to receive.

(3) A reward shall not exceed the treasure's market value.

Objects

98.(1) When an object is found, it is part of the same find as another object if

(a) they are found together;

(b) the other object was found earlier in the same place where they had been left together; or

(c) the other object was found earlier in a different place, but they had been left together and had become separated before being found.

(2) Where the circumstances in which objects are found can reasonably be taken to indicate that they were together at some time before being found, the objects are to be presumed to have been left together, unless shown not to have been.

(3) An object which can reasonably be taken to be at least a particular age is to be presumed to be at least that age, unless shown not to be.

(4) An object is not treasure if it is wreck.

Ownership of treasure

99.(1) When treasure is found within Barbados waters, it vests, subject to prior interests and rights in the person who found the treasure or in the State.

(2) For the purposes of this section, "prior interests and rights" mean any interests or rights which

(a) were held when the treasure was left where it was found; or

(b) if the treasure had been moved before being found, were held when it was left before being moved.

Vesting treasure in the State

100.(1) Subject to the Act, any treasure found in Barbados waters is to be treated as revenue of the State.

(2) Any such treasure may be transferred, or otherwise disposed of, in accordance with directions given by the Minister of Finance, in consultation with the Minister.

Registration of privately owned or held underwater cultural heritage objects

101.(1) All privately owned or held underwater cultural heritage objects shall be registered with the Museum for the purpose of maintaining a record of Barbados' maritime heritage.

(2) A person may apply to the Museum to register a privately owned or held underwater cultural heritage object.

(3) An application shall be in the form and manner specified and accompanied by any required documentation or information specified by the Museum.

(4) On registration of a privately owned or held underwater cultural heritage object, the Museum shall issue a certificate of registration in respect of that underwater cultural heritage object.

PART VI

DEEP-SEA NATURAL HERITAGE

Interpretation

102. In this Part,

"ancillary operations" means any activity carried on by or on behalf of a title holder in support of, or connection with ocean mineral activities under this Part and includes the following:

(a) travel between port and the title area;

(b) the establishment and operation of sampling or collecting systems and equipment;

(c) platforms;

(d) installations;

(e) processing facilities;

(f) transportation systems; or

(g) any other plant and machinery;

"block" means a single grid in a graticulation or a series of imaginary grids imposed on the surface of the earth where

(a) the lines constituting the grid

(i) are two parallel imaginary lines being either the meridian of Greenwich or another a meridian which is either five minutes from that meridian or at further distance of some multiple of five minutes of longitude; and

(ii) are two parallel imaginary lines being either the equator or another parallel of line latitude which is either at a distance of five minutes

from the equator or at a further distance being some multiple of five minutes of latitude;

(b) the boundary points of the grid are geodesic and identified by the World Geodectic System (WGS-84); and

(c) the grid coordinates are described and identifiable in accordance with the Universal Transverse Mercator Grid System;

"contract area" means any part of the Area in respect of which there is in force a contract between a sponsored party and the ISA for the conduct of ocean mineral activities;

"decommissioning plan" means a written document detailing a title holder's planned activities and procedures for decommissioning a facility or site used to carry out activities under this Part;

"development plan" means a written document detailing a title holder's planned activities and procedures for developing and managing an area used for ocean mineral activities;

"environmental monitoring plan" means a written document detailing the monitoring and follow-up activities necessary to effectively track potential impacts of activities on the marine environment;

"extraction" means any process, procedure or method of harvesting or removing minerals from seawater;

"incident" means

(a) any occurrence when any vessel or installation while engaged in ocean mineral activities or ancillary operations is lost, abandoned, capsized or incurs significant damage;

(b) any loss of life or injury that occurs on board any vessel or installation while engaged in ocean mineral activities or ancillary operations, except in the case of a loss of life that is certified by an independent medical practitioner as being the result of natural causes;

(c) the conduct of ocean mineral activities or ancillary operations resulting in serious harm or pollution to the marine environment in breach of Barbados' obligations under international law; or

(d) any occurrence relating to ocean mineral activities resulting in the ISA issuing an emergency order in connection with the ocean mineral activities;

"International Seabed Authority" or "ISA" is the international organization established under Part XI: Section 4 of the United Nations Convention on the Law of the Sea to deal with matters in respect of the Area;

"licence"

(a) means the written document issued under this Part for the purpose of conducting exploration, mining or extraction, as the case may be, for ocean minerals; and

(b) includes the following:

(i) a seabed mineral exploration licence;

(ii) a seabed mineral mining licence; and

(iii) a seawater mineral extraction licence;

"licensed area" means an area of Barbados waters or a part of Barbados' seabed in respect of which there is in force a seabed mineral exploration licence or a seabed mineral mining licence, as the case may be;

"licensee" means any person to whom a licence is issued under this Part, that person's representatives, and any person to whom the title conferred by the licence may lawfully have been transferred, mortgaged, leased or otherwise assigned;

"mining" means the mining, recovery, extraction or harvesting of minerals from the seabed for commercial purposes and includes the construction and operation of mining, processing and transportation systems for the production and marketing of metals;

"Minister" means the Minister responsible for Natural Resources;

"Ministry" means the Ministry responsible for Natural Resources;

"petroleum" has the meaning assigned to it by section 2 of the *Offshore Petroleum Act*, Cap. 282A;

"prospecting" means low impact exploration activities such as seismic surveying and other surface and non-surface disturbing activities for minerals from the seabed within Barbados waters and includes estimation of the composition, size and distribution of deposits and their economic values, without any exclusive rights;

"prospecting permit" means the permit required to prospect within Barbados waters;

"prospector" means any person to whom a prospecting permit is issued under this Part;

"risk management plan" means a written document which identifies, analyses evaluates, ranks, treats, monitors and reviews risks in relation to ocean mineral activities;

"Rules of the ISA" means any rules, regulations, guidance to contractors or procedures adopted by the ISA pursuant to powers conferred on the ISA by the United Nations Convention on the Law of the Sea which are from time to time in force, and any contractual terms contained in a contract between the ISA and a sponsored party relating to ocean mineral activities;

"seabed mineral" means the hard mineral resources such as polymetallic sulfides, cobalt-rich crusts, polymetallic manganese nodules or another mineral or mineral-like substance located on any part of the seabed in Barbados waters;

"seabed mineral deposit" means an area in or on the seabed with concentrations or deposits of seabed minerals which are of such quantities which make them suitable for mining and extracting the seabed mineral;

"seabed mineral mining licence" means the licence required to mine minerals from the seabed within Barbados waters;

"seawater minerals" includes minerals, natural elements, organic molecules and dissolved gases in seawater found in surface and deep-sea water;

"seawater mineral extraction licence" means the licence required to extract seawater minerals from within Barbados waters for commercial purposes;

"seawater mineral extraction permit" means the permit required to extract seawater minerals from within Barbados waters for non-commercial purposes;

"sponsored party" means a person sponsored by the Government of Barbados through the Barbados Ocean Minerals Secretariat in order to obtain a contract from the International Seabed Authority to carry out ocean mineral activities in the Area;

"sponsored state" means a State Party to the United Nations Convention on the Law of the Sea, sponsoring a person to carry out exploration or exploitation in the Area in accordance with Article 153(2) (b) of the United Nations Convention on the Law of the Sea;

"sponsorship certificate"

(a) means the certificate issued under this Part to conduct ocean mineral activities in the Area under contract with the ISA; and

(b) includes a sponsorship certificate for exploration or sponsorship certificate for mining;

"sponsorship certificate for exploration" means the certificate issued by the Secretariat to a sponsored party to conduct exploration activities in the Area;

"sponsorship certificate for mining" means the certificate issued by the Secretariat to a sponsored party to conduct mining activities in the Area;

"title" means the rights conferred by a prospecting permit, licence or sponsorship certificate under this Act;

"title area" means the area within Barbados waters or the Area, as the case may be, to which title relates;

"title holder" means a prospector, licensee or sponsored party; and

"transfer" means the assignment, transfer, lease, sub-lease or mortgage of a licence issued by the Secretariat under this Part.

Application

103.(1) This Part shall apply to natural heritage in the form of ocean minerals.

(2) This Part shall regulate the following:

(a) the sustainable management of ocean minerals within Barbados waters;

(b) prospecting, exploration, extraction or mining, as the case may be, of ocean minerals within Barbados waters and beyond in accordance with Barbados' obligations under international law;

(c) ocean mineral activities conducted within Barbados waters; and

(d) sponsorship by Barbados of a sponsored party to conduct ocean minerals activities in the Area.

Non-application

104. This Act shall not apply to the exploration for, or recovery of petroleum.

Jurisdiction

105. Barbados shall exercise its

(a) exclusive sovereign rights over its waters for the purpose of prospecting, exploring, extracting and mining, as the case may be, its natural resources; and

(b) jurisdiction over

(i) citizens of Barbados;

(ii) all persons within the State of Barbados; and

(iii) all Barbadian-registered vessels and foreign-registered vessels engaged in ocean mineral activities within Barbados waters and the Area, as the case may be.

Purpose

106. The purpose of this Part is to

(a) establish a legal framework for the efficient management and development of ocean minerals sector within Barbados waters;

(b) establish a legal framework for the sponsorship by Barbados of contractors to undertake ocean mineral activities in the Area;

(c) provide that ocean mineral activities within Barbados' waters or under Barbados' sponsorship in the Area are carried out in accordance with

(i) best international practice and in a manner that is consistent with internationally accepted rules, standards, principles and practices, including Barbados' responsibilities under the United Nations Convention on the Law of the Sea; and

(ii) Barbados' duty to protect and preserve the marine environment;

(d) promote transparency in decision-making on matters concerning Barbados' management of ocean mineral activities;

(e) provide a stable, transparent and predictable regulatory environment for investors in ocean mineral activities;

(f) secure optimum benefits, long-term economic growth and sustainable development for Barbados from the development of its ocean mineral sector;

(g) implement measures to maximise the benefits of ocean mineral activities for existing and future generations of Barbados' people;

(h) ensure the protection of the marine environment during the conduct of ocean mineral activities;

(i) provide for the payment of royalties and fees in respect of ocean mineral activities conducted in Barbados' waters;

(j) provide for Barbados to receive payments for its sponsorship of ocean mineral activities in the Area; and

(k) establish an Ocean Minerals Fund for the sustainable management of ocean mineral activities for the long-term benefit of the people of Barbados.

Ownership of ocean minerals within jurisdiction

107. All rights to the mineral resources contained in the waters super adjacent to the seabed, the seabed, and subsoil of Barbados' waters are hereby vested in the State to be managed on behalf of the people of Barbados in accordance with the provisions of this Act and its statutory instruments.

Barbados Ocean Minerals Secretariat

Barbados Ocean Minerals Secretariat

108.(1) There is established a Barbados Ocean Minerals Secretariat which shall be responsible for regulating ocean minerals activities within Barbados waters.

(2) The Ministry shall have regulatory oversight of the Secretariat in accordance with the following:

(a) this Act and its statutory instruments;

(b) the United Nations Convention on the Law of the Sea; and

(c) any requirements of the International Seabed Authority.

Objectives

109. The Barbados Ocean Minerals Secretariat shall have the following objectives:

(a) to maintain effective control of ocean mineral activities;

(b) to ensure permit holders, licensees and sponsored parties comply with their obligations under this Act and its statutory instruments;

(c) to maximise economic and development benefits from ocean mineral activities to Barbados and the people of Barbados;

(d) to ensure the protection and preservation of the marine environment;

(e) to protect the well-being of individuals and communities which may be impacted by or employed in ocean mineral activities; and

(f) to provide a stable, transparent and accountable regime in relation to the regulation of ocean mineral activities in Barbados.

Powers, duties and functions

110.(1) The Barbados Ocean Minerals Secretariat, in consultation with the Ministry, shall manage, oversee and regulate all affairs in respect of ocean mineral activities.

(2) The Secretariat shall ensure that all ocean mineral activities are carried out in accordance with the following:

(a) this Act and any of its statutory instruments;

(b) any marine spatial planning requirements;

(c) the UNCLOS; and

(d) any requirements of the International Seabed Authority.

(3) The Barbados Ocean Minerals Secretariat shall

(a) receive and review applications and accompanying information and documentation relating to ocean mineral activities;

(b) make a determination on an application under this Part, the Act or its statutory instruments;

(c) issue, approve, extend, endorse, renew, vary, suspend, revoke or refuse to issue, approve, extend, endorse, renew or vary, as the case may be, permits, licences, certificates or other documentation issued under this Act or its statutory instruments in relation to ocean mineral activities;

(d) represent Barbados at the International Seabed Authority and in other regional and international fora concerning ocean minerals;

(e) adopt relevant policies, procedures, plans of action and guidelines to ensure continued effective implementation of the UNCLOS ocean mineral regime and to ensure continued sustainable development of Barbados' ocean mineral sector, consistent with international standards and best practices;

(f) issue, in consultation with relevant entities, guidelines, notices, directives or other statutory instruments as may be necessary for the effective regulation of Barbados' ocean minerals sector;

(g) ensure ocean mineral activities are carried out in a safe, secure and environmentally sound manner, giving due regard to national and international law on maritime safety, security and protection of the marine environment;

(h) develop, implement and enforce policies, procedures and standards for the purpose of regulating and monitoring the development of Barbados' ocean minerals sector;

(i) seek any technical, legal or expert advice as may be necessary;

(j) seek or request any information from an applicant or title holder;

(k) engage in public consultations;

(l) impose such terms, conditions and restrictions in relation to any permit, licence, certificate, approval, authorization or other documentation issued under this Act or its statutory instruments;

(m) formulate and issue directives to support its management and regulatory functions in relation to ocean mineral activities;

(n) create and maintain any registers and databases;

(o) publish and disseminate procedures, standards, manuals, recommended practices and guidelines of a technical or administrative nature relating to ocean mineral activities to assist title holders, government agencies and other interested parties in the implementation of the Act, its statutory instruments or any recommendations of the ISA;

(p) conduct due diligence enquiries into a person making an application under this Part for a permit, licence or sponsorship certificate;

(q) conduct ocean mining risk management using digital twin technology or any other system, program or similar technology;

(r) make a determination on an application for a sponsorship certificate;

(s) issue a sponsorship certificate for ocean mineral activities in the Area;

(t) liaise with the International Seabed Authority and any other relevant international organization to facilitate an application to the International Seabed Authority for the necessary permissions to sponsor;

(u) negotiate the fees and costs for sponsorship to participate in ocean mineral activities in the Area;

(v) enter into ocean mineral development agreements;

(w) approve the terms of any ocean mineral activities agreement before any such agreement is executed by the parties;

(x) require an environmental and social impact assessment;

(y) liaise with the Administration, any ministry, department, agency or stakeholder in relation to a matter under this Part;

(z) ensure a person issued a permits, licences, certificates or other documentation issued under this Act or its statutory instruments complies with international laws, standards and rules relevant to ocean mineral activities;

(aa) undertake any advisory, supervisory or enforcement activities in relation to ocean mineral activities in the Area or the protection of the marine environment, insofar as this is required by the International Seabed Authority work in order for Barbados to meet its obligations as a Sponsoring State;

(bb) require and maintain reports and information relating to ocean mineral activities;

(cc) direct an applicant or title holder to prepare and submit any plan including a development plan, a decommissioning plan and a rehabilitation plan;

(dd) make rules or guidelines for the transfer of title issued under this Part;

(ee) make recommendations to the Minister in respect of ocean mineral activities in Barbados;

(ff) report to Parliament through the Minister;

(gg) take such measures as are required to protect and recognise the rights of Barbados;

(hh) notify the Administration of any permits, licences, certificates or other documentation, as the case may be, issued, approved, extended, endorsed, renewed, varied, suspended, revoked or any refusal to issue, approve, extend, endorse, renew, as the case may be, issued under this Act or its statutory instruments in relation to persons seeking to register

a vessel as a deep-sea mining work vessel under any shipping enactment;

(ii) make such application to the High Court as may be necessary;

(jj) publish an annual report providing summary information on ocean mineral activities in Barbados;

(kk) ensure compliance with this Act and any of its statutory instruments;

(ll) ensure effective stakeholder collaboration at the various stages of carrying out ocean mineral activities;

(mm) make rules, guidelines, directives or orders in relation to ocean mineral activities and related matters; and

(nn) perform any function necessary to give effect to this Act and of its statutory instruments.

(4) Where the Secretariat 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 Secretariat shall notify, in writing, the title holder or applicant of its decision and the reason for the decision.

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

(6) The Secretariat shall

(a) have regard at all times to the importance of Barbados' sustainable economic development; and

(b) consider any representations made to it concerning such matters.

(7) The Secretariat may

(a) gather, retain and publish or disseminate information relating to any application, title, ocean mineral activities or ancillary operations; or

(b) require any person to furnish it with any data or information it reasonably believes is in that person's possession which relates to any title, ocean mineral activities or ancillary operations and is relevant to the discharge of the Secretariat's functions including the following:

(i) copies of geological, environmental, geochemical and geophysical data acquired by the title holder in the course of carrying out the ocean mineral activities;

(ii) the estimation of the grade and quantity of commercially exploitable deposits, when such deposits have been identified, which must include details of the grade and quantity of the proven, probable and possible ocean mineral reserves and the anticipated mining conditions; or

(iii) a statement of how and where any ocean mineral samples or ores are stored.

(8) The Secretariat may appoint such officers and other staff as it may determine expedient for the implementation of this Act and its statutory instruments, on terms and conditions of service such as the Secretariat may determine with the approval of Cabinet.

(9) No person shall provide fraudulent or misleading information in relation to an application or request made under this Act or its statutory instruments.

(10) Where a person provides fraudulent or misleading information in relation to an application under this Act or its statutory instruments, the Secretariat may suspend, vary, revoke or refuse to issue, renew, approve, extend or endorse, as the case may be, permits, licences, certificates or other documentation, as the case may be.

(11) A person who contravenes subsection (7)(*b*) or (9) is guilty of an offence and is liable on summary conviction to a fine of $50 000 or to imprisonment for a term of 3 years or to both.

Ocean mineral risk management

111.(1) An application to engage in mining activities in Barbados waters, shall, where practicable, be accompanied by

(a) the data generated from deploying digital twin technology to the area intended for ocean mineral activities in Barbados waters; and

(b) an explanatory report in relation to the data generated.

(2) The Secretariat shall be guided by the information provided under subsection (1) and make decisions or propose any alternative course of action in the best interest of Barbados based on such information.

(3) The Secretariat shall verify the accuracy of information provided under subsection (1), including where possible undertaking its own simulation of mining activities via a digital twin technology in mining technology program used by the Secretariat.

(4) For the purpose of this section, "digital twin technology in mining" means the digital simulations of assets, structures, operations or processes used in mining, for the purpose of giving mining companies access to real-time data and observations, enabling them to

(a) proactively evaluate and improve their activities;

(b) enhance operational efficiency;

(c) improve safety and risk management;

(d) maximize on sustainability efforts;

(e) lower operating costs by streamlining procedures and eliminating errors; and

(f) optimize resources management and monitoring.

Monitoring

112. The Secretariat shall monitor and verify title holders' performance and adherence to

(a) this Act and its statutory instruments;

(b) title;

(c) any conditions arising from an environmental and social impact assessment; or

(d) any other laws of Barbados,

in relation to the progress with ocean mineral activities and the impacts of ocean mineral activities on the marine environment, sea users or the people of Barbados.

Mineral development agreements

113.(1) The Secretariat, with the Minister's approval, may enter into written agreements with a title holder at any time to establish additional terms and conditions as to the arrangements for ocean mineral activities including

(a) the settlement of disputes; and

(b) the acquisition by the State either directly or indirectly of a participating interest in the project subject to the mining development agreement,

provided the terms of such an agreement are not inconsistent with the Act, its statutory instruments and do not or are not likely to lead to a contravention by the title holder of the laws of Barbados or the international law obligations of Barbados.

(2) Nothing in subsection (1) shall be read or construed as authorising the Secretariat to enter into a special agreement relating to the payment of any applicable tax, duty, fee or other fiscal impost, or to grant in respect thereof any exemption, moratorium, tax holiday or other benefit.

Incidents and inquiries

114.(1) Where an incident occurs in respect of ocean mineral activities under the sponsorship of Barbados, the sponsored party shall inform the ISA and copy all information provided to the ISA to the Secretariat.

(2) A title holder involved in an incident shall

(a) immediately report any incident arising from ocean mineral activities or ancillary operations to the Secretariat by telephone and in writing;

(b) provide regular reports throughout the occurrence of any incident; and

(c) respond efficiently and responsibly to the incident, including by seeking and following the Secretariat's instructions, or the ISA's instructions where relevant.

(3) The Secretariat shall notify an affected title holder where it is made aware of any incident relevant to the title holder.

(4) A report to the Secretariat of any incident arising from its ocean mineral activities or ancillary operations for the purposes of sub-section shall include the following details:

(a) the coordinates of the area affected or likely to be affected;

(b) the description of the action being taken by the title holder to monitor, prevent, contain, minimise and rehabilitate the harm or threat of harm to the marine environment or to human health and safety; and

(c) any information or documentation required by the Secretariat.

(5) The Secretariat may provide such assistance to a title holder as is expedient to facilitate the title holder’s efficient response to an incident.

(6) The Secretariat may hold, or may commission, an inquiry into an incident or any matter in the interests of the orderly conduct of ocean mineral activities.

Inspectorate

115.(1) The Secretariat shall maintain an inspectorate and appoint inspectors to assist with the Secretariat's monitoring and compliance function.

(2) A person qualifies as an inspector where he has

(a) the minimum number of years experience in any of the related fields;

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

(c) produced evidence of qualifications in any of the related fields.

(3) A person may apply to the Secretariat to be an inspector.

(4) An application shall be

(a) in the form and manner prescribed; and

(b) accompanied by the following:

(i) the prescribed fee; and

(ii) any other information or documentation required by the Secretariat.

(5) Where the Secretariat is satisfied that a person has met the requirements of this Act, it shall appoint a person as an inspector.

Inspectors

116.(1) An inspector shall

(a) assist the Secretariat with its monitoring and compliance function under the Act and its statutory instruments;

(b) board or obtain access to a licensed area or contract area and all parts of any premises, vessel or equipment used for or in connection with ocean mineral activities;

(c) inspect or test any machinery or equipment that is being or is intended to be used for the purposes of ocean mineral activities;

(d) remove any samples or assays of such samples from any vessel or equipment used for or in connection with ocean mineral activities;

(e) examine and take copies of books, accounts, documents or records of any kind required to be kept under this Act, its statutory instruments and the title;

(f) require the title holder to carry out such procedures in respect of any equipment used for or in connection with ocean mineral activities as may be deemed necessary by the Secretariat;

(g) document any site visit or inspection activity using any means including video, audio, photograph or other form of recording;

(h) subject to any order of the court,

(i) take possession of any ocean minerals, machinery, equipment, materials or installation; or

(ii) dismantle any machinery, equipment or installation;

(i) upon written authorisation from the Secretariat, perform any other functions of the Secretariat as its representative; and

(j) undertake or perform any actions as may be required to ensure compliance with this Act and its statutory instruments.

(2) An inspector shall take all reasonable steps to avoid

(a) expending excessive time on a title holders' vessel or platform at-sea;

(b) disruption of ocean mineral activities;

(c) unnecessary removal of samples; or

(d) interference with the safe and normal operations on board vessels.

(3) A title holder and its personnel, officers, contractors, subcontractors and agents shall

(a) comply with all instructions and directions of an inspector; and

(b) ensure the safety of an inspector while he is on board any vessel or installation performing any duty or exercising any power under this Act or its statutory instruments.

(4) No person shall obstruct, intimidate or abuse an inspector in the execution of his duties under this Act or its statutory instruments.

(5) A person who contravenes subsection (3) or (4) 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.

Administrative actions

117. The Secretariat may take any of the following administrative actions:

(a) issue written warnings;

(b) enter into a written agreement providing for the title holder to undertake a programme of remedial action and to mitigate the risk of re-occurrence of breaches;

(c) issue enforcement orders;

(d) impose an administrative penalty not exceeding $500 000 for each day during which the breach continues;

(e) impose temporary restrictions or cease operations on the ocean mineral activities of the title holder until the Secretariat is satisfied that the action has been taken to remedy the breach and to mitigate the risk of re-occurrence of breaches; or

(f) suspend, vary, revoke, refuse to issue or renew a permit, licence, title, certificate or other document, as the case may be.

Enforcement order

118.(1) The Secretariat may issue an enforcement order requiring corrective action in relation to a suspected, observed or anticipated contravention of this Act, its statutory instruments, a term, condition or restriction of a title or in relation to risk to life or a risk of serious harm to the marine environment.

(2) An enforcement order may

(a) require a person to

(i) take corrective action;

(ii) stop taking harmful action; or

(iii) pay money to another person to cover reasonable costs incurred due to failure to comply; and

(b) include the required action, inaction or rectification within the period specified by the Secretariat.

(3) Where, following an enforcement order, a person fails to take the required action, inaction or rectification within the period specified by the Secretariat, the Secretariat shall suspend, revoke the relevant permit, licence, certificate or other document, as the case may be.

(4) A person who fails to comply with an enforcement order is guilty of an offence and is liable on conviction on indictment to a fine of $250 000 or to imprisonment of 10 years or to both.

(5) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable steps within his control for securing that the required action, inaction or rectification would be complied with in time.

Insurance requirement

119.(1) A person who wishes to engage in any ocean mineral activity shall be required to obtain relevant insurance or other equivalent form of financial security.

(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 5 years or to both.

Environmental and social impact assessment

120.(1) An environment and social impact assessment shall be required for any

(a) ocean mineral activities under this Act or its statutory instruments; or

(b) aspect of ocean mineral activities or ancillary operations including bulk-sampling or test-mining and equipment-testing, where it appears to the title holder, Secretariat or the Ministry that the nature or degree of that activity is such that it is likely to result in serious harm to the environment.

(2) Where an environmental and social impact assessment is required for the purpose of obtaining a permit, licence, certificate or other document under this Act or its statutory instruments, it shall be accompanied by an environmental and social management plan.

(3) An environment and social impact assessment shall not be required prior to the commencement of the following activities:

(a) gravity and magnetometric observations and measurements;

(b) bottom and sub-bottom acoustic or electromagnetic profiling of resistivity, multi-beam bathymetric mapping, self-potential or induced

polarization or imaging without the use of explosives or frequencies known to significantly affect marine life;

(c) water, biotic, sediment, and rock sampling for environmental baseline study including:

(i) sampling of small quantities of water, sediment and biota;

(ii) mineral and rock sampling of a small-scale and limited nature such as that using small grab, dredge or bucket samplers;

(iii) sediment sampling by box corer and small diameter corer;

(d) meteorological observations and measurements;

(e) oceanographic and hydrographic, observations and measurements;

(f) video, film and still photographic observations and measurements;

(g) shipboard mineral assaying and analysis;

(h) positioning systems;

(i) towed plume-sensor measurements;

(j) *in situ* faunal metabolic measurements;

(k) DNA screening of biological samples;

(l) dye release or tracer studies unless required under national or international laws governing the activities of flagged vessels; and

(m) any other activity contained in a proposed work plan that does not appear to the title holder, the Secretariat or the Ministry to be likely to result in serious harm to the environment.

(4) An environmental and social impact assessment shall contain the matters described in the *Third Schedule*.

Graticulation of earth's surface

121. For the purpose of this Act, the surface of the earth is deemed to be divided into the following graticular sections:

(a) by the meridian of Greenwich and by the meridians that are at a distance from that meridian of 5 minutes or a multiple of 5 minutes of longitude;

(b) by the equator and by parallels of latitude that are a distance from the equator of 5 minutes or a multiple of 5 minutes of latitude; and

(c) each of which is bounded by:

(i) portions of two of those meridians that are at a distance from each other of 5 minutes of longitude; and

(ii) portions of two of those parallels of latitude that are at a distance from each other of 5 minutes of latitude.

Constitution of blocks

122. For the purpose of this Act

(a) the seabed and subsoil of any such graticular section is a block;

(b) the position on the surface of the earth of a block or any other position identified for the purpose of the Act or its statutory instruments, is to be determined by reference to the World Geodetic System (WGS 84);

(c) a boundary between points on the surface of the earth must be a geodesic; and

(d) grid coordinates must be described in accordance with the Universal Transverse Mercator Grid System.

Constitution of cells

123. For the purposes of this Act, the Secretariat may further divide a block into smaller divisions referred to as cells.

Release of blocks for activities

124. The Secretariat may, by reference to geographical coordinates, designate an area of Barbados' waters to be released for the purpose of ocean mineral activities or specified types of ocean mineral activities by reference to a block or cell.

Reserved area

125.(1) The Secretariat shall not designate or release an area within Barbados' waters for ocean mineral activities in any designated marine area.

(2) Where there is no title over a particular area within Barbados' waters, the Secretariat may, by notice, declare the area to be a reserved area.

(3) The Secretariat may reserve an area for the purposes of marine spatial management, environmental protection or for tender.

(4) Where an area is declared to be a reserved area, the Secretariat shall not tender or grant a title over any block contained in that reserved area.

Invitation for licence applications

126. The Secretariat may invite applications for licences by reference to a block or cell including through the public announcement of a tender round to be administered by the Secretariat in accordance with tender procedures.

Cadastral survey map and Register of Titles

127.(1) The Secretariat shall

(a) complete an inventory of its geological data and seabed mineral title records;

(b) acquire the technical capabilities to implement a cadastral survey map; and

(c) delineate on maps of appropriate scale areas including the following:

(i) areas reserved under this Act;

(ii) designated marine areas; and

(iii) blocks or cells that are subject,

subject to an application for a permit or licence, as the case may be.

(2) The Secretariat shall

(a) maintain a Register of Titles granted and records of applications; and

(b) amend the cadastral survey map and Register of Titles in the event of any transfer, renewal, variation, suspension, termination, revocation, expiry or surrender of title.

(3) The Secretariat shall update the cadastral survey map and enter a record in the Register of Titles that shall include the following information:

(a) the name and registered address of the title holder;

(b) the date of the grant of the title;

(c) the duration of the title and expiry date;

(d) a description of the area in respect of which the title is granted;

(e) the ocean minerals in respect of which the title is granted; and

(f) a description of the ocean mineral activities in respect of which the title is granted.

(4) The cadastral survey map and Register of Titles shall be open to public inspection during business hours of the Secretariat.

(5) The Secretariat may, upon application and payment of the prescribed fee, issue a certified copy of any title or other document filed.

The State

Rights of the Sponsoring State

128. The State shall have the following rights:

(a) to help protect the Area as "the common heritage of mankind";

(b) to participate in the organization and control of activities in the Area;

(c) to benefit from policies relating to activities in the Area, including resource development and management, opportunities to participate in the Area exploitation, revenue sharing, and other activities in relation to the Area, consistent with UNCLOS or any requirements specified by the International Seabed Authority;

(d) to sponsor natural or juridical persons to carry out any activities in the Area and to exercise jurisdiction and control over those entities, in accordance with UNCLOS;

(e) to share equitably in financial and other economic benefits derived from activities in the Area;

(f) to provide protection from liability in the event that entities sponsored by Barbados to carry out activities in the Area, cause damage by failing to comply with UNCLOS and any requirements specified by the International Seabed Authority, provided Barbados as sponsoring State has taken all necessary and appropriate measures to secure effective compliance;

(g) to have the interests and needs of Barbados particularly considered when carrying out activities in the Area;

(h) to benefit from any programs in the Area, developed through the International Seabed Authority or through other international organizations;

(i) to give particular consideration in the development of rules, regulations and procedures to the equitable sharing of financial and other economic benefits derived from activities in the Area and related payments and contributions; and

(j) any other right specified in relation to sponsoring States and developing States in UNCLOS or in any other instrument of the International Seabed Authority.

Management of the Area

129. Barbados recognises the following:

(a) the Area and its resources is the common heritage of all mankind;

(b) the rights to the Area and its resources are governed by the United Nations Convention on the Law of the Sea;

(c) the management and regulation of the Area is the responsibility of the International Seabed Authority;

(d) Barbados has a duty to assist the International Seabed Authority with protecting the Area;

(e) ocean mineral activities may be carried out in association with another state party, a statutory corporation or a person sponsored by a state party; and

(f) Barbados as a sponsoring State is under a duty to monitor and control any person pursuing activities in the Area under its sponsorship to ensure that the person conforms with the United Nations Convention on the Law of the Sea and the rules of the International Seabed Authority.

Prohibited Activities

130.(1) No person may engage in any ocean mineral activities or ancillary operations unless he is the holder of the relevant permit, licence, certificate or document, as the case may be.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 and 5 years imprisonment or to both and any ocean minerals obtained as a result of actions prohibited by subsection (1) shall be forfeited to the State.

Adherence to laws and rules

131.(1) A person who conducts ocean mineral activities or ancillary operations shall comply with the following:

(a) this Act and its statutory instruments;

(b) any relevant shipping and environmental enactments;

(c) any enactments relating to protection against discrimination in employment, occupational health and safety, labour relations, social security, employment security and living conditions;

(d) the terms, conditions and restriction of the permit, licence, certificate or document, as the case may be, issued under this Act or its statutory instruments;

(e) any environmental conditions and social considerations arising from the environmental and social impact assessment process; and

(f) any relevant statutory instruments.

(2) A sponsored party engaging in ocean mineral activities shall comply with the following:

(a) provisions of the Rules of the ISA;

(b) this Act and any statutory instruments made thereunder;

(c) the terms of any sponsorship certificate issued under this Part; and

(d) any relevant enactments.

(3) All activities in the Area shall be conducted in accordance with Part XI of the UNCLOS.

Title holders' duties

132. In addition to the terms, conditions and restrictions contained in the individual title, all title holders shall

(a) apply and employ best environmental practice in accordance with prevailing international standards in order to avoid, remedy, or mitigate the adverse effects of ocean mineral activities on the marine environment;

(b) take necessary steps to prevent, reduce and control pollution and other hazards to the marine environment, including waste material, arising from ocean minerals, ocean minerals activities and ancillary operations;

(c) where required by this Act or any relevant enactment, conduct an environmental and social impact assessment before the commencement of work;

(d) obtain free, prior and informed consent, including by way of compensation where marine or coastal users are likely to be adversely affected by the ocean mineral activities identified by the Secretariat or the title holder;

(e) not proceed or continue with the ocean mineral activities without obtaining prior written consent from the Secretariat to proceed, where evidence arises that to proceed is likely to cause serious harm to

(i) the marine environment that was not anticipated in any environmental and social impact assessment previously conducted;

(ii) to the safety, health or welfare of any person; or

(iii) to other existing or planned legitimate sea uses;

(f) not dump mineral materials or waste from any vessel

(i) in Barbados waters except in accordance with international law and the directions of the Secretariat; or

(ii) in the Area except in accordance with the Rules of the ISA;

(g) at the end of the title term or upon suspension, revocation or surrender of the title,

(i) remove all installations, equipment and materials in the title area to ensure that the title area does not constitute a danger to persons, shipping or the marine environment; and

(ii) provide a final report including information on the rehabilitation of the title area;

(h) cooperate in capacity-building of personnel of Barbados in connection with ocean mineral activities and any related transfer of knowledge and technology as may be agreed in the title including providing opportunities in consultation with the Secretariat for the participation of representatives of Barbados in ocean mineral activities;

(i) provide sufficient training, supervision and resources to employees, officers, personnel, officers, agents, contractors and subcontractors to ensure compliance with this Act and its statutory instruments;

(j) maintain for each title a complete and proper set of books, accounts, financial records and performance data consistent with internationally accepted accounting practices which are annually audited by an independent auditor;

(k) supply any requested data to the Secretariat in the format and at such times as may be required;

(l) at all material times maintain appropriate insurance policies or other equivalent form of financial security that provides adequate cover for identified risks and costs of damages that may be caused by ocean mineral activities or satisfies the Secretariat of its financial and technical capability to respond to potential incidents;

(m) at all material times ensure that

(i) all vessels, installations and equipment engaged in ocean mineral activities or ancillary operations are fit for the intended use and comply with the laws of the flag state relating to vessel standards and applicable international shipping conventions developed to ensure maritime safety and security, good working and living conditions and protection of the environment; and

(ii) working conditions for personnel engaged in ocean mineral activities and ancillary operations meet applicable employment rules and health and safety standards and comply with the laws of the flag state relating to the safety of life at sea as well as all applicable international shipping conventions;

(n) obtain any other permits, licences, approval, certification or other documentation required under the laws of Barbados for the lawful performance by the title holder of the ocean mineral activities;

(o) conduct ocean mineral activities in compliance with this Act and its statutory instruments with due diligence;

(p) not amend, alter or vary the work plan contained in the title without the prior and informed written consent of the Secretariat, following a review in accordance with this Act and its statutory instruments;

(q) not engage in, and ensure that its employees, officers, personnel, agents, contractors and subcontractors do not engage in, any activity related to the title in exchange for any improper benefit to the title holder, employee, officer, personnel, agent, contractor or subcontractor, or to person including a friend or family member, associated with the title holder, employee, officer, agent, contractor or subcontractor;

(r) notify the Secretariat in writing immediately upon becoming aware that any requirement imposed on it is inconsistent with any other requirement or incompatible with the performance of the ocean mineral activities under its title;

(s) advise the Secretariat, in writing, 30 working days in advance of the date of departure from the place of the schedule of each trip planned for the purpose of performing the ocean mineral activities under its title;

(t) immediately notify the Secretariat in writing of any new information arising or data collected that materially affects the work plan or the title holder's ability to adhere to the terms of the title;

(u) submit to the Secretariat immediately, by telephone and in writing, notice of any incident arising from the ocean mineral activities or ancillary operations and provide regular reports throughout the occurrence of any incident;

(v) permit access to the title holder's books, records, machinery, equipment, samples, office premises or operation sites including vessels and installations used in connection with the ocean mineral activities for any inspector, maritime law enforcement or any other

person nominated in writing by the Secretariat for the purpose of on-site inspection;

(w) submit to the Secretariat, within 30 days of the end of each calendar year, a written annual report which shall include the following:

(i) information on the results of ocean mineral activities, health and safety record, volume of work, quantity and quality of ocean identified waste, waste disposal and rehabilitation activities; and

(ii) a statement of expenditures, costs and persons employed; and

(x) provide the Secretariat with all reasonable information and assistance to enable the Secretariat's verification of the title holder's adherence to its obligations in performing the ocean mineral activities and ancillary operations.

Prospecting

Prospecting permit

133.(1) No person shall engage in prospecting for seabed minerals within Barbados waters without a prospecting permit.

(2) A person may apply to the Secretariat for a prospecting permit.

(3) An application shall be

(a) made at least 6 months before the proposed commencement date of the prospecting activities; and

(b) in the prescribed form and manner.

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

(a) the prescribed fee;

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

(c) an environmental and social impact assessment report;

(d) an environmental and social management plan;

(e) particulars of the vessel to be engaged in the ocean mineral activities;

(f) the name, nationality and address, contact details, and, where relevant evidence of incorporation or registration of the applicant;

(g) the name, nationality, address, contact details and certificate of the requisite skills of the personnel involved in the proposed prospecting activities;

(h) the coordinates and charts of the area within which the proposed prospecting is to be conducted;

(i) a general description of the nature and objectives of the proposed prospecting activities including

(i) the methods and technology to be used;

(ii) the proposed commencement date;

(iii) the approximate duration of the proposed prospecting activities; and

(iv) the proposed use of the data collected including any plans to make the research results available;

(j) the details of the methods, the equipment and any installations to be used in the proposed prospecting activities;

(k) a preliminary assessment of the likely impact on the marine environment of the proposed prospecting activities;

(l) where applicable, the modalities of the participation of a representative of Barbados in the prospecting activities;

(m) the expected dates and method of submission to Barbados of the following:

(i) a preliminary report relating to the applicant’s prospecting activities;

(ii) a final report relating to the applicant's prospecting activities; and

(iii) an assessment of data, samples and research results relating to the applicant's prospecting activities; and

(n) any other information or documentation as may be required by the Secretariat.

(5) 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 to 5 years or to both.

Issuance of prospecting permit

134. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall issue a prospecting permit relating to a specified area within Barbados waters.

Refusal to issue permit

135.(1) The Secretariat shall not issue a prospecting permit where

(a) the applicant has not provided the information or documentation required for an application or the information or documentation has not been supplied to the Secretariat's satisfaction;

(b) the past performance of the applicant as a title holder, or equivalent in other jurisdictions, has been materially unsatisfactory to the Secretariat's knowledge;

(c) the permit includes within its scope any area that is included within the scope of a pre-existing and current exploration or mining licence;

(d) the terms of the permit would in the Secretariat's opinion be likely to lead to the contravention by any person of conditions or restrictions placed on any designated marine area or cause serious harm to the marine environment, human health or safety;

(e) the applicant provided fraudulent or misleading information in relation to the application;

(f) the Secretariat is aware of other grounds that reasonably indicate that the grant of the permit would be contrary to public interest or this Act;

(g) the proposed prospecting activities are a risk to the marine environment;

(h) it would be detrimental to the interests of Barbados;

(i) the applicant has failed to comply with the requirements of the Act or its statutory instruments; or

(j) the applicant has contravened the provisions of the Act or its statutory instruments.

(2) Where the Secretariat refuses to issue a prospecting permit, it shall notify the applicant in writing and provide a written statement of the reasons for the refusal.

Suspension and revocation

136. The Secretariat may suspend or revoke, as the case may be, a prospecting permit where it is satisfied that

(a) the proposed prospecting activities are a risk to the marine environment;

(b) it would be detrimental to the interests of Barbados;

(c) the applicant has failed to comply with any term, condition or restriction specified in the permit; or

(d) the applicant has contravened the provisions of the Act or its statutory instruments;

Terms, conditions and restrictions

137.(1) A prospecting permit shall be subject to such terms, conditions and restrictions as the Secretariat considers necessary.

(2) Unless suspended or revoked, a permit shall be valid until the date of expiry specified therein.

(3) A permit is not transferable.

Renewal

138.(1) A person may apply to the Secretariat to renew a prospecting permit.

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

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

(a) the prescribed fee;

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

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

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall renew a prospecting permit.

Rights and obligations under permit

139.(1) Prospecting

(a) shall not entail any exclusive rights of access to the seabed or water column;

(b) shall not authorize the mining or extraction of ocean minerals for commercial use;

(c) may be conducted simultaneously by more than one prospector in the same area;

(d) shall cease within a particular area upon written notice being given to the prospector by the Secretariat where

(i) a declaration of a designated marine area has been or is about to be issued for that area;

(ii) the prospector breaches any undertaking, requirement, term, condition or restriction pertaining to the prospecting permit;

(iii) the prospector fails to remedy a breach within the specified period pursuant to an enforcement order;

(iv) the Secretariat reasonably believes that the prospector has caused, is causing, or poses a threat of, serious harm to the marine environment or human life;

(e) may include the recovery of minerals provided this is restricted to the minimum amount necessary for testing, assaying or valuation purposes and not for commercial use;

(f) shall not be conducted for commercial purposes;

(g) shall not entail any right to drill into the continental shelf, use explosives or introduce harmful substances into the marine environment; or

(h) shall not give ownership or property rights to the prospector over any ocean minerals acquired in the course of prospecting, such ocean minerals remaining the property of the State.

(2) A prospector shall

(a) adhere to the terms, conditions and restrictions of a prospecting permit, this Act and its statutory instruments, the relevant environmental, shipping or maritime enactments and any statutory instruments relating to prospecting issued by the Secretariat; and

(b) not proceed with prospecting if, there is evidence indicating that, to proceed is likely to cause serious harm to the marine environment or human life.

(3) A prospector shall immediately notify the Secretariat in writing where there is evidence indicating that to proceed with prospecting is likely to cause serious harm to the marine environment or human life.

Ocean minerals recovered under prospecting permit

140.(1) Any core or sample or other quantity of ocean minerals acquired by a permit holder in the course of undertaking ocean mineral activities and ancillary operations under a prospecting permit shall remain the property of the State and shall not be disposed of or removed from Barbados, except:

(a) for the purposes of assay, identification, analysis, or storage, or

(b) with the consent of the Secretariat who may grant consent subject to such conditions as the Secretariat may deem fit.

(2) Where cores or other samples of ocean minerals are acquired by the permit holder, a record sufficient for the identification of the core or sample and the location of its origin shall be maintained by the permit holder, and the samples shall be made accessible to the Secretariat, upon request.

(3) 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 to 5 years or to both and is liable to have the permit suspended or revoked.

Discovery of ocean minerals not specified in permit

141.(1) A permit holder who discovers or unearths a seabed mineral deposit or ocean mineral other than the ocean mineral specified or permitted under the ocean mineral prospecting permit shall immediately notify the Secretariat of the discovery.

(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.

Exploration

Seabed mineral exploration licence

142.(1) No person shall engage in exploration of ocean minerals within Barbados waters without a seabed mineral exploration licence.

(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 5 years or to both.

Application

143.(1) A person may apply to the Secretariat for a seabed mineral exploration licence.

(2) An application shall be

(a) made at least 6 months before the proposed exploration; and

(b) in the prescribed form and manner.

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

(a) the prescribed fee;

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

(c) an environmental and social impact assessment report;

(d) an environmental and social management plan;

(e) a development plan;

(f) an environmental monitoring plan;

(g) a risk management plan;

(h) a decommissioning plan;

(i) a rehabilitation plan;

(j) particulars of the vessel to be engaged in the ocean mineral activities;

(k) the name, nationality and address, contact details, and, where relevant evidence of incorporation or registration, of the applicant;

(l) the name, nationality, address, contact details and certificate of the requisite skills of the personnel, contractors, subcontractors and agents involved in the proposed ocean mineral activities;

(m) the period for which the licence is sought;

(n) the coordinates and charts of the area within which the proposed exploration is to be conducted;

(o) a graticulated explanation of the proposed licensed area with reference to the Secretariat's cadastral map and system of blocks;

(p) any feasibility or other studies previously conducted by the applicant in relation to the potential of the area within which the proposed ocean mineral activities will be conducted under licence;

(q) where practicable, a preliminary assessment of the possible impact on the environment of the proposed activities that are the subject of the application;

(r) a proposal for oceanographic and environmental baseline studies and mitigation strategies for the protection of the marine environment and prevention of pollution;

(s) a work plan, covering the life of the proposed ocean mineral activities including

(i) a description of the technology and processes to be used;

(ii) details of the methods, equipment and installations to be used;

(iii) a time schedule for conducting the proposed ocean mineral activities; and

(iv) estimated annual expenditures;

(t) a financing plan including a forecast of capital investment, operating costs, sale revenues and the anticipated type and source of financing;

(u) a list of employees, officers, personnel, agents, contractors and subcontractors required to engage in the ocean mineral activities and an employment strategy for local workers;

(v) a capacity-building programme providing for the training of personnel of Barbados and their participation in matters pertaining to the proposed ocean mineral activities to be conducted under licence;

(w) a report of the goods and services anticipated to be required for the proposed ocean mineral activities and whether they can be obtained or sourced within Barbados;

(x) a public engagement and information plan;

(y) the proposed exploration area clearly delineated;

(z) a general description of the nature and objectives of the proposed exploration activities including

(i) the methods and technology to be used;

(ii) the proposed commencement date;

(iii) the approximate duration of the proposed exploration activities; and

(iv) the proposed use of the data collected including any plans to make the research results available;

(aa) the details of the methods, equipment, materials and any installations to be used in the proposed exploration activities;

(bb) the required approvals or endorsements from the relevant ministry, department or agency;

(cc) a preliminary assessment of any likely impacts on the marine environment of the proposed exploration activities;

(dd) the applicant's plan for responding to any incidents;

(ee) the modalities of the participation of a representative of Barbados in relation to exploration activities;

(ff) the expected dates and method of submission to Barbados of

(i) a preliminary report relating to the applicant’s exploration activities;

(ii) a final report relating to the applicant’s exploration activities; and

(iii) an assessment of data, samples and research results relating to the applicant’s exploration activities; and

(gg) any other information or documentation as may be required by the Secretariat.

Issuance of seabed mineral exploration licence

144. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall issue a seabed mineral exploration licence relating to a specified area within Barbados waters.

Refusal to issue licence

145.(1) The Secretariat shall not issue a seabed mineral exploration licence where

(a) the applicant has not provided the information or documentation required for an application or the information or documentation has not been supplied to the Secretariat's satisfaction;

(b) the past performance of the applicant as a title holder, or equivalent in other jurisdictions, has been materially unsatisfactory to the Secretariat's knowledge;

(c) the licence includes within its scope any area that is included within the scope of a pre-existing and current exploration or mining licence;

(d) the terms of the licence would in the Secretariat's opinion be likely to lead to the contravention by any person of conditions or restrictions placed on any designated marine area or cause serious harm to the marine environment, or human health or safety;

(e) the Secretariat is aware of other grounds that reasonably indicate that the grant of the licence would be contrary to public interest or this Act;

(f) the proposed exploration activities are a risk to the marine environment;

(g) it would be detrimental to the interests of Barbados;

(h) the applicant has failed to comply with the requirements of the Act or its statutory instruments; or

(i) the applicant has contravened the provisions of the Act or its statutory instruments.

(2) Where the Secretariat refuses to issue a seabed mineral exploration licence, it shall notify the applicant in writing and provide a written statement of the reasons for the refusal.

Suspension, revocation and refusal to renew

146. The Secretariat may suspend, revoke or refuse to renew, as the case may be, a seabed mineral exploration licence where it is satisfied that

(a) the proposed exploration activities are a risk to the marine environment;

(b) it would be detrimental to the interests of Barbados;

(c) the applicant has failed to comply with any term, condition or restriction specified in the licence; or

(d) the applicant has contravened the provisions of the Act or its statutory instruments.

Terms, conditions and restrictions

147.(1) A seabed mineral exploration licence shall be subject to such terms, conditions and restrictions as the Secretariat considers necessary.

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

(3) A licence is not transferable.

Renewal

148.(1) A person may apply to the Secretariat to renew a seabed mineral exploration licence.

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

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

(a) the prescribed fee;

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

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

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall renew a seabed mineral exploration licence.

Right of retention and future exclusive mining

149.(1) Where the Secretariat has issued a seabed mineral exploration licence

(a) the Secretariat shall not issue a seabed mineral mining licence in respect of any part of the licensed area within 3 years of the end of the term of the exploration licence unless

(i) the applicant for a mining licence is the same person who held the seabed mineral exploration licence relating to that area; or

(ii) the mining application is accompanied by the consent of the person who held that preceding seabed mineral exploration licence; and

(b) within 3 years of the end of the term of the exploration licence, the licensee may request that the Secretariat retain nominated blocks from the exploration licensed area for future exclusive mining by the licensee.

(2) The Secretariat may retain an area nominated by a licensee under subsection (1)(*b*) for future exclusive mining by the licensee for a renewable period of not more than 5 years, subject to the licensee continuing to demonstrate to the Secretariat's satisfaction that

(a) the licensee is taking diligent steps towards making an application for a seabed mineral mining licence in respect of the retained area; or

(b) there are good grounds for the licensee not presently applying for a mining licence in respect of the area including on the basis of the state of technology for the relevant mining activities and the market for the ocean minerals in the retained area.

(3) The Secretariat may determine the length of time for which an area may be retained under this section for future exclusive mining by a licensee, if

(a) it is not longer than 5 years; and

(b) there is no limit to the number of times that the Secretariat may make such a determination to retain an area.

(4) Where the Secretariat makes a determination under subsection (1)(*b*) to retain an area for future exclusive mining by a licensee, the Secretariat shall

(a) not consider an application from any other person to conduct ocean mineral activities in the retained area during the time period determined under subsection (3);

(b) notify the licensee of such terms and conditions of the determination; and

(c) within 30 days of the determination, publish the retention by notice in the *Official Gazette*.

(5) Where the Secretariat is not satisfied for the purpose of subsection (2) in respect of some or all of a retained area, the Secretariat may determine that the area is no longer retained and any such area may form the subject of a new application.

Relinquishment of licensed area

150. The Secretariat may require a seabed mineral exploration licensee to relinquish a percentage or portions of the licensed area over a set time period.

Recovered ocean minerals under exploration licence

151.(1) Any core or sample or other quantity of ocean minerals acquired by a licensee in the course of undertaking ocean mineral activities and ancillary operations under a seabed mineral exploration licence shall remain the property of the State and shall not be disposed of or removed from Barbados except

(a) for the purposes of assay, identification, analysis, or storage; or

(b) with the consent of the Secretariat who may grant consent subject to such conditions as the Secretariat may deem fit to impose.

(2) Where cores or other samples of ocean minerals are acquired by the licensee, a record sufficient for the identification of the core or sample and the location of its origin shall be maintained by the licensee and the samples shall be made accessible to the Secretariat, upon request.

(3) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both and is liable to forfeit any ocean minerals to the State.

Discovery of ocean minerals not specified in exploration licence

152.(1) A licensee who discovers or unearths a seabed mineral deposit or other ocean mineral other than the ocean mineral specified or permitted under the seabed mineral exploration licence shall immediately notify the Secretariat of the discovery.

(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.

Mining

Seabed mineral mining licence

153.(1) No person shall engage in mining for seabed minerals within Barbados waters without a seabed mineral mining licence.

(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 5 years or to both.

Qualification criteria

154.(1) A person qualifies as an applicant for a seabed mineral mining licence where the applicant

(a) is

(i) the title holder of a seabed mineral exploration licence, where the application relates to the grant of a seabed mineral mining licence for one or more seabed mineral blocks of that exploration licensed area;

(ii) a person for whom an area has been retained under this Part, where the application is for a seabed mineral mining licence in one or more seabed mineral blocks of that retained area; or

(iii) any other person invited by the Secretariat to apply in accordance with this Part;

(b) is a body corporate registered in Barbados;

(c) gives supported undertakings that

(i) the content of the application is true and accurate to the best of the applicant's belief;

(ii) the proposed ocean mineral activities to be conducted under the licence will be implemented in a responsible and lawful manner and in compliance with this Act, its statutory instruments and any relevant enactments and standards; and

(iii) the applicant has, or will have at the commencement of the proposed ocean mineral activities, if the licence is issued, sufficient financial and technical resources and capability to

(A) properly perform the ocean mineral activities; and

(B) respond to any incident or activity that causes serious harm to the marine environment including having sufficient

funding, insurance or other equivalent form of financial security to cover the costs of any potential liability arising from accidents or pollution occurring as a result of the ocean mineral activities and ancillary operations;

(d) is governed by a corporate structure and risk management model;

(e) has experience or the ability to conduct ocean mineral activities;

(f) is a fit and proper person to hold a licence; and

(g) has paid all fees required by this Act and its statutory instruments.

(2) In determining whether an applicant is a fit and proper person under subsection (1), the Secretariat shall take into account the following, including whether the applicant, a director, trustee, executive officer, secretary or any other person associated or connected with the ownership, administration or management of the applicant's business has previously

(a) been found to have breached a term or condition of an approval to conduct ocean mineral activities or similar land based activities which related to the protection or rehabilitation of the environment or the safeguarding of the interests of the local community;

(b) been convicted of an offence pertaining to the conduct of ocean mineral activities or similar land based activities;

(c) is insolvent or under administration; or

(d) been convicted of a civil or criminal offence involving fraud or dishonesty.

(3) The Secretariat may determine whether a person qualifies as an applicant based on the following:

(a) the information submitted in the application;

(b) any additional information requested by the Secretariat;

(c) any relevant information or documentation; and

(d) any advice or recommendation obtained from a ministry, department, agency or stakeholder.

Application

155.(1) A person may apply to the Secretariat for a seabed mineral mining licence.

(2) An application shall be

(a) made at least 6 months before the proposed commencement date of mining; and

(b) in the prescribed form and manner.

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

(a) the prescribed fee;

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

(c) an environmental and social impact assessment report;

(d) an environmental and social management plan;

(e) a development plan;

(f) a decommissioning plan;

(g) an environmental monitoring plan;

(h) a risk management plan;

(i) a rehabilitation plan;

(j) particulars of the vessel to be engaged in the ocean mineral activities;

(k) the name, nationality and address, contact details and where relevant, evidence of incorporation or registration of the applicant;

(l) the name, nationality, address, contact details and certificate of the requisite skills of the personnel, contractors, subcontractors or agents involved in the proposed ocean mineral activities;

(m) the period for which the licence is sought;

(n) the coordinates and charts of the area within which the proposed ocean mineral mining is to be conducted;

(o) a graticulated explanation of the proposed licensed area with reference to the Secretariat's cadastral map and system of blocks;

(p) any feasibility or other studies previously conducted by the applicant in relation to the potential of the area within which the proposed ocean mineral activities will be conducted under licence;

(q) where practicable, on data held at the time of application, a preliminary assessment of the possible impact on the environment of the proposed activities that are the subject of the application;

(r) a proposal for oceanographic and environmental baseline studies and mitigation strategies for the protection of the marine environment and prevention of pollution;

(s) a work plan, covering the life of the proposed ocean mineral activities including

(i) a description of the technology and processes to be used;

(ii) details of the methods and equipment and installations to be used; and

(iii) a time schedule and estimated annual expenditures;

(t) a financing plan including a forecast of capital investment, operating costs, sale revenues and the anticipated type and source of financing;

(u) a list of employees, officers, personnel, agents, contractors and subcontractors required to operate the ocean mineral activities and an employment strategy for local workers;

(v) a capacity-building programme providing for the training of personnel of Barbados and their participation in matters pertaining to the proposed ocean mineral activities to be conducted under licence;

(w) a report of the goods and services anticipated to be required for the proposed ocean mineral activities and whether they can be obtained or sourced within Barbados;

(x) a public engagement and information plan;

(y) the proposed ocean mining area clearly delineated;

(z) a general description of the nature and objectives of the proposed mining activities including

(i) the methods and technology to be used;

(ii) the proposed commencement date;

(iii) the approximate duration of the proposed mining activities; and

(iv) the proposed use of the data collected including any plans to make the research results available;

(aa) the details of the methods, equipment, materials and any installations to be used in the proposed mining activities;

(bb) the required approvals or endorsements from the relevant ministry, department or agency;

(cc) a preliminary assessment of likely impact on the marine environment of the proposed ocean mineral mining;

(dd) the applicant's plan for responding to any incidents;

(ee) the modalities of the participation of a representative of Barbados in the ocean mineral activities;

(ff) the expected dates and method of submission to Barbados of

(i) a preliminary report relating to the applicant’s mining activities;

(ii) a final report relating to the applicant’s mining activities; and

(iii) an assessment of data, samples and research results relating to the applicant’s mining activities; and

(gg) any other information or documentation as may be required by the Secretariat.

Publication of application

156.(1) Where it appears to the Secretariat that the requirements of this Act governing an application for a seabed mineral mining licence have been complied with, the Secretariat shall notify the applicant and require that the applicant, within a period of 60 days from the receipt of the notification, pay the prescribed fee for publication of the notice of the application.

(2) Upon payment of the fee required under subsection (1), the Secretariat shall publish a notice of the application in the *Official Gazette*.

(3) The publication of a notice of an application for a seabed mineral mining licence shall

(a) specify the date of the application;

(b) state the name and address of the applicant and, if relevant, the address for service of the applicant;

(c) indicate the ocean minerals for which the licence is being applied for;

(d) indicate the proposed geographic location for the proposed ocean mineral activities; and

(e) state the terms, conditions and restrictions governing the licence.

Opposition

157.(1) A person who opposes an application for the issuance of a seabed mineral mining licence under this Act may, within 60 days from the date of the publication of the notice of the application, inform the Secretariat, by a notice in the prescribed manner, of that person's opposition and the reasons.

(2) Where the Secretariat receives a notice, the Secretariat shall require the opposing person and the applicant to attend before the Secretariat, at a time and place fixed by the Secretariat, to hear the matter of the opposition.

(3) At the conclusion of the hearing, the Secretariat

(a) may either issue the seabed mineral mining licence or refuse to issue a seabed mineral mining licence; and

(b) shall state in writing its reasons for its decision.

(4) Where no notice of opposition to the application of a seabed mineral mining licence is received by the Secretariat within the specified period, and the applicant has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall proceed to consider the application.

Public consultation

158. Before taking a decision to issue a seabed mineral mining licence, the Secretariat shall provide

(a) timely and appropriate comprehensive information about that application to the public of Barbados to any groups who may be affected by the proposed activities contained within that licence application; and

(b) an opportunity for the public or interest groups representing the public to provide information that will be taken into account by the Secretariat in taking a decision under this Part.

Issuance of seabed mineral mining licence

159.(1) Subject to this Part, where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall issue a seabed mineral mining licence relating to a specified area.

(2) A licence shall not be issued in relation to

(a) a reserved area or designated marine area under this Act; or

(b) an area that is subject to a title or a pre-existing pending application for a grant of title.

(3) A seabed mineral mining licence shall

(a) specify the ocean minerals in respect of which it is granted; and

(b) include a detailed approved exploration or mining work plan in the prescribed form including time schedules and specified annual expenditure requirements.

(4) Where a seabed mineral mining licence is issued, the Secretariat may also require an environment impact assessment or other studies to be conducted and reported upon by the licensee before commencing with particular ocean mineral activities.

Restrictions on issue of licences

160. The Secretariat shall not issue a licence where it

(a) would give exploration or mining rights over an area already included within the scope of any existing licence valid for any of the same time period; or

(b) would be likely to lead to any person contravening a declaration of a reserved area or designated marine area.

Exclusivity of licence

161. A licence may grant to the licensee, during the continuance of the licence, exclusive rights to conduct ocean mineral activities for specified seabed minerals in the licensed area and to conduct ancillary operations.

Right of the licensee

162. Where ocean minerals are recovered by a licensee from the licensed area in accordance with the terms of the licence

(a) the licensee shall acquire title to, and property rights over, those ocean minerals at the point of extraction;

(b) this includes the right to market, process, sell and export the ocean minerals and subject to this Act to freely expend the sale proceeds; and

(c) those ocean minerals are not subject to the rights of any other person.

Refusal to issue seabed mineral mining licence

163.(1) The Secretariat shall not issue a seabed mineral mining licence where

(a) the applicant has not provided the information or documentation required for an application or the information or documentation has not been supplied to the Secretariat's satisfaction;

(b) the past performance of the applicant as a title holder, or equivalent in other jurisdictions, has been materially unsatisfactory to the Secretariat's knowledge;

(c) the seabed mineral mining licence includes within its scope any area that is included within the scope of a pre-existing and current mining licence;

(d) the terms of the seabed mineral mining licence would in the Secretariat's opinion be likely to lead to the contravention by any person of terms, conditions or restrictions placed on any designated marine area or cause serious harm to the marine environment, human health or safety;

(e) the Secretariat is aware of other grounds that reasonably indicate that the grant of the seabed mineral mining licence would be contrary to public interest or contrary to the Act;

(f) the proposed mining activities are a risk to the marine environment;

(g) it would be detrimental to the interests of Barbados;

(h) the applicant has failed to comply with the requirements of the Act or its statutory instruments; or

(i) the applicant has contravened the provisions of the Act or its statutory instruments.

(2) Where the Secretariat refuses to issue a seabed mineral mining licence, it shall notify the applicant and provide a written statement of the reasons for the refusal.

Duration of licence

164. Unless suspended or revoked, a seabed mineral mining licence may be issued for no more than 10 years.

Variation, suspension and revocation of licence

165.(1) The Secretariat may vary, suspend or revoke, as the case may be, a seabed mineral mining licence where it is satisfied that

(a) any of the qualification criteria ceases to be met by the licensee;

(b) the licensee failed to make the relevant security deposit or pay the relevant fees under this Act;

(c) the licensee has consented to the variation, suspension or revocation, as the case may be;

(d) the variation, suspension or revocation is, in the opinion of the Secretariat, necessary to

(i) prevent serious risk to the safety, health or welfare of any person or the marine environment and resources;

(ii) avoid a conflict with any obligation of Barbados arising out of any international agreement or instrument in force for Barbados;

(iii) avoid any situation which may reasonably be expected to lead to a breach of international or domestic peace and security; or

(iv) secure compliance by the licensee with the licensee's obligations and undertakings under this Act, its statutory instruments and the licence;

(e) the licensee has failed to comply with a final binding decision of a dispute settlement body applicable to it;

(f) the licensee is bankrupt, insolvent, in receivership or the licensee has ceased to exist as a legal entity;

(g) no material efforts have been made by the licensee to undertake the licensed ocean mineral activities for a period exceeding 2 years from the date of issue of the licence;

(h) there has been a serious, persistent or wilful breach by the licensee of a material undertaking or term, condition or restriction of the licence;

(i) where any payment owing under this Act is in arrears or unpaid;

(j) there was a transfer, mortgage, lease of a title, or significant change in the constitution, ownership or control of the title holder, without the Secretariat's prior approval in writing;

(k) the proposed ocean mineral activities are a risk to the marine environment;

(l) it would be detrimental to the interests of Barbados;

(m) the licensee has failed to comply with any term, condition or restriction specified in the licence; or

(n) the licensee has contravened the provisions of the Act or its statutory instruments.

(2) Where a licence is varied, suspended or revoked, the Secretariat shall

(a) register the variation, suspension or revocation relating to the licence in the Register of Titles; and

(b) publish notice of the variation, suspension or revocation in the *Official Gazette*.

Terms, conditions and restrictions

166.(1) A seabed mineral mining licence shall be subject to such terms, conditions and restrictions as the Secretariat considers necessary.

(2) A seabed mineral mining licence

(a) shall not be granted on terms and conditions that conflict with the Act and its statutory instruments;

(b) shall specify the ocean minerals in respect of which it is granted;

(c) may require an environment impact assessment or other studies to be conducted and reported by the licensee before particular ocean mineral activities can commence; and

(d) shall not be granted for areas outside of the national jurisdiction of Barbados or an area that comprises or is within a designated marine area.

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

Renewal of seabed mineral mining licence

167.(1) A person may apply to the Secretariat to renew a seabed mineral mining licence.

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

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

(a) the prescribed fee;

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

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

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall renew a seabed mineral mining licence.

Rights to recovered ocean minerals

168. Where ocean minerals are recovered by a licensee from the licensed area in accordance with the terms of the licence

(a) the licensee shall acquire title to, and property rights over, those ocean minerals at the point of extraction;

(b) the licensee shall have the right to market, process, sell and export the ocean minerals; and

(c) the ocean minerals shall not be subject to the rights of any other person.

Rights and obligations of licensee

169. A licensee shall

(a) adhere to the terms, conditions and restrictions of a seabed mineral mining licence, this Act and its statutory instruments, any relevant statutory enactments, the relevant environmental, shipping or maritime enactments and any procedures, rules, guidelines, directives, orders notices or instrument relating to ocean mineral activities issued by the Secretariat; and

(b) not proceed with mining if, there is evidence indicating that, to proceed is likely to cause serious harm to the marine environment or human life.

Liability of licensee

170.(1) A licensee shall

(a) be responsible for the ocean mineral activities and ancillary operations carried out within its licensed area; and

(b) comply with this Act, its statutory instruments and the terms, conditions and restrictions of the licence.

(2) A licensee shall at all times keep Barbados indemnified against all actions, proceedings, costs, charges, claims and demands which may be made or brought by any third party in relation to the licensee's ocean mineral activities.

(3) A licensee shall be liable for

(a) the actual amount of any compensation or damage arising out of its failure to comply with this Act, its statutory instruments, the terms, conditions and restriction of the licence, any relevant statutory enactments, the relevant environmental, shipping or maritime enactments and any procedures, rules, guidelines, directives, orders notices or instrument relating to ocean mineral activities issued by the Secretariat; and

(b) any wrongful acts or omissions, those of its employees, officers, personnel, contractors, subcontractors and agents, in the conduct of the ocean mineral activities or ancillary operations under licence including any injury to coastal or marine users, damage to the marine environment and any related economic loss or compensation.

(4) A licensee shall remain liable for any damage resulting from its ocean mineral activities notwithstanding that its title may have been suspended or revoked.

(5) Where the Secretariat revokes a licence or the licensee surrenders a licence

(a) all rights granted shall cease; and

(b) the licensee shall remain subject to any ongoing obligation or liability incurred by the licensee as a result of activities already conducted, or otherwise by reason of having entered into the licence, including requirements to submit reports and to make payments to the Secretariat for the period during which ocean mineral activities were conducted.

Surrender of licence

171. A licensee may at any time surrender the a seabed mineral mining licence without penalty by giving to the Secretariat not less than 6 months' prior notice in writing to that effect.

Discovery of ocean minerals not specified in mining licence

172.(1) A licensee who discovers or unearths a seabed mineral deposit or ocean mineral other than the ocean mineral specified or permitted under the seabed mineral mining licence shall immediately notify the Secretariat of the discovery.

(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.

Conditions for commencing licensed ocean mineral activities

173. A licensee may commence the licensed ocean mineral activities upon

(a) entry of its title in the Register of Titles; and

(b) providing the Secretariat with evidence of

(i) written notice from the Coastal Zone Management Unit of its endorsement of the environmental management and impact mitigation plan;

(ii) a bank statement indicating that the title holder has appropriate financial resources, security deposit or monetary guarantee; and

(iii) evidence of financial security to guarantee its compliance with its environmental management and mitigation plan and other environmental and social obligations under this Act.

Moratorium on ocean mineral activities

174.(1) The Secretariat, after consultation with the Coastal Zone Management Unit shall require a person who wishes to obtain title under this Part to prepare and submit a feasibility study of the potential environmental and ecological impact of the proposed ocean mineral activities to be conducted on a block or cell prior to the issue of any permit or licence under this Part.

(2) Where the findings of a feasibility study reveal the proposed ocean mineral activities are likely to cause serious harm or significant environmental and ecological impact to the marine environment, the Secretariat

(a) shall not issue a permit or licence under this Part; and

(b) may recommend the imposition of a moratorium on ocean mineral activities.

(3) On a recommendation from the Secretariat, the Minister may, by order, impose a moratorium on ocean mineral activities for a block or cell for such period as is deemed necessary but for no more than 10 years.

(4) Where a moratorium is imposed on ocean mineral activities, the Secretariat shall ensure there is a systematic review, research and examination of a block or cell with respect to ocean mineral activities and the potential environmental and ecological impact during the moratorium.

(5) Where a moratorium has ended, the Secretariat may direct a person referred to in subsection (1) to conduct and submit another feasibility study in order to assess whether the area can be exposed to mining or exploration.

(6) The proposed ocean mineral activities may resume where the feasibility study referred to in subsection (5) reveals that the proposed ocean mineral activities are not likely to cause serious harm or significant environmental and ecological impact to the marine environment.

Review of licences

175.(1) The Secretariat shall review a licence work plan, anticipated annual expenditure and time schedule of a title holder in relation to is ocean mineral activities.

(2) A review may be performed periodically or at the request of the licensee or the Secretariat upon material new information coming to the attention of the licensee or the Secretariat.

(3) The licensee may be required to submit additional data for the purposes of such a review.

(4) The review shall be conducted in accordance with any prescribed procedures or procedures provided by the licence.

(5) Upon review, the Secretariat shall consider whether any changes are required to the licence terms, conditions or restrictions or work plan.

(6) The Secretariat shall confirm, in writing, any changes to a licence or work plan.

Extraction

Seawater mineral extraction

176.(1) No person shall engage in extracting minerals from the seawater within Barbados waters without a seawater mineral extraction permit or seawater mineral extraction licence, as the case may be.

(2) A person may apply to the Secretariat for a seawater mineral extraction permit or seawater mineral extraction licence.

(3) An application shall be

(a) made at least 6 months before the proposed commencement date of the extraction activities; and

(b) in the prescribed form and manner.

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

(a) the prescribed fee;

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

(c) an environmental and social impact assessment report;

(d) an environmental and social management plan;

(e) a development plan;

(f) where applicable, a decommissioning plan;

(g) an environmental monitoring plan;

(h) a risk management plan;

(i) a rehabilitation plan;

(j) particulars of the vessel to be engaged in the ocean mineral activities;

(k) the name, nationality and address, contact details, and, where relevant evidence of incorporation or registration of the applicant;

(l) the name, nationality, address, contact details and certificate of the requisite skills of the personnel involved in the proposed extraction activities;

(m) the coordinates and charts of the area within which the proposed extraction is to be conducted;

(n) a general description of the nature and objectives of the proposed extraction activities including

(i) the methods and technology to be used;

(ii) the proposed commencement date;

(iii) the approximate duration of the proposed extraction activities; and

(iv) the proposed use of the data collected including any plans to make the research results available;

(o) the details of the methods, the equipment and any installations to be used in the proposed extraction activities;

(p) a preliminary assessment of the likely impact on the marine environment of the proposed extraction activities;

(q) where applicable, the modalities of the participation of a representative of Barbados in the extraction activities;

(r) the expected dates and method of submission to Barbados of the following:

(i) a preliminary report relating to the applicant's extraction activities;

(ii) a final report relating to the applicant's extraction activities; and

(iii) an assessment of data, samples and research results relating to the applicant's extraction activities; and

(s) any other information or documentation as may be required by the Secretariat.

(5) 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 to 5 years or to both.

Issuance

177. Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall issue a seawater mineral extraction permit or seawater mineral extraction licence, as the case may be, relating to a specified area within Barbados waters.

Refusal to issue permit or licence

178.(1) The Secretariat shall not issue a seawater mineral extraction permit or seawater mineral extraction licence where

(a) the applicant has not provided the information or documentation required for an application or the information or documentations has not been supplied to the Secretariat's satisfaction;

(b) the past performance of the applicant as a title holder, or equivalent in other jurisdictions, has been materially unsatisfactory to the Secretariat's knowledge;

(c) the permit or licence includes within its scope any area that is included within the scope of a pre-existing and current permit or licence;

(d) the terms of the permit or licence, as the case may be, would in the Secretariat's opinion be likely to lead to the contravention by any person of conditions or restrictions placed on any designated marine area or cause serious harm to the marine environment, human health or safety;

(e) the applicant provided fraudulent or misleading information in relation to the application;

(f) the Secretariat is aware of other grounds that reasonably indicate that the grant of the permit would be contrary to public interest or this Act;

(g) the proposed extraction activities are a risk to the marine environment;

(h) it would be detrimental to the interests of Barbados;

(i) the applicant has failed to comply with the requirements of the Act or its statutory instruments; or

(j) the applicant has contravened the provisions of the Act or its statutory instruments.

(2) Where the Secretariat refuses to issue a seawater mineral extraction permit or seawater mineral extraction licence, as the case may be, it shall notify the applicant in writing and provide a written statement of the reasons for the refusal.

Suspension and revocation

179. The Secretariat may suspend or revoke a seawater mineral extraction permit or seawater mineral extraction licence, as the case may be, where it is satisfied that

(a) the proposed extraction activities are a risk to the marine environment;

(b) it would be detrimental to the interests of Barbados;

(c) the applicant has failed to comply with any term, condition or restriction specified in the permit or licence; or

(d) the applicant has contravened the provisions of the Act or its statutory instruments;

Terms, conditions and restrictions

180.(1) A seawater mineral extraction permit or seawater mineral extraction licence shall be subject to such terms, conditions and restrictions as the Secretariat considers necessary.

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

(3) A permit or licence is not transferable.

Renewal

181.(1) A person may apply to the Secretariat to renew a seawater mineral extraction permit or seawater mineral extraction licence.

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

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

(a) the prescribed fee;

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

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

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall renew a seawater mineral extraction permit or seawater mineral extraction licence, as the case may be.

Processing and exportation

Processing of ocean minerals

182.(1) Subject to subsection (2) and (3), all ocean minerals recovered from within Barbados waters shall be processed within Barbados.

(2) Notwithstanding subsection (1), ocean minerals recovered from within Barbados waters may be processed in another country where

(a) no appropriate ocean mineral processing facilities are available in Barbados; or

(b) it is not economically feasible to process ocean minerals in Barbados.

(3) A licensee may apply to the Secretariat for written approval to process ocean minerals recovered in Barbados waters in another country.

(4) An application shall be

(a) in the form and manner specified; and

(b) accompanied by all relevant information and documentation.

(5) Where a person has met the requirements of the Act, the Secretariat may grant written approval to process ocean minerals recovered from within Barbados waters in another country.

(6) The approval referred to in subsection (3) and (5) shall be subject to such terms, conditions and restrictions as the Secretariat considers necessary.

(7) A person who fails to comply with any terms, conditions and restrictions of the written approval is liable to have his licence revoked and is liable to forfeit the ocean minerals to the State.

Approval to export ocean minerals

183.(1) No person shall export any ocean mineral from Barbados without the written approval of the Secretariat.

(2) A person may apply to the Secretariat for written approval to export ocean minerals.

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

(a) the prescribed fee;

(b) the relevant details of the ocean minerals;

(c) any relevant information or documentation related to the ocean minerals; and

(d) any other information or documentation specified by the Secretariat.

(4) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Secretariat shall

(a) grant written approval to export the ocean minerals; and

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

(5) The Secretariat may refuse to grant approval to export ocean minerals where a person

(a) provides fraudulent or misleading information;

(b) fails to comply with this Act, its statutory instruments, any related enactment or the terms, conditions or restrictions of a permit, licence, certificate or other document issued by the Secretariat; or

(c) it would be detrimental to the interests of Barbados.

Licence to export ocean minerals

184.(1) No person shall export an ocean mineral from Barbados without an export licence.

(2) A person may apply to the Ministry responsible for Commerce for a licence to export an ocean mineral.

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

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

(a) prescribed fee;

(b) the relevant details of the ocean minerals;

(c) written approval of the Ministry to export the ocean mineral;

(d) any documentation as may be specified by the Ministry responsible for Commerce.

(5) Where a person has satisfied the requirements of an application and has paid the prescribed fee, the Ministry responsible for Commerce shall issue a licence to export an ocean mineral.

(6) A person who contravenes subsection (1) is guilty of an offence and liable on conviction on indictment to a fine of $200 000 or to imprisonment for 7 years or to both and is liable to forfeit the ocean minerals to the State.

Terms

185.(1) A licence to export an ocean mineral 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 shall be valid for a period of 6 months from the date of issue and relate to the specific ocean minerals and quantities specified therein.

(4) A licence is not transferable.

Duties of customs authorities

186. The relevant customs authorities shall have the following duties:

(a) inspect and verify any ocean minerals being exported;

(b) ensure that any ocean minerals being exported are accompanied by the relevant export licence and documentation;

(c) require any person who is leaving Barbados and who is in possession of, or transporting ocean minerals to have the relevant licence and documentation; and

(d) seize any ocean minerals that a person intends to export without the relevant documentation or export licence and immediately report the matter to the appropriate authority.

Sponsorship of activities in the Area

Contracting ocean mineral activities in the Area

187. The Secretariat may

(a) on behalf of Barbados, submit applications to the ISA for the approval of plans of work for ocean mineral activities in the Area and enter into agreements with the ISA to conduct those plans of work, provided such application has received the prior approval of Cabinet; and

(b) enter into contracts with third party subcontractors for the delivery of services pertaining to the performance of ocean mineral activities in the Area, if

(i) the subcontractor meets the sponsorship qualification criteria;

(ii) the subcontractor complies with the relevant terms and be held to duties, undertakings, guarantees, indemnities and other requirements that are no less comprehensive and stringent than those required of a sponsored party under this Act and any statutory instrument;

(iii) the Minister of Finance endorses that he is satisfied that the terms of the sub-contract are likely to benefit Barbados and outweigh the likelihood and quantum of any associated costs or risks;

(iv) the sub-contract can be suspended, varied, revoked or otherwise terminated on the same ground as those provided for in a sponsorship certificate;

(v) the sub-contract has received the prior approval of the Secretariat and the Cabinet; and

(vi) the Secretariat monitors the subcontractor's conduct and takes any such steps as are required to secure compliance with the terms of the sub-contract.

Sponsorship of ocean mineral activities in the Area

188.(1) The Secretariat may, on behalf of Barbados, sponsor a third party, by way of a sponsorship certificate issued under this Act, to conduct ocean mineral activities in the Area under contract with the ISA.

(2) No person shall engage in ocean mineral activities under Barbados' sponsorship without

(a) a sponsorship certificate from the Secretariat; and

(b) a contract with the ISA,

relating to those ocean mineral activities in the Area.

(3) A person who contravenes subsection (2) is guilty of an offence and liable on conviction on indictment to a fine of $200 000 or to imprisonment for 10 years or to both.

Sponsorship qualification criteria for applicant

189. A person qualifies as a sponsorship applicant where

(a) the applicant has paid the prescribed fees;

(b) the applicant is an existing body corporate registered in Barbados;

(c) the applicant has or will have, at the commencement of the proposed ocean mineral activities, sufficient financial and technical resources and capability

(i) to perform the ocean mineral activities in compliance with the Rules of the ISA; and

(ii) to cover damage that may be caused by the ocean mineral activities or the costs of responding to an incident;

(d) the proposed ocean mineral activities are consistent with the Rules of the ISA in relation to environmental management;

(e) the proposed ocean mineral activities are compatible with applicable national and international laws including those relating to safety at sea and the protection and preservation of the marine environment; and

(f) the proposed ocean mineral activities will not unduly affect

(i) the rights of other legitimate sea users;

(ii) the protection and preservation of the marine environment; or

(iii) international and domestic peace and security.

Sponsorship application

190.(1) A sponsorship application shall be made in writing to the Secretariat.

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

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

(a) evidence that the sponsorship applicant meets the sponsorship qualification criteria;

(b) the prescribed fee;

(c) the particulars that are required by the Rules of the ISA for an application to the ISA for approval of a plan of work to obtain a contract for the proposed ocean mineral activities;

(d) written undertakings by way of an affidavit that the sponsorship applicant

(i) will fully comply with its obligations under the Rules of the ISA and this Act,

(ii) warranties that the content of the sponsorship application is true and accurate to the best of its belief; and

(iii) intends to apply for a contract with the ISA to conduct ocean mineral activities in the Area under the sponsorship of Barbados;

(e) copies or summaries of any studies conducted by the sponsorship applicant or other data in relation to the ocean mineral potential of the proposed contract area and the potential impacts of the ocean mineral activities on the marine environment;

(f) details or information relating to the applicant's proposed

(i) methods for financing the ocean mineral activities;

(ii) ownership, lease or other arrangement to use vessels and equipment required for the operation of the ocean mineral activities; and

(iii) insurance, other form of financial security or contingency funding to cover damage that may be caused by the ocean mineral activities or the costs of responding to an incident;

(g) a list of employees, officers, personnel, contractors, subcontractors or agents required to operate the ocean mineral activities and an indication if any of these persons will be recruited from Barbados;

(h) a capacity-building programme providing for the training of persons from Barbados;

(i) a statement as to whether the sponsored party or any of its directors has

(i) breached a material term or condition of the Rules of the ISA or international law;

(ii) been convicted of an offence or incurred a civil or administrative penalty relating to the conduct of ocean mineral activities or similar sea or land based activities in another jurisdiction; or

(iii) been convicted of an offence involving fraud or dishonesty; and

(j) any other required information.

Public consultation

191. The Secretariat shall, before taking a decision under this Part, provide

(a) timely and relevant information about an application to the public of Barbados or any group which may be affected by the proposed activities contained within an application; and

(b) an opportunity for the public or interest groups representing the public to provide information that will be taken into account by the Secretariat in taking a decision under this Part.

Sponsorship certificate

192.(1) Where a person has met the requirements of the Act and the Secretariat is of the opinion that sponsorship would be in the interest of Barbados, the Secretariat shall issue a sponsorship certificate.

(2) A sponsorship certificate shall contain the following:

(a) the name of the sponsored party;

(b) a statement that the sponsored party is;

(i) a national of Barbados; or

(ii) subject to the effective control of Barbados;

(c) a statement by Barbados that it sponsors the sponsored party;

(d) the date of deposit by Barbados of its instrument of ratification of, or accession or succession to the United Nations Convention on the Law of the Sea;

(e) a declaration that Barbados assumes responsibility in accordance with article 139, article 153, paragraph 4, and Annex Ill, article 4, paragraph 4, of the United Nations Convention on the Law of the Sea;

(f) the period during which the sponsorship certificate shall remain in force unless otherwise terminated; and

(g) any additional content required by the ISA or that the Secretariat considers necessary.

(3) The Secretariat shall refuse to issue a sponsorship certificate where

(a) the applicant has not met the requirements under the Act;

(b) the applicant has not met the sponsorship qualification criteria;

(c) the Secretariat is of the view that the proposed ocean mineral activities are likely to result in irreparable harm to any community, cultural

practice or industry in Barbados or would not be in the public interest of Barbados; or

(d) the proposed ocean mineral activities are likely to cause serious harm or significant environmental and ecological impact to the marine environment.

Terms, conditions and restrictions

193. A sponsorship certificate may contain such terms, conditions and restrictions as are considered necessary.

Renewal of sponsorship

194.(1) A sponsorship certificate may be renewed.

(2) A person may apply to the Secretariat to renew a sponsorship certificate in the prescribed form and manner and upon paying the prescribed fee.

(3) An application for renewal shall be made 6 months before the expiry date specified in the certificate.

(4) The Secretariat may renew a sponsorship certificate where the applicant has met the requirements for renewal.

(5) Unless previously suspended or revoked, a sponsorship certificate may be renewed for a further period of 5 years.

Variation, suspension, revocation or refusal to renew a sponsorship certificate

195.(1) The Secretariat may vary, suspend, revoke or refuse to renew a sponsorship certificate, as the case may be,

(a) where any of the sponsorship qualification criteria ceases to be met by the sponsored party;

(b) where a security deposit or prescribed fee required or owing under this Part has not been deposited or paid;

(c) where the Secretary determines that variation, suspension, revocation or refusal to renew a sponsorship certificate is necessary to

(i) prevent serious risk to the safety, health or welfare of any person or the marine environment; or

(ii) avoid a conflict with any obligation of Barbados arising out of any international agreement or instrument in force for Barbados;

(d) with the written consent of the sponsored party;

(e) upon the bankruptcy, insolvency or receivership of the sponsored party or upon the sponsored party ceasing to exist as a legal entity;

(f) where no material efforts have been made by the sponsored party to undertake the sponsored ocean mineral activities for a period exceeding 5 years from the date of signing the contract with the ISA;

(g) where there has been non-compliance with any of the following:

(i) the Rules of the ISA;

(ii) the requirements of this Act or its statutory instruments;

(iii) an agreement made under this Act; or

(iv) a final binding decision of a dispute settlement body applicable to the sponsored party; or

(h) where the sponsored party

(i) provides the ISA or the Secretariat with information that is false or misleading in a material particular; or

(ii) fails to retain or wilfully alters, suppresses, conceals or destroys any document which is required to be produced to the ISA or the Secretariat.

(2) Before making a decision under this section of the Act the Secretariat shall

(a) give to the sponsored party at least 30 days' written notice of the Secretariat's intention to make the decision, setting out details of the

proposed decision and the reasons for it, and inviting a person to whom the notice, or a copy of the notice has been given to make a written submission to the Secretariat about the proposal within a specified timeframe;

(b) give a copy of the notice to any such other persons as the Secretariat thinks fit; and

(c) take into account any submissions made in accordance with the notice.

(3) The Secretariat shall give a sponsored party 3 months' notice where the decision is to revoke the sponsorship certificate.

Surrender of sponsorship certificate

196. A sponsored party may at any time surrender a sponsorship certificate without penalty by giving to the Secretariat not less than 6 months' prior notice in writing to that effect.

Sponsorship agreements

197. The Secretariat, with the Minister's approval, may enter into written agreements with the sponsored party at any time to establish additional terms and conditions as to the sponsorship arrangement including terms as to the calculation and payment of royalties, taxes, sponsorship fees or other fiscal impositions payable by the sponsored party if the terms of such an agreement do not or are not likely to lead to a contravention by Barbados or the sponsoring party of the Rules of the ISA, this Act, its statutory instruments or any international obligations of Barbados.

Liability of sponsored party

198.(1) The sponsored party shall be

(a) responsible for

(i) the performance of all ocean mineral activities and ancillary operations carried out within the contract area; and

(ii) complying with the rules, regulations and procedures of the ISA, approved plan of work, United Nations Convention on the Law of the Sea and provisions of this Act; and

(b) liable for the actual amount of any compensation or damage or penalties arising out of its failure so to comply, or out of any wrongful acts or omissions and those of its employees, officers, personnel, contractors, subcontractors and agents in the conduct of the ocean mineral activities and ancillary operations.

(2) Any obligation to be observed and performed by a sponsored party shall, at any time at which the sponsored party is more than one person, be joint and several.

(3) A sponsored party shall at all times keep Barbados indemnified against all actions, proceedings, costs, charges, claims and demands which may be made or brought by any third party in relation to its ocean mineral activities and ancillary operations.

Liability after termination of sponsorship

199. Notwithstanding the termination of a sponsorship certificate, a sponsored party shall remain and be

(a) subject to any ongoing obligations with respect to ocean mineral activities that occurred prior to termination including requirements to submit reports and to make payments to the Secretariat and the ISA; and

(b) responsible for any damage from its wrongful acts arising from its ocean mineral activities carried out prior to termination.

State responsibilities

200. Where Barbados is sponsoring a sponsored party which holds a contract with the ISA to conduct ocean mineral activities in the Area, Barbados shall, through the Secretariat

(a) take all actions necessary to give effect to Barbados' sponsorship of a sponsored party, including undertaking any communications with, and providing any assistance, documentation, certificates and undertakings to the ISA or other relevant party required in respect of the sponsorship;

(b) ensure that its conduct in relation to the ISA, the area and ocean mineral activities adheres to the requirements and standards established by general principles of international law;

(c) take all appropriate means to exercise its effective control over sponsored parties, seeking to ensure that their ocean mineral activities are carried out in conformity with the United Nations Convention on the Law of the Sea, the Rules of the ISA and other requirements and standards established by general principles of international law;

(d) not impose unnecessary, disproportionate, or duplicate regulatory burden on sponsored parties, nor impose requirements upon a sponsored party under this Act or its statutory instruments to be made under this Act except insofar as these are consistent with existing requirements imposed by, the United Nations Convention on the Law of the Sea, the Rules of the ISA and other applicable standards of international law; and

(e) promote the application of the precautionary approach and employment of best environmental practice.

Termination of sponsorship certificate

201.(1) A sponsorship certificate is terminated where

(a) the period stated in the sponsorship certificate expires;

(b) it is surrendered by the sponsored party; or

(c) it is revoked by the Secretariat.

(2) Where a sponsorship certificate is terminated, all rights granted to the sponsored party by Barbados shall cease.

Fiscal arrangements

Orders

202. The Minister, in consultation with the Secretariat, may, by order,

(a) set fees for services rendered in relation to ocean mineral activities;

(b) prescribe the fees for the relevant application including fees for licences, certificates or permits; or

(c) partially or wholly waive fees.

Sponsorship payments

203. The holder of a sponsorship certificate shall pay to the Secretariat

(a) such sums by way of annual administrative fees for Barbados' sponsorship of its ocean mineral activities in the Area; and

(b) where the sponsorship certificate pertains to a contract for mining in the Area, such sums by way of a commercial recovery payment,

at such times and in such amounts as may be prescribed, provided in the sponsorship certificate or a sponsorship agreement made under this Act.

Payment of taxes

204. All title holders and their employees, officers, personnel, agents, advisors, contractors and subcontractors shall pay all applicable customs duties and taxes in accordance with relevant applicable laws of Barbados.

Ocean mineral royalties

205.(1) The holder of a licence under this Part shall pay into a dedicated Treasury account such sums by way of royalties for Barbados' ocean minerals.

(2) All payments shall be accompanied by details of the ocean minerals produced sold or disposed of and the details of the payment and how it has been calculated.

Transfer fees

206. Upon any transfer of title under this Act or its statutory instruments or any significant change in the ownership of the title holder, a title holder shall pay the prescribed transfer fees.

Recovery of payments owed by title holders

207.(1) A sum of money payable under this Act or its statutory instruments is a debt due to the State and may be recovered in the High Court.

(2) Any sum unpaid by the title holder may at the Court's discretion be recovered from any security deposited by the title holder under the Act.

Security deposit

208.(1) The Secretariat may, before granting a title, require an applicant for a title to deposit security as a guarantee of performance of the obligations attaching to the title.

(2) The Secretariat shall, with the consent of the Minister, determine the form and the amount or value of the security.

(3) All terms and conditions under which the security is held shall be set out in the title.

(4) The Secretariat may use security to take steps towards fulfilling any obligations that the title holder fails to fulfil or to rectify any damage of loss caused as a result of such failure including for clean up or compensation costs in

respect of any damage caused by pollution or other incident occurring as a result of the ocean mineral activities.

Ocean Minerals Fund

209.(1) There shall be established an Ocean Minerals Fund.

(2) The Fund shall be

(a) under the control and effective management of the Secretariat and the Ministry for the benefit of existing and future generations; and

(b) administered by the Secretariat.

(3) Any sums paid to the Secretariat shall be paid to the Ocean Minerals Fund for the purposes of covering the costs of establishing the Secretariat and performing its functions under this Act.

(4) The Ministry, in consultation with the Secretariat, shall prescribe rules for the operation and management of the Ocean Minerals Fund.

Decommissioning Fund

210.(1) There shall be a Decommissioning Fund for the purpose of assisting with expenditure associated with decommissioning activities.

(2) The Decommissioning Fund shall be managed and administered by the Secretariat.

(3) The Secretariat shall keep proper accounts and records of the Fund's activities.

(4) The accounts of the Fund shall be annually audited by an auditor appointed by the Secretariat with the approval of the Minister.

(5) The Secretariat shall determine the amount to be paid into the Decommissioning Fund.

(6) A title holder shall pay into the Decommissioning Fund the amount specified by the Secretariat.

(7) The payment referred to in subsection (6) shall be paid in the manner and period specified by the Secretariat.

(8) The Secretariat shall establish an interest-bearing escrow bank account in a currency determined by the Secretariat for the purpose of depositing contributions into the Fund.

(9) A title holder shall provide the Secretariat with a holding company guarantee or any other form of financial security in respect of any shortfall which may accrue between the size of the Decommissioning Fund and the actual cost of decommissioning operations.

(10) The guarantee referred to in subsection (9) shall be in a form approved by the Secretariat.

Miscellaneous

Vessel standards

211.(1) All persons conducting or engaged in ocean mineral activities or ancillary operations shall ensure the following:

(a) all Barbados' flagged vessels comply with the laws of Barbados regulating the construction, certification, maintenance, operation, crewing of vessels, including the relevant shipping enactments and all applicable international standards;

(b) all foreign flag vessels whose flag state is party to the International Convention for Safety of Life at Sea, 1974, as amended, (SOLAS 74) possess current valid SOLAS 74 certificates and comply with the flag state's requirements and standards concerning ship certification;

(c) all foreign flag vessels whose flag state is not party to SOLAS 74 but is party to the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) possesses current valid SOLAS 60 certificates and comply with the flag state's requirements and standards concerning ship certification;

(d) all foreign flag vessels whose flag state is not a party to either SOLAS 74 or SOLAS 60 meets all applicable structural and safety requirements contained in the published rules of a member of the International Association of Classification Societies (IACS) and comply with other flag state requirements and standards concerning ship certification;

(e) submission of the applicable certification in accordance with this Act or its statutory instruments for each vessel to be used in the ocean mineral activities before the commencement of the cruise on which the vessel will be used; and

(f) all vessels, installations and equipment are in good repair.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

Vessel-source emissions from ocean mineral activities

212. All persons conducting or engaging in ocean mineral activities or ancillary operations shall

(a) undertake all appropriate measures to prevent, reduce and control emissions from a vessel engaged in such activities or operations; and

(b) specify such measures in an environmental and social management plan.

Discovery of ocean minerals not covered by title

213.(1) A title holder shall notify the Secretariat during the course of conducting ocean mineral activities of the discovery and location of any ocean minerals to which that title does not relate within 3 days of the discovery.

(2) Any application to include any such newly discovered ocean minerals in the title shall be treated as a variation of the title.

Environmental conditions or social considerations

214. The terms of any environmental conditions or social considerations arising from an environmental and social impact assessment conducted in compliance with this Act or any relevant enactment shall be adopted as part of the terms and conditions of any title issued under this Act or its statutory instruments.

Reports

215. All reports required to be submitted to the Secretariat under this Act shall

(a) be in the prescribed form and manner; and

(b) conform to any requirement specified in the conditions of the relevant title.

Transfer of title

216.(1) A licensee shall not, without the written approval of the Secretariat, transfer, wholly or partially, transfer a licence issued by the Secretariat or its rights and obligations under a licence.

(2) A licensee may apply to the Secretariat for approval for the transfer of a licence

(a) within 90 days of a proposed transfer;

(b) in the form and manner specified; and

(c) upon payment of the prescribed fee.

(3) The Secretariat shall, within 60 days of receipt of the application, notify the licensee in writing of the decision to approve or not approve the transfer.

(4) A licensee shall not make a transfer under this section to a person who does not meet the qualification criteria under this Part.

(5) A licensee shall not, by virtue of a transfer under this section, be relieved of any obligations and liabilities which the licensee incurred prior to the transfer.

(6) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

Change of constitution, ownership or control of a title holder

217.(1) A title holder shall within 14 days notify the Secretariat of any significant change in the constitution, ownership or control of a title holder.

(2) Upon receipt of the notice stipulated in subsection (1) and payment of the relevant transfer fee, the Secretariat shall make the relevant entry into the Register of Titles.

(3) A person who fails to comply with subsection (1) is liable to an administrative fine.

Suspension of title

218.(1) A title confers no entitlements during any period it is suspended under this Act.

(2) The power to suspend a title under this Act includes a power to lift the suspension.

Termination of title

219.(1) A title is terminated where

(a) its term expires;

(b) it is surrendered by the title holder; or

(c) it is revoked by the Secretariat.

(2) Upon termination of any title, the title holder shall deliver the following to the Secretariat:

(a) all books, accounts, financial records, performance data the holder is required to maintain under this Act, its statutory instruments or terms of the title;

(b) all reports and plans or maps prepared by or for the title holder pertaining to the ocean mineral activities under the title;

(c) all environmental and social consultation and related reports, documents, surveys and data, cores, cuttings and samples prepared in relation to the ocean mineral activities under the title; and

(d) any other document, information or samples relating to the title as specified by the Secretariat.

(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 of 2 years or to both.

Right to access the Area

220. A grant of title under this Act and vessel registration under the relevant enactment shall grant the right of navigation within Barbados' waters required to access the Area that is the subject of the title.

Interference with sea uses or users

221.(1) All persons shall conduct ocean mineral activities and ancillary operations in a manner that will not interfere with the exercise of the freedom of the high seas as reflected in article 87 of the United Nations Convention on the Law of the Sea.

(2) All persons conducting ocean mineral activities or ancillary operations shall ensure that all works or installations erected in or over any part of the seabed

(a) are made, placed, marked, buoyed, equipped and maintained, as the case may be, in such manner as to leave safe and convenient channels for shipping in the area; and

(b) do not unreasonably interfere with any other uses or users of the sea.

(3) 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 of 5 years or to both.

Rights of other States

222.(1) Nothing in this Act affects the rights of coastal States in accordance with Article 142 and other relevant provisions of the United Nations Convention on the Law of the Sea.

(2) Any coastal State which has grounds for believing that ocean mineral activities have caused, are causing or are likely to cause serious harm to the marine environment under its jurisdiction may notify the Secretariat in writing of the grounds upon which such belief is based.

(3) The Secretariat shall provide a title holder or other person affected by a notification referred to in subsection (2) with a reasonable opportunity to examine the evidence, if any, provided by the coastal State as the basis for its belief.

(4) Where the Secretariat is of the view that the coastal State's beliefs are grounded under subsection (2), the Secretariat shall immediately take such measures to prevent or mitigate harm to the marine environment.

Observance of laws

223. Any person conducting ocean mineral activities or ancillary operations shall at all times observe and comply with any laws, rules or procedures relating to employment, discrimination in employment, maritime

labour, occupational health and safety, labour relations, social security, employment security, safety at sea, appropriate training and living conditions of workers on-site.

No interest in land

224. The grant of a title under this Act or its statutory instruments does not create an estate or interest in land other than the rights expressly granted by this Act or the title.

Safety zones

225.(1) The Secretariat may, by notice published in the *Official Gazette,* prohibit all vessels or specified classes of vessels from entering or being present in a specified area surrounding the installation, infrastructure facility or vessel, without the written consent of the Secretariat, for the purpose of protecting an installation, infrastructure facility or vessel being used for ocean mineral activities.

(2) A vessel owner, master or operator who operates a vessel in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

(3) It shall be a defence to charge under subsection (1) if the person satisfies the court that:

(a) an unforeseen emergency made it necessary for the vessel to enter or remain in the safety zone to attempt to secure the safety of human life, a vessel, pipeline, structure or equipment; or

(b) the vessel entered or remained in the safety zone in circumstances beyond the control of the person who was in command or in charge of the vessel.

Interference with ocean mineral activities

226.(1) Unless authorised under this Act or its statutory instruments, no person shall interfere with any ocean mineral activities or ancillary operations being conducted under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of $200 000 or to imprisonment for 10 years or to both.

(3) For the purposes of this section, "interfere" includes

(a) the sabotage of operations;

(b) any violence directed to, or against any representative of the Secretariat, an inspector, a maritime law enforcement officer, a title holder or any person conducting ocean mineral activities or ancillary operations under this Act, its statutory instruments or title; or

(c) any similar physical interference, interaction or obstruction.

Indemnity

227. The Minister, authorised officers of the Secretariat, and other public officials shall not be liable for anything done or omitted to be done in good faith in the performance of any function vested in or delegated to them under this Act or it statutory instruments.

Disclosure of interest

228.(1) Any member of the Secretariat who has an interest, direct or indirect, in any matter or transaction, as the case may be, to be considered by the Secretariat shall disclose the nature of his interest to the Secretariat and such disclosure shall be recorded in the minutes of the Secretariat and that member shall not take part in any deliberation or decision of the Secretariat relating to the matter.

(2) A member who fails to make the disclosure required under subsection (1) shall be guilty of misconduct and liable to be removed from the Secretariat.

(3) Where a member fails to disclose, in accordance with subsection (1), his interest in any matter or transaction, as the case may be, to be considered by the Secretariat, the court may, upon the application of the Secretariat, set aside the matter or transaction on such terms as the court thinks fit.

(4) For the purposes of this section, "interest" shall include person or members of that person's family having direct or indirect ownership of shares or involvement in the funding or management of any entity conducting or funding activities in Barbados or being conducted under Barbados' sponsorship, and any direct or indirect benefits.

Offence committed by a body corporate

229. Where an offence under this Act that has been committed by a body corporate with the consent or connivance, or is attributable to the neglect, of any Director or officer of the body corporate, that person as well as the body corporate is guilty of that offence.

PART VII

MISCELLANEOUS

Disputes

230.(1) Any dispute arising between Barbados and another State in connection with ocean mineral activities shall be resolved pursuant to the provisions of the United Nations Convention on the Law of the Sea.

(2) Any dispute between Barbados and a title holder arising in connection with the administration of this Act shall be dealt with by the parties attempting to reach settlement by mutual agreement or mediation.

(3) Where the parties fail to reach settlement by mutual agreement or mediation under subsection (2), the dispute may be referred to arbitration or the High Court.

(4) An application may be submitted to the International Tribunal of the Law of the Sea for any case expressly provided for in Part XI of the United Nations Convention on the Law of the Sea.

Appeal

231. A person who is aggrieved by a decision made under this Part may apply to the High Court.

Citizens Impact and Benefit Sharing Committee

232.(1) There shall be established, within 6 months after the entry into force of the Act, a Citizens Impact and Benefit Sharing Committee to represent the interests of civil society, including local coastal and fishing communities.

(2) The functions of the Committee shall be as follows:

(a) to advise the Minister responsible for Coastal and Marine Affairs on matters in respect of maritime and underwater heritage protection, preservation, management and development, from the perspective of civil society, including local coastal and fishing communities;

(b) assist a Maritime Heritage Officer in respect of maritime and underwater heritage matters directly affecting civil society, including local coastal and fishing communities;

(c) to act as a community-level body for the promotion, protection and advancement of marine-specific traditional knowledge, traditional cultural expressions associated with the sea, marine genetic resources and traditional knowledge associated with marine genetic resources;

(d) to monitor and assess the benefits of civil society, including local coastal and fishing communities from shared marine resources; and

(e) to make recommendations and proposals for continued management and sustainable development of maritime and underwater heritage.

Maritime Heritage Investment Scheme

233.(1) The designated competent authority responsible for regulatory oversight over a specific heritage regime, as specified in the Act, may develop and manage schemes directed at investment in development of Barbados' maritime heritage sector and to support livelihoods connected thereto.

(2) The designated competent authority may facilitate entry into a maritime heritage investment scheme.

(3) The designated competent authority 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 maritime heritage management standards.

(6) A maritime heritage investment scheme shall not be concluded where it would be disadvantageous to Barbados' maritime heritage sector or coastal and

fishing communities or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados.

(7) A maritime heritage 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.

(8) Subject to subsection (9), 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.

(9) 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.

(10) Where the identified disadvantages cannot be wholly remedied, the designated competent authority shall ensure that an equitable compromise is agreed to in writing by the parties and the investment scheme is modified accordingly.

Sustainable economic development strategies or initiatives

234.(1) A person or group with an interest in the protection, management and sustainable development of the relevant heritage sector may formulate and submit a written proposal to the designated competent authority in respect of the particular kind of heritage for its consideration of a sustainable economic development strategy or initiative.

(2) A proposed strategy or initiative shall be

(a) economically viable;

(b) environmentally sustainable; and

(c) beneficial to the relevant heritage sector.

(3) The designated competent authority shall review a proposed strategy or initiative.

(4) Where the designated competent authority determines that a strategy or initiative meets the requirements of subsection (2), it shall, after consultation with the relevant Minister and stakeholders, 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 designated competent authority shall ensure the adoption of the appropriate regulatory measures.

(6) A proposed strategy or initiative may be eligible for incentives.

(7) Where it is determined that the proposed strategy or initiative may have a significant positive impact and is beneficial to the relevant heritage sector, the designated competent authority or the relevant Minister in respect of the designated competent authority may provide incentives to the person or group for their innovation and implementation of the strategy or initiative.

Marine Heritage Fund

235.(1) There shall be established a Marine Heritage Fund.

(2) The Fund shall consist of the following separate accounts:

(a) a maritime heritage tourism account to be administered and managed by the Ministry responsible for Tourism;

(b) a maritime and underwater cultural heritage account to be administered and managed by the Ministry responsible for Underwater Cultural Heritage; and

(c) a maritime heritage account to be administered and managed by the Ministry responsible for Coastal and Marine Affairs.

(3) The resources of the Fund shall consist of

(a) any monies voted by Parliament;

(b) fees collected under this Part of the Act;

(c) the sums collected as monetary donations or gifts for the purposes of the Fund; and

(d) any other sums received.

(4) A person may apply to the relevant Ministry to obtain financial assistance from the Fund.

(5) The relevant Ministry shall

(a) keep proper accounts and records of the Fund's activities;

(b) submit quarterly reports to the relevant Minister on the administration of the Fund; and

(c) submit to the Auditor General an annual report on the operation of the respective account of the Fund which shows the sums collected and the sums disbursed.

(6) The relevant Minister shall lay in Parliament an annual report on the operation of the respective account Fund showing the sums collected and the sums disbursed and such other information the Minister considers relevant.

Regulations by Minister responsible for Tourism

236. The Minister responsible for Tourism may make regulations for the following:

(a) the sustainable development of the maritime heritage tourism sector; and

(b) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Shipping

237. The Minister responsible for Shipping may make regulations for the following:

(a) the safety, security, maritime labour safety, marine pollution prevention and management in respect of vessels engaged in maritime heritage activities; and

(b) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Coastal and Marine Affairs

238. The Minister responsible for coastal and marine affairs, in consultation with the Fisheries Division, may make regulations prescribing the following:

(a) the recognition and protection of traditional cultural expressions associated with the sea and marine-specific traditional knowledge which are held by fishing communities and coastal communities in Barbados;

(b) maritime heritage including marine-specific research in fishing communities and coastal communities;

(c) marine genetic resources;

(d) forms;

(e) fees; and

(f) generally for the purpose of giving effect to this Act.

Regulations for Minister responsible for Underwater Cultural Heritage

239. The Minister responsible for Underwater Cultural Heritage may make regulations prescribing the following:

(a) forms;

(b) fees;

(c) matters relating to underwater cultural heritage; and

(d) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Natural Resources

240. The Minister responsible for Natural Resources may make regulations prescribing the following:

(a) the gridding, mapping and allocation of blocks, cells and licensed areas;

(b) classifying particular aspects of ocean mineral activities;

(c) the prohibition of ocean mineral activities that are harmful to the marine environment;

(d) the requisite content, format, consultation processes, independent verification and time-frame for an environment impact assessment and the establishment of environmental baseline data for ocean mineral activities;

(e) format, content, time-frame or processes for any applications, reports or other data or information required under this Act or its statutory instruments;

(f) rules or processes pertaining to the handling by the Secretariat of conflicting applications for the same title pertaining to the same area;

(g) environmental management plans and areas of Barbados waters that have features that require a location-specific approach;

(h) processes to be undertaken and the factors to be taken into account by the Secretariat in deciding whether or not to issue, renew, vary, suspend or revoke a title;

(i) the terms of and a model version of a title;

(j) the fiscal regime to be applied to ocean mineral activities;

(k) the operation of the Ocean Minerals Fund;

(l) post-mining monitoring or other requirements relating to the closure of ocean mineral activities and ancillary operations;

(m) information-handling for any data received or held by the Secretariat in relation to ocean mineral activities;

(n) community development and consultation arrangements;

(o) prescribing anything in relation to the Area;

(p) the holding of inquiries into accidents or other incidents causing harm to the environment or human health and safety occurring in the course of any ocean mineral activities or ancillary operations;

(q) sanctions and penalties;

(r) seabed mineral prospecting permits;

(s) seabed mineral exploration licences;

(t) seabed mineral mining licences;

(u) seawater mineral permits or licences;

(v) the maximum areas that may be held under a permit or licence issued under Part VI;

(w) sponsorship certificates or agreements;

(x) forms; and

(y) generally for the purpose of giving effect to this Act.

Amendment of Schedules

241.(1) The Minister responsible for Coastal and Marine Affairs may, by order, amend the *First Schedule* to this Act.

(2) The Minister responsible for Underwater Cultural Heritage may, by order, amend the *Second Schedule* to this Act.

(3) The Minister responsible for Natural Resources may, by order, amend the *Third Schedule* to this Act.

Savings and transitional provisions

242.(1) With effect from the commencement of this Act, a person who immediately before the commencement of this Act was engaged in any activity to which this Act applies shall, subject to subsection (2), continue to engage in such activity after the commencement of this Act.

(2) A person who engaged in any activity before the commencement of the Act shall be allowed a period of 18 months to comply with this Act.

Consequential amendments

243. The enactment set out in Column 1 of the *Fourth Schedule* is amended in the manner specified in Column 2 of the *Fourth Schedule*.

FIRST SCHEDULE

(Sections 2(1), 37(4) and 241(1))

List of Fishing Communities and Coastal Communities

PART I

COASTAL COMMUNITIES

ST. LUCY

1. Checker Hall

2. Coach Hill

3. Bromefield

4. Harrison’s

5. Flatfield

ST. JOSEPH

7. Cambridge

8. Bathsheba

9. Tent Bay

ST. ANDREW

10. Belleplaine

11. Chalky Mount

ST. JOHN

12. Coach Hill

13. New Castle

14. Foster Hall

ST. PHILIP

15. Fortescue

16. Apple Hall

17. Harrismith

18. Belair

19. Ocean City

CHRIST CHURCH

20. Cane Vale

21. Maxwell

22. Dover

23. Hasting

24. Durants

25. Seaview

ST. MICHAEL

26. Brighton

27. Lazaretto

ST. JAMES

28. Folkestone

29. Sunset Crest

30. Porters

ST. PETER

31. Gibbes

32. Mullins

33. Boscobelle

PART II

FISHING COMMUNITIES

ST. LUCY

1. Half Moon Fort / Moontown

2. Archer’s Bay

3. Stroud Bay

4. Connell Town

5. Hope

6. Rockfield

7. Pie Corner

8. Colleton

9. Clinketts

ST. JOSEPH

10. Bathsheba

11. Tent Bay

ST. JOHN

12. Glenburnie

13. Martin’s Bay

14. Zores

15. Pot House

16. Bathland

17. Welch Town

18. Coach Hill

19. Sealy Hall

20. Conset Bay

ST. PHILIP

21. Bayfield

22. Skeete's Bay

23. Marley Vale

24. Sealy Hall

25. Merricks

26. Well House

27. Long Bay

28. Crane

29. Foul Bay

30. Rices

31. Heddings

32. Gemswick

CHRIST CHURCH

33. Fairy Valley

34. Silver Sands

35. Dover

36. Hastings

37. Durants

38. Seaview

39. St. Lawrence

40. Hart’s Gap

41. Worthing

ST. MICHAEL

42. Bay Land

43. Beckles Road

44. Pile Bay

ST. JAMES

45. Prospect

46. Fitts Village

47. Payne’s Bay

48. Holetown

49. Mount Standfast

50. Weston

51. Lower Carlton

ST. PETER

52. Speightstown

53. Six Men’s

SECOND SCHEDULE

(Sections 5 and 241(2))

CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 3 November 2001, at its 31 session,

Acknowledging the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage,

Realizing the importance of protecting and preserving the underwater cultural heritage and that responsibility therefor rests with all States,

Noting growing public interest in and public appreciation of underwater cultural heritage,

Convinced of the importance of research, information and education to the protection and preservation of underwater cultural heritage,

Convinced of the public's right to enjoy the educational and recreational benefits of responsible non-intrusive access to *in situ* underwater cultural heritage, and of the value of public education to contribute to awareness, appreciation and protection of that heritage,

Aware of the fact that underwater cultural heritage is threatened by unauthorized activities directed at it, and of the need for stronger measures to prevent such activities,

Conscious of the need to respond appropriately to the possible negative impact on underwater cultural heritage of legitimate activities that may incidentally affect it,

Deeply concerned by the increasing commercial exploitation of underwater cultural heritage, and in particular by certain activities aimed at the sale, acquisition or barter of underwater cultural heritage,

Second Schedule - (Cont'd)

Aware of the availability of advanced technology that enhances discovery of and access to underwater cultural heritage,

Believing that cooperation among States, international organizations, scientific institutions, professional organizations, archaeologists, divers, other interested parties and the public at large is essential for the protection of underwater cultural heritage,

Considering that survey, excavation and protection of underwater cultural heritage necessitate the availability and application of special scientific methods and the use of suitable techniques and equipment as well as a high degree of professional specialization, all of which indicate a need for uniform governing criteria,

Realizing the need to codify and progressively develop rules relating to the protection and preservation of underwater cultural heritage in conformity with international law and practice, including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972 and the United Nations Convention on the Law of the Sea of 10 December 1982,

Committed to improving the effectiveness of measures at international, regional and national levels for the preservation *in situ* or, if necessary for scientific or protective purposes, the careful recovery of underwater cultural heritage,

Having decided at its twenty-ninth session that this question should be made the subject of an international convention,

Adopts this second day of November 2001 this Convention.

Second Schedule - (Cont'd)

Article 1 – Definitions

For the purposes of this Convention:

1. *(a)* "Underwater cultural heritage" means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:

    (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;

    (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and

    (iii) objects of prehistoric character.

    (b) pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.

    (c) installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.

2. *(a)* "States Parties" means States which have consented to be bound by this Convention and for which this Convention is in force.

    (b) this Convention applies *mutatis mutandis* to those territories referred to in Article 26, paragraph 2*(b)*, which become Parties to this Convention in accordance with the conditions set out in that paragraph, and to that extent “States Parties” refers to those territories.

3. "UNESCO" means the United Nations Educational, Scientific and Cultural Organization.

4. "Director-General" means the Director-General of UNESCO.

5. "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

6. "Activities directed at underwater cultural heritage" means activities having underwater cultural heritage as their primary object and which may, directly or indirectly, physically disturb or otherwise damage underwater cultural heritage.

7. "Activities incidentally affecting underwater cultural heritage" means activities which, despite not having underwater cultural heritage as their primary object or one of their objects, may physically disturb or otherwise damage underwater cultural heritage.

8. "State vessels and aircraft" means warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of sinking, only for government non-commercial purposes, that are identified as such and that meet the definition of underwater cultural heritage.

9. "Rules" means the Rules concerning activities directed at underwater cultural heritage, as referred to in Article 33 of this Convention.

Article 2 – Objectives and general principles

1. This Convention aims to ensure and strengthen the protection of underwater cultural heritage.

2. States Parties shall cooperate in the protection of underwater cultural heritage.

3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention.

4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.

5. The preservation *in situ* of underwater cultural heritage shall be considered as the first option before allowing or engaging in any activities directed at this heritage.

6. Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation.

7. Underwater cultural heritage shall not be commercially exploited.

8. Consistent with State practice and international law, including the United Nations Convention on the Law of the Sea, nothing in this Convention shall be interpreted as modifying the rules of international law and State practice pertaining to sovereign immunities, nor any State's rights with respect to its State vessels and aircraft.

9. States Parties shall ensure that proper respect is given to all human remains located in maritime waters.

10. Responsible non-intrusive access to observe or document *in situ* underwater cultural heritage shall be encouraged to create public awareness, appreciation, and protection of the heritage except where such access is incompatible with its protection and management.

11. No act or activity undertaken on the basis of this Convention shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3 – Relationship between this Convention and the United Nations Convention on the Law of the Sea

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law, including the United Nations Convention on the Law of the Sea. This Convention shall be interpreted and applied in the context of and in a manner consistent with international law, including the United Nations Convention on the Law of the Sea.

Article 4 – Relationship to law of salvage and law of finds

Any activity relating to underwater cultural heritage to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it:

(a) is authorized by the competent authorities, and

(b) is in full conformity with this Convention, and

(c) ensures that any recovery of the underwater cultural heritage achieves its maximum protection.

Second Schedule - (Cont'd)

Article 5 – Activities incidentally affecting underwater cultural heritage

Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.

Article 6 – Bilateral, regional or other multilateral agreements

1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.

2. The Parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.

3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels, arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.

Article 7 – Underwater cultural heritage in internal waters, archipelagic waters and territorial sea

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft.

Article 8 – Underwater cultural heritage in the contiguous zone

Without prejudice to and in addition to Articles 9 and 10, and in accordance with Article 303, paragraph 2, of the United Nations Convention on the Law of the Sea, States Parties may regulate and authorize activities directed at underwater cultural heritage within their contiguous zone. In so doing, they shall require that the Rules be applied.

Article 9 – Reporting and notification in the exclusive economic zone and on the continental shelf

1. All States Parties have a responsibility to protect underwater cultural heritage in the exclusive economic zone and on the continental shelf in conformity with this Convention.

Accordingly:

(a) a State Party shall require that when its national, or a vessel flying its flag, discovers or intends to engage in activities directed at underwater cultural heritage located in its exclusive economic zone or on its continental shelf, the national or the master of the vessel shall report such discovery or activity to it;

(b) in the exclusive economic zone or on the continental shelf of another State Party:

(i) States Parties shall require the national or the master of the vessel to report such discovery or activity to them and to that other State Party;

(ii) alternatively, a State Party shall require the national or master of the vessel to report such discovery or activity to it and shall ensure the rapid and effective transmission of such reports to all other States Parties.

2. On depositing its instrument of ratification, acceptance, approval or accession, a State Party shall declare the manner in which reports will be transmitted under paragraph 1*(b)* of this Article.

3. A State Party shall notify the Director-General of discoveries or activities reported to it under paragraph 1 of this Article.

4. The Director-General shall promptly make available to all States Parties any information notified to him under paragraph 3 of this Article.

5. Any State Party may declare to the State Party in whose exclusive economic zone or on whose continental shelf the underwater cultural heritage is located its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned.

Article 10 – Protection of underwater cultural heritage in the exclusive economic zone and on the continental shelf

1. No authorization shall be granted for an activity directed at underwater cultural heritage located in the exclusive economic zone or on the continental shelf except in conformity with the provisions of this Article.

2. A State Party in whose exclusive economic zone or on whose continental shelf underwater cultural heritage is located has the right to prohibit or authorize any activity directed at such heritage to prevent interference with its sovereign rights or jurisdiction as provided for by international law including the United Nations Convention on the Law of the Sea.

3. Where there is a discovery of underwater cultural heritage or it is intended that activity shall be directed at underwater cultural heritage in a State Party's exclusive economic zone or on its continental shelf, that State Party shall:

(a) consult all other States Parties which have declared an interest under Article 9, paragraph 5, on how best to protect the underwater cultural heritage;

(b) coordinate such consultations as "Coordinating State", unless it expressly declares that it does not wish to do so, in which case the States Parties which have declared an interest under Article 9, paragraph 5, shall appoint a Coordinating State.

Second Schedule - (Cont'd)

4. Without prejudice to the duty of all States Parties to protect underwater cultural heritage by way of all practicable measures taken in accordance with international law to prevent immediate danger to the underwater cultural heritage, including looting, the Coordinating State may take all practicable measures, and/or issue any necessary authorizations in conformity with this Convention and, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activities or any other cause, including looting. In taking such measures assistance may be requested from other States Parties.

5. The Coordinating State:

(a) shall implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures;

(b) shall issue all necessary authorizations for such agreed measures in conformity with the Rules, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations;

(c) may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn will make such information promptly available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research and/or issuing authorizations pursuant to this Article, the Coordinating State shall act on behalf of the States Parties as a whole and not in its own interest. Any such action shall not in itself constitute a basis for the assertion of any preferential or jurisdictional rights not provided for in international law, including the United Nations Convention on the Law of the Sea.

7. Subject to the provisions of paragraphs 2 and 4 of this Article, no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State.

Article 11 – Reporting and notification in the Area

1. States Parties have a responsibility to protect underwater cultural heritage in the Area in conformity with this Convention and Article 149 of the United Nations Convention on the Law of the Sea. Accordingly when a national, or a vessel flying the flag of a State Party, discovers or intends to engage in activities directed at underwater cultural heritage located in the Area, that State Party shall require its national, or the master of the vessel, to report such discovery or activity to it.

2. States Parties shall notify the Director-General and the Secretary-General of the International Seabed Authority of such discoveries or activities reported to them.

3. The Director-General shall promptly make available to all States Parties any such information supplied by States Parties.

4. Any State Party may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link to the underwater cultural heritage concerned, particular regard being paid to the preferential rights of States of cultural, historical or archaeological origin.

Article 12 – Protection of underwater cultural heritage in the Area

1. No authorization shall be granted for any activity directed at underwater cultural heritage located in the Area except in conformity with the provisions of this Article.

2. The Director-General shall invite all States Parties which have declared an interest under Article 11, paragraph 4, to consult on how best to protect the underwater cultural heritage, and to appoint a State Party to coordinate such consultations as the "Coordinating State". The Director-General shall also invite the International Seabed Authority to participate in such consultations.

Second Schedule - (Cont'd)

3. All States Parties may take all practicable measures in conformity with this Convention, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activity or any other cause including looting.

4. The Coordinating State shall:

(a) implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures; and

(b) issue all necessary authorizations for such agreed measures, in conformity with this Convention, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations.

5. The Coordinating State may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn shall make such information available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research, and/or issuing authorizations pursuant to this Article, the Coordinating State shall act for the benefit of humanity as a whole, on behalf of all States Parties. Particular regard shall be paid to the preferential rights of States of cultural, historical or archaeological origin in respect of the underwater cultural heritage concerned.

7. No State Party shall undertake or authorize activities directed at State vessels and aircraft in the Area without the consent of the flag State.

Second Schedule - (Cont'd)

Article 13 – Sovereign immunity

Warships and other government ships or military aircraft with sovereign immunity, operated for non-commercial purposes, undertaking their normal mode of operations, and not engaged in activities directed at underwater cultural heritage, shall not be obliged to report discoveries of underwater cultural heritage under Articles 9, 10, 11 and 12 of this Convention. However States Parties shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of their warships or other government ships or military aircraft with sovereign immunity operated for non-commercial purposes, that they comply, as far as is reasonable and practicable, with Articles 9, 10, 11 and 12 of this Convention.

Article 14 – Control of entry into the territory, dealing and possession

States Parties shall take measures to prevent the entry into their territory, the dealing in, or the possession of, underwater cultural heritage illicitly exported and/or recovered, where recovery was contrary to this Convention.

Article 15 – Non-use of areas under the jurisdiction of States Parties

States Parties shall take measures to prohibit the use of their territory, including their maritime ports, as well as artificial islands, installations and structures under their exclusive jurisdiction or control, in support of any activity directed at underwater cultural heritage which is not in conformity with this Convention.

Article 16 – Measures relating to nationals and vessels

States Parties shall take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in a manner not in conformity with this Convention.

Article 17 – Sanctions

1. Each State Party shall impose sanctions for violations of measures it has taken to implement this Convention.

2. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance with this Convention and to discourage violations wherever they occur and shall deprive offenders of the benefit deriving from their illegal activities.

3. States Parties shall cooperate to ensure enforcement of sanctions imposed under this Article.

Article 18 – Seizure and disposition of underwater cultural heritage

1. Each State Party shall take measures providing for the seizure of underwater cultural heritage in its territory that has been recovered in a manner not in conformity with this Convention.

2. Each State Party shall record, protect and take all reasonable measures to stabilize underwater cultural heritage seized under this Convention.

3. Each State Party shall notify the Director-General and any other State with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned of any seizure of underwater cultural heritage that it has made under this Convention.

4. A State Party which has seized underwater cultural heritage shall ensure that its disposition be for the public benefit, taking into account the need for conservation and research; the need for reassembly of a dispersed collection; the need for public access, exhibition and education; and the interests of any State with a verifiable link, especially a cultural, historical or archaeological link, in respect of the underwater cultural heritage concerned.

Article 19 – Cooperation and information-sharing

1. States Parties shall cooperate and assist each other in the protection and management of underwater cultural heritage under this Convention, including, where practicable, collaborating in the investigation, excavation, documentation, conservation, study and presentation of such heritage.

2. To the extent compatible with the purposes of this Convention, each State Party undertakes to share information with other States Parties concerning underwater cultural heritage, including discovery of heritage, location of heritage, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage.

3. Information shared between States Parties, or between UNESCO and States Parties, regarding the discovery or location of underwater cultural heritage shall, to the extent compatible with their national legislation, be kept confidential and reserved to competent authorities of States Parties as long as the disclosure of such information might endanger or otherwise put at risk the preservation of such underwater cultural heritage.

4. Each State Party shall take all practicable measures to disseminate information, including where feasible through appropriate international databases, about underwater cultural heritage excavated or recovered contrary to this Convention or otherwise in violation of international law.

Article 20 – Public awareness

Each State Party shall take all practicable measures to raise public awareness regarding the value and significance of underwater cultural heritage and the importance of protecting it under this Convention.

Article 21 – Training in underwater archaeology

States Parties shall cooperate in the provision of training in underwater archaeology, in techniques for the conservation of underwater cultural heritage and, on agreed terms, in the transfer of technology relating to underwater cultural heritage.

Article 22 – Competent authorities

1. In order to ensure the proper implementation of this Convention, States Parties shall establish competent authorities or reinforce the existing ones where appropriate, with the aim of providing for the establishment, maintenance and updating of an inventory of underwater cultural heritage, the effective protection, conservation, presentation and management of underwater cultural heritage, as well as research and education.

2. States Parties shall communicate to the Director-General the names and addresses of their competent authorities relating to underwater cultural heritage.

Second Schedule - (Cont'd)

Article 23 – Meetings of States Parties

1. The Director-General shall convene a Meeting of States Parties within one year of the entry into force of this Convention and thereafter at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties.

2. The Meeting of States Parties shall decide on its functions and responsibilities.

3. The Meeting of States Parties shall adopt its own Rules of Procedure.

4. The Meeting of States Parties may establish a Scientific and Technical Advisory Body composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.

5. The Scientific and Technical Advisory Body shall appropriately assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

Article 24 – Secretariat for this Convention

1. The Director-General shall be responsible for the functions of the Secretariat for this Convention.

2. The duties of the Secretariat shall include:

(a) organizing Meetings of States Parties as provided for in Article 23, paragraph 1; and

(b) assisting States Parties in implementing the decisions of the Meetings of States Parties.

Second Schedule - (Cont'd)

Article 25 – Peaceful settlement of disputes

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.

2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.

3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea apply *mutatis mutandis* to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also Parties to the United Nations Convention on the Law of the Sea.

4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to Article 287 of the latter shall apply to the settlement of disputes under this Article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

5. A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this Article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

Second Schedule - (Cont'd)

Article 26 – Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by Member States of UNESCO.

2. This Convention shall be subject to accession:

(a) by States that are not members of UNESCO but are members of the United Nations or of a specialized agency within the United Nations system or of the International Atomic Energy Agency, as well as by States Parties to the Statute of the International Court of Justice and any other State invited to accede to this Convention by the General Conference of UNESCO;

(b) by territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

Article 27 – Entry into force

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument referred to in Article 26, but solely with respect to the twenty States or territories that have so deposited their instruments. It shall enter into force for each other State or territory three months after the date on which that State or territory has deposited its instrument.

Article 28 – Declaration as to inland waters

When ratifying, accepting, approving or acceding to this Convention or at any time thereafter, any State or territory may declare that the Rules shall apply to inland waters not of a maritime character.

Article 29 – Limitations to geographical scope

At the time of ratifying, accepting, approving or acceding to this Convention, a State or territory may make a declaration to the depositary that this Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention will apply to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as that has been achieved.

Article 30 – Reservations

With the exception of Article 29, no reservations may be made to this Convention.

Article 31 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next Meeting of States Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be subject to ratification, acceptance, approval or accession by the States Parties.

4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State or territory that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. A State or territory which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention by that State or territory, be considered:

(a) as a Party to this Convention as so amended; and

(b) as a Party to the unamended Convention in relation to any State Party not bound by the amendment.

Article 32 – Denunciation

1. A State Party may, by written notification addressed to the Director-General, denounce this Convention.

2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date.

3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 33 – The Rules

The Rules annexed to this Convention form an integral part of it and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Rules.

Article 34 – Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Article 35 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Annex

Rules concerning activities directed at underwater cultural heritage

I. General principles

Rule 1. The protection of underwater cultural heritage through *in situ* preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage.

Rule 2. The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods.

This Rule cannot be interpreted as preventing:

(a) the provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this Convention and are subject to the authorization of the competent authorities;

(b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

Rule 3. Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

Second Schedule - (Cont'd)

Rule 4. Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

Rule 5. Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

Rule 6. Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

Rule 7. Public access to *in situ* underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

Rule 8. International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

II. Project design

Rule 9. Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

Rule 10. The project design shall include:

(a) an evaluation of previous or preliminary studies;

(b) the project statement and objectives;

(c) the methodology to be used and the techniques to be employed;

(d) the anticipated funding;

(e) an expected timetable for completion of the project;

(f) the composition of the team and the qualifications, responsibilities and experience of each team member;

(g) plans for post-fieldwork analysis and other activities;

(h) a conservation programme for artefacts and the site in close cooperation with the competent authorities;

(i) a site management and maintenance policy for the whole duration of the project;

(j) a documentation programme;

(k) a safety policy;

(l) an environmental policy;

(m) arrangements for collaboration with museums and other institutions, in particular scientific institutions;

(n) report preparation;

(o) deposition of archives, including underwater cultural heritage removed; and

(p) a programme for publication.

Rule 11. Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

Rule 12. Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

Rule 13. In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

Second Schedule - (Cont'd)

III. Preliminary work

Rule 14. The preliminary work referred to in Rule 10*(a)* shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

Rule 15. The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

IV. Project objective, methodology and techniques

Rule 16. The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

V. Funding

Rule 17. Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

Rule 18. The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

Rule 19. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

Second Schedule - (Cont'd)

VI. Project duration - timetable

Rule 20. An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

Rule 21. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

VII. Competence and qualifications

Rule 22. Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

Rule 23. All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

VIII. Conservation and site management

Rule 24. The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the long term. Conservation shall be carried out in accordance with current professional standards.

Rule 25. The site management programme shall provide for the protection and management *in situ* of underwater cultural heritage, in the course of and upon termination of fieldwork. The programme shall include public information, reasonable provision for site stabilization, monitoring, and protection against interference.

IX. Documentation

Rule 26. The documentation programme shall set out thorough documentation including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

Second Schedule - (Cont'd)

Rule 27. Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

X. Safety

Rule 28. A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

XI. Environment

Rule 29. An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

XII. Reporting

Rule 30. Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

Rule 31. Reports shall include:

(a) an account of the objectives;

(b) an account of the methods and techniques employed;

(c) an account of the results achieved;

(d) basic graphic and photographic documentation on all phases of the activity;

(e) recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and

(f) recommendations for future activities.

XIII. Curation of project archives

Rule 32. Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

Rule 33. The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

Rule 34. The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

XIV. Dissemination

Rule 35. Projects shall provide for public education and popular presentation of the project results where appropriate.

Rule 36. A final synthesis of a project shall be:

(a) made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and

(b) deposited in relevant public records.

Second Schedule - (Cont'd)

CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session,

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

Considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture,

Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

Being aware of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

Second Schedule - (Cont'd)

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

Considering that the international community should contribute, together with the States Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

Recalling UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

Adopts this Convention on this seventeenth day of October 2003.

Second Schedule - (Cont'd)

I. General Provisions

Article 1 – Purposes of the Convention

The purposes of this Convention are:

(a) to safeguard the intangible cultural heritage;

(b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;

(c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;

(d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention,

1. The "intangible cultural heritage" means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The "intangible cultural heritage", as defined in paragraph 1 above, is manifested inter alia in the following domains:

(a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;

(b) performing arts;

(c) social practices, rituals and festive events;

(d) knowledge and practices concerning nature and the universe;

(e) traditional craftsmanship.

3. "Safeguarding" means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

4. "States Parties" means States which are bound by this Convention and among which this Convention is in force.

5. This Convention applies mutatis mutandis to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression “States Parties” also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

(a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or

(b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

II. Organs of the Convention

Article 4 – General Assembly of States Parties

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as "the General Assembly". The General Assembly is the sovereign body of this Convention.

2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.

3. The General Assembly shall adopt its own Rules of Procedure.

Article 5 – Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

1. An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as “the Committee”, is hereby established within UNESCO. It shall be composed of representatives of 18 States Parties, elected by the States Parties meeting in General Assembly, once this Convention enters into force in accordance with Article 34.

2. The number of States Members of the Committee shall be increased to 24 once the number of the States Parties to the Convention reaches 50.

Article 6 – Election and terms of office of States Members of the Committee

1. The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.

2. States Members of the Committee shall be elected for a term of four years by States Parties to the Convention meeting in General Assembly.

3. However, the term of office of half of the States Members of the Committee elected at the first election is limited to two years. These States shall be chosen by lot at the first election.

4. Every two years, the General Assembly shall renew half of the States Members of the Committee.

5. It shall also elect as many States Members of the Committee as required to fill vacancies.

6. A State Member of the Committee may not be elected for two consecutive terms.

7. States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage.

Article 7 – Functions of the Committee

Without prejudice to other prerogatives granted to it by this Convention, the functions of the Committee shall be to:

(a) promote the objectives of the Convention, and to encourage and monitor the implementation thereof;

(b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;

(c) prepare and submit to the General Assembly for approval a draft plan for the use of the resources of the Fund, in accordance with Article 25;

(d) seek means of increasing its resources, and to take the necessary measures to this end, in accordance with Article 25;

(e) prepare and submit to the General Assembly for approval operational directives for the implementation of this Convention;

(f) examine, in accordance with Article 29, the reports submitted by States Parties, and to summarize them for the General Assembly;

(g) examine requests submitted by States Parties, and to decide thereon, in accordance with objective selection criteria to be established by the Committee and approved by the General Assembly for:

(i) inscription on the lists and proposals mentioned under Articles 16, 17 and 18;

(ii) the granting of international assistance in accordance with Article 22.

Article 8 – Working methods of the Committee

1. The Committee shall be answerable to the General Assembly. It shall report to it on all its activities and decisions.

2. The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members.

3. The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task.

4. The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognized competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters.

Article 9 – Accreditation of advisory organizations

1. The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee.

2. The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.

Article 10 – The Secretariat

1. The Committee shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the General Assembly and of the Committee, as well as the draft agenda of their meetings, and shall ensure the implementation of their decisions.

Second Schedule - (Cont'd)

III. Safeguarding of the intangible cultural heritage at the national level

Article 11 – Role of States Parties

Each State Party shall:

(a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;

(b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

Article 12 – Inventories

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

Article 13 – Other measures for safeguarding

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

(a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;

(b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;

(c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;

(d) adopt appropriate legal, technical, administrative and financial measures aimed at:

(i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;

Second Schedule - (Cont'd)

(ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;

(iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

Article 14 – Education, awareness-raising and capacity-building

Each State Party shall endeavour, by all appropriate means, to:

(a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:

(i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;

(ii) specific educational and training programmes within the communities and groups concerned;

(iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and

(iv) non-formal means of transmitting knowledge;

(b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;

(c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Article 15 – Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

IV. Safeguarding of the intangible cultural heritage at the international level

Article 16 – Representative List of the Intangible Cultural Heritage of Humanity

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.

Second Schedule - (Cont'd)

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this Representative List.

Article 17 – List of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this List.

3. In cases of extreme urgency – the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee – the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

Article 18 – Programmes, projects and activities for the safeguarding of the intangible cultural heritage

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by the Committee and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and activities for the safeguarding of the heritage which it considers best reflect the principles and objectives of this Convention, taking into account the special needs of developing countries.

2. To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.

3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

V. International cooperation and assistance

Article 19 – Cooperation

1. For the purposes of this Convention, international cooperation includes, inter alia, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.

2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

Article 20 – Purposes of international assistance

International assistance may be granted for the following purposes:

(a) the safeguarding of the heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;

(b) the preparation of inventories in the sense of Articles 11 and 12;

(c) support for programmes, projects and activities carried out at the national, subregional and regional levels aimed at the safeguarding of the intangible cultural heritage;

(d) any other purpose the Committee may deem necessary.

Article 21 – Forms of international assistance

The assistance granted by the Committee to a State Party shall be governed by the operational directives foreseen in Article 7 and by the agreement referred to in Article 24, and may take the following forms:

(a) studies concerning various aspects of safeguarding;

(b) the provision of experts and practitioners;

(c) the training of all necessary staff;

(d) the elaboration of standard-setting and other measures;

(e) the creation and operation of infrastructures;

(f) the supply of equipment and know-how;

(g) other forms of financial and technical assistance, including, where appropriate, the granting of low-interest loans and donations.

Second Schedule - (Cont'd)

Article 22 – Conditions governing international assistance

1. The Committee shall establish the procedure for examining requests for international assistance, and shall specify what information shall be included in the requests, such as the measures envisaged and the interventions required, together with an assessment of their cost.

2. In emergencies, requests for assistance shall be examined by the Committee as a matter of priority.

3. In order to reach a decision, the Committee shall undertake such studies and consultations as it deems necessary.

Article 23 – Requests for international assistance

1. Each State Party may submit to the Committee a request for international assistance for the safeguarding of the intangible cultural heritage present in its territory.

2. Such a request may also be jointly submitted by two or more States Parties.

3. The request shall include the information stipulated in Article 22, paragraph 1, together with the necessary documentation.

Article 24 – Role of beneficiary States Parties

1. In conformity with the provisions of this Convention, the international assistance granted shall be regulated by means of an agreement between the beneficiary State Party and the Committee.

2. As a general rule, the beneficiary State Party shall, within the limits of its resources, share the cost of the safeguarding measures for which international assistance is provided.

3. The beneficiary State Party shall submit to the Committee a report on the use made of the assistance provided for the safeguarding of the intangible cultural heritage.

Second Schedule - (Cont'd)

VI. Intangible Cultural Heritage Fund

Article 25 – Nature and resources of the Fund

1. A "Fund for the Safeguarding of the Intangible Cultural Heritage", hereinafter referred to as "the Fund", is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:

(a) contributions made by States Parties;

(b) funds appropriated for this purpose by the General Conference of UNESCO;

(c) contributions, gifts or bequests which may be made by:

(i) other States;

(ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;

(iii) public or private bodies or individuals;

(d) any interest due on the resources of the Fund;

(e) funds raised through collections, and receipts from events organized for the benefit of the Fund;

(f) any other resources authorized by the Fund's regulations, to be drawn up by the Committee.

4. The use of resources by the Committee shall be decided on the basis of guidelines laid down by the General Assembly.

Second Schedule - (Cont'd)

5. The Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by the Committee.

6. No political, economic or other conditions which are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

Article 26 – Contributions of States Parties to the Fund

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly. This decision of the General Assembly shall be taken by a majority of the States Parties present and voting which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the contribution of the State Party exceed 1% of its contribution to the regular budget of UNESCO.

2. However, each State referred to in Article 32 or in Article 33 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance, approval or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to this Convention which has made the declaration referred to in paragraph 2 of this Article shall endeavour to withdraw the said declaration by notifying the Director-General of UNESCO. However, the withdrawal of the declaration shall not take effect in regard to the contribution due by the State until the date on which the subsequent session of the General Assembly opens.

4. In order to enable the Committee to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least every two years, and should be as close as possible to the contributions they would have owed if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to this Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the Committee; this provision shall not apply to the first election. The term of office of any such State which is already a Member of the Committee shall come to an end at the time of the elections provided for in Article 6 of this Convention.

Second Schedule - (Cont'd)

Article 27 – Voluntary supplementary contributions to the Fund

States Parties wishing to provide voluntary contributions in addition to those foreseen under Article 26 shall inform the Committee, as soon as possible, so as to enable it to plan its operations accordingly.

Article 28 – International fund-raising campaigns

The States Parties shall, insofar as is possible, lend their support to international fund-raising campaigns organized for the benefit of the Fund under the auspices of UNESCO.

VII. Reports

Article 29 – Reports by the States Parties

The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the Committee, reports on the legislative, regulatory and other measures taken for the implementation of this Convention.

Article 30 – Reports by the Committee

1. On the basis of its activities and the reports by States Parties referred to in Article 29, the Committee shall submit a report to the General Assembly at each of its sessions.

2. The report shall be brought to the attention of the General Conference of UNESCO.

VIII. Transitional clause

Article 31 – Relationship to the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity

1. The Committee shall incorporate in the Representative List of the Intangible Cultural Heritage of Humanity the items proclaimed "Masterpieces of the Oral and Intangible Heritage of Humanity" before the entry into force of this Convention.

2. The incorporation of these items in the Representative List of the Intangible Cultural Heritage of Humanity shall in no way prejudge the criteria for future inscriptions decided upon in accordance with Article 16, paragraph 2.

Second Schedule - (Cont'd)

3. No further Proclamation will be made after the entry into force of this Convention.

IX. Final clauses

Article 32 – Ratification, acceptance or approval

1. This Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of UNESCO.

Article 33 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 34 – Entry into force

This Convention shall enter into force three months after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other State Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, countries, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36 – Denunciation

1. Each State Party may denounce this Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect.

Article 37 – Depositary functions

The Director-General of UNESCO, as the Depositary of this Convention, shall inform the States Members of the Organization, the States not Members of the Organization referred to in Article 33, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 32 and 33, and of the denunciations provided for in Article 36.

Article 38 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the General Assembly for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to the States Parties.

4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 5 concerning the number of States Members of the Committee. These amendments shall enter into force at the time they are adopted.

6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

(a) as a Party to this Convention as so amended; and

(b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.
DONE at Paris, this third day of November 2003,in two authentic copies bearing the signature of the President of the 32nd session of the General Conference and of the Director-General of UNESCO. These two copies shall be deposited in the archives of UNESCO. Certified true copies shall be delivered to all the States referred to in Articles 32 and 33, as well as to the United Nations.

THIRD SCHEDULE

(Sections 120(4) and 241(3))

Requirements for an Environmental and Social Impact Assessment

Executive summary

1. The executive summary which shall include the following:

(a) a description of the proposed activity and its objectives;

(b) a description of all benefits to be derived from the project;

(c) the details of remedial actions that are proposed;

(d) the description of end-use plans for the development activity;

(e) anticipated bio-physical and socio-economic of the activity, highlighting which are direct and which indirect and which are reversible and which are irreversible; and

(f) the details of public consultation undertaken by the applicant including degree of public interest.

Introduction

2. The introduction shall include the following:

(a) a background summary of what is being proposed;

(b) a history or summary of the work undertaken to date including seabed mineral deposit discovery and any prospecting, exploration or test mining activities conducted to date;

(c) a summary of the credentials of the person granted the licence or permit including major shareholders or person in other similar positions;

(d) a purpose and a justification on the viability of the proposed activity including

(i) information on the capital cost associated with the development;

(ii) the details of the proponent's technological expertise and resources;

(iii) the results of any feasibility investigations that have been carried out;

(iv) information on the extent of landowner and, or resource owner support including a copy of the formal written approval of their consent; and

(v) the anticipated life-span and developmental phases of the project.

Policy, legal and administrative framework

3. The environmental and social impact assessment shall contain information on the relevant national legislation, agreements or policy, relevant international agreements or conventions and other standards or guidelines, that are applicable and how these will be complied with.

Stakeholder consultation

4. An environmental and social impact assessment shall contain a description of the consultation which has occurred with interested parties and stakeholders, any endorsement or consent received from local coastal or fishing communities and an indication of what continuing consultation is planned.

Description of location activity

5. The description shall include the following:

(a) a descriptive depiction of the location in the form of map with the relevant identifiers including GPS coordinates;

(b) the details of the type, grade and volume of the seabed mineral deposit and estimates of inferred and indicated resource;

(c) the details of the activity or activities which have triggered the environmental and social impact assessment requirement and a work plan showing how these are proposed to be conducted;

(d) a proposed timetable with milestone dates by which tasks are expected to be completed;

(e) the offshore infrastructure to be used;

(f) the technology to be employed, with reference to relevant diagrams and drawings, and details of any construction and operating standards used;

(g) the transport to be used;

(h) the storage facilities to be used;

(i) the anticipated waste products and waste disposal mechanisms to be used;

(j) any material-handling or hazardous material management methods or protocols to be used;

(k) any ancillary operations, support equipment or onshore infrastructure or processes required to carry out the activity;

(l) any alternative sites or methods considered;

(m) a description of the workforce and personnel and details of any health and safety standards used; and

(n) any decommissioning, closure and site rehabilitation plans.

Description of existing offshore environment

6. The description shall include a detailed account of knowledge of the environmental conditions at the site, and a baseline description of geological,

oceanographic and biological conditions against which impacts will be measured and assessed including the following:

(a) a regional oceanographic, geological and biological overview;

(b) the studies and research activities completed which provide relevant information;

(c) the special characteristics of the site;

(d) the meteorology and air quality;

(e) the geological setting;

(f) the physical oceanographic setting including water quality and sediment characteristics;

(g) the biological environment:

(i) pelagic (surface to 200m depth);

(ii) mid-water (between 200m depth and seafloor); and

(iii) benthic (at seafloor level);

(h) natural hazards;

(i) noise;

(j) air quality;

(k) where applicable, a description of existing onshore environment;

(l) the socio-economic environment of the site including: other seabed mineral activities, fisheries, navigation lanes, submarine cabling, tourism, customary sea use, mariculture;

(m) the cultural or historic resources; and

(n) any socio-economic and socio-cultural issues generally including onshore direct or indirect impacts and anticipated effects on the livelihoods and lifestyles of the population of Barbados.

Environmental impacts on relevant sites

7. It shall include detailed information on the environmental impacts on the offshore site, the regional site, and the coastal and onshore environment, mitigation and management measures including:

(a) the nature and extent of any impact on any and all of the categories listed in paragraph 5, and also, insofar as not covered by the paragraph 6 categories, the effects or issues anticipated from the following:

(i) greenhouse gas emissions and climate change;

(ii) biosecurity;

(iii) pollution;

(iv) air pollution management from ocean mineral activities including measures to prevent, reduce and control emissions resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of ocean minerals, including

(A) emissions associated solely and directly with the treatment, handling and storage of ocean minerals;

(B) emissions from marine diesel engines that are solely dedicated to the exploration, mining and associated processing of ocean mineral resources;

(C) any other measures;

(iv) health and safety of workers;

(v) waste management;

(vi) economic benefit or impact for Barbados;

(vii) skills development, industry diversity and community impacts for Barbados;

(viii) supply chain, utilities, access to water, fuel, and impact to local communities in terms of access to supplies;

(ix) any other direct or indirect impacts on the Barbadian population; and

(x) environmentally hazardous discharges resulting from accidental and extreme natural events;

(b) measures that will be taken to avoid, mitigate, minimize or such impact;

(c) what unavoidable impacts will remain; and

(d) compensation for those impacts.

Environmental Management, monitoring and reporting

8. An environmental and social impact assessment shall include

(a) organizational structure and responsibilities for environmental management;

(b) environmental and social management plan including

(i) impact mitigation and minimizing; or

(ii) monitoring plan;

(c) rehabilitation plan;

(d) monitoring studies; or

(e) reporting.

Environment and social impact assessment team

9. The report shall include relevant details of qualifications and professional experience of the persons doing the environmental and social impact assessment

(a) licensee personnel;

(b) lead environmental consultant; and

(c) other personnel or consultants.

Miscellaneous

10. The environmental and social impact assessment shall include

(a) table of contents;

(b) glossary of terms; and

(c) list of abbreviations.

FOURTH SCHEDULE

(Section 243)

CONSEQUENTIAL AMENDMENT

Column 1 *Enactment*	Column 2 *Amendment*
Marine Transport (Emissions Control) Act, 2024 (Act 2024-25)	In section 2, *(a)* insert in the appropriate alphabetical order the following: " "continental shelf" includes the *(a)* inner continental shelf of Barbados, comprising the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and

Fourth Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENT - *(Concl'd)*

Column 1	Column 2
Enactment	*Amendment*
Marine Transport (Emissions Control) Act, 2024 (Act 2024-25) - *(Concl'd)*	*(b)* outer continental shelf of Barbados, comprising the outer edge of the continential margin extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, but not beyond a distance up to the distance defined by coordinates and other information related to the establishment of Barbados' outer continental shelf area, as specified by the Commission on the Limits of the Continental Shelf;";
	(b) delete the definition of "exclusive economic zone" and substitute the following:
	" "exclusive economic zone" means Barbados waters up to a limit not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;".

Read three times and passed the House of Assembly this day of , 2024.

Speaker

Read three times and passed the Senate this day of , 2024.

President

BARBADOS

The Official Gazette Part A 25th November, 2024

Statutory Instrument

S.I. 2024 No. 71

DIRECTIONS GIVEN BY THE CHIEF TECHNICAL OFFICER WITH THE APPROVAL OF THE MINISTER RESPONSIBLE FOR ROAD TRAFFIC UNDER REGULATION 88 OF THE ROAD TRAFFIC REGULATIONS, 1984

1. These directions may be cited as the *Road Traffic (Barbados Auto Racing League Inc.) "International Acceleration Test" Directions, 2024.*

2. The following roads will be closed during the specified period:

On Saturday November 30, 2024

(a) Between the hours of 8:30 a.m. and 5:30 p.m. in the parish of Saint Lucy, the section of the road known as Bourbon/Babbs road, commencing at the four-cross junction with Checker Hall road, proceeding in an easterly direction on the said Bourbon/Babbs road, continuing towards the Theodore Branker Roundabout and finishing at the exit junction with Nesfield, Benthams and Church Hill roads.

3. Any person who contravenes these directions or fails to comply with the orders given by a member of the Barbados Police Service in uniform commits an offence and is liable on summary conviction to a fine of $500.00 or imprisonment for a term of six (6) months.

4. These rules do not apply to vehicles used by the Barbados Police Service, the Fire Service or any Ambulance Service.

Given by the Chief Technical Officer this 19th day of November 2024.

DAVE SCANTLEBURY
Chief Technical Officer (Ag.)

Approved by the Minister this 20th day of November 2024.

S. BRADSHAW
Minister responsible for Transport and Works.

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