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Part A BRIDGETOWN, BARBADOS, 30TH JANUARY, 2025

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BARBADOS

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Act 2025-1

TOURISM DEVELOPMENT (AMENDMENT) ACT, 2025-1

Arrangement of Sections

1. Short title

2. Amendment of section 3 of Cap. 341

BARBADOS

I assent
S. MASON
President of Barbados
7th January, 2025.

2025-1

An Act to amend the *Tourism Development Act*, Cap. 341 to make provision for the extension of the definition of a tourism project to include the renovation of a villa.

[Commencement: 30th January, 2025]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Tourism Development (Amendment) Act, 2024*.

Amendment of section 3 of Cap. 341

2. ***Section 3(2) of the Tourism Development Act, Cap. 341 is amended by deleting paragraph (k) and substituting the following:***

"*(k)* the construction, renovation and furnishing of villas;".

BARBADOS

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Act 2025-2

MARITIME AND UNDERWATER HERITAGE ACT, 2025-2

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CONSEQUENTIAL AMENDMENT

BARBADOS

I assent
S. MASON
President of Barbados
24th January, 2025.

2025-2

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.

[Commencement: 30th January, 2025]

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 and marine genetic resources

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.

General operating requirements

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*.

Areas available for ocean mineral activities within Barbados' jurisdiction

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.

Rights, duties and responsibilities

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.

Persons

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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;

Second Schedule - (Cont'd)

(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;

Second Schedule - (Cont'd)

(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.

Second Schedule - (Cont'd)

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.

Second Schedule - (Cont'd)

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;

Second Schedule - (Cont'd)

(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.

Second Schedule - (Cont'd)

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:

Second Schedule - (Cont'd)

(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.

Second Schedule - (Concl'd)

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	Column 2
Enactment	*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;".

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