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Part A

BRIDGETOWN, BARBADOS, 17TH MARCH, 2025

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Bill re Appropriation Act, 2025.

Bill re Seaport Industry (Management, Operations and
Development) Act, 2025.

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APPROPRIATION ACT, 2025

OBJECTS AND REASONS

This Bill would provide for the grant of a sum of money out of the Consolidated Fund and the appropriation of the same for the service of Barbados for the Year ending 31st March, 2026.

APPROPRIATION ACT, 2025

Arrangement of Sections

1. Short title
2. Grant of \$2,352,989,404
3. Appropriation
4. Date on which grant takes effect

SCHEDULE

BARBADOS

A Bill entitled

An Act to grant a sum of money out of the Consolidated Fund and to appropriate the same for the service of Barbados for the Year ending 31st March, 2026.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Appropriation Act, 2025*.

Grant of \$2,352,989,404

2. The Accountant General may, on the warrant of the Minister or a person authorised by the Minister in writing, issue out of the Consolidated Fund and apply towards making good the supply granted for the service of the year ending 31st March, 2026, a sum not exceeding in the aggregate \$2,352,989,404.

Appropriation

3. The sum referred to in section 2 is hereby appropriated for the services and purposes set out in the *Schedule* in accordance with section 109(1) of the *Constitution* and is so appropriated as from 1st April, 2025.

Date on which grant takes effect

4. The date on which the grant of the sum referred to in section 2 takes effect, is 1st April, 2025.

SCHEDULE*(Section 3)***ABSTRACTS OF THE APPROPRIATION GRANTS**

Service	Appropriated for 2025-2026
	\$
10. Office of the President	1,000,696
11. Ministry of the Public Service	6,824,998
12. Parliament	19,149,269
13. Prime Minister's Office	222,858,504
15. Cabinet Office	24,618,803
17. Ombudsman	612,513
18. Audit	1,281,671
19. Treasury	54,000,000
27. Ministry of Tourism and International Transport	24,437,790
29. Director of Public Prosecutions	1,857,145
30. Attorney General	158,336,959
31. Ministry of Industry, Innovation, Science and Technology	69,194,708

Schedule - (Concl'd)

ABSTRACTS OF THE APPROPRIATION GRANTS - (Concl'd)

Service	Appropriated for 2025-2026
	\$
32. Ministry of Foreign Affairs and Foreign Trade	65,836,076
33. Ministry of Home Affairs and Information	79,744,295
34. Ministry of Finance, Economic Affairs and Investment	187,775,531
35. Ministry of People Empowerment and Elder Affairs	116,779,476
40. Ministry of Transport and Works	111,466,450
50. Post Office	14,334,358
82. Ministry of Environment and National Beautification	101,121,068
83. Ministry of Agriculture, Food and Nutritional Security	67,757,284
84. Ministry of Labour, Social Security and Third Sector	12,410,854
86. Ministry of Health and Wellness	294,217,812
87. Ministry of Education, Technological and Vocational Training	474,129,665
91. Ministry of Youth, Sports and Community Empowerment	80,641,600
92. Ministry of Energy and Business Development	65,290,934
93. Ministry of Housing, Lands and Maintenance	97,310,945
	<u>\$2,352,989,404</u>

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

SEAPORT INDUSTRY (MANAGEMENT, OPERATIONS AND
DEVELOPMENT) ACT, 2025

OBJECTS AND REASONS

This Bill would make provision for

- (a) a regulatory framework for the management, operation and development of national seaports;
- (b) promotion of an economically viable, ecologically sustainable, and socially and culturally responsive national seaport industry;
- (c) effective shore-side support for the maritime transport sector; and
- (d) support an integrated approach to shipping, particularly at the ship-port interface.

SEAPORT INDUSTRY (MANAGEMENT, OPERATIONS AND
DEVELOPMENT) ACT, 2025

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BARBADOS

A Bill entitled

An Act to provide for the regulation of the management, operations and development of the seaport industry.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Seaport Industry (Management, Operations and Development) Act, 2025*.

Definitions

2. In this Act,

“Administration” means the Barbados Maritime Transport Administration, established under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“Barbados Ocean Minerals Secretariat” has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025-);

“Barbados Port Inc.” has the same meaning as in the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act, Cap. 285B*;

“Harbour directive” means a directive issued by the Harbour Master which shall be complied with by harbour users, and any reference to a particular harbour directive includes a reference to a harbour directive amending or replacing that directive;

“Local Customs and border protection officials” mean Customs and border protection officials who are nationals, citizens or permanent residents of Barbados;

“Maritime Law Enforcement Officer” means

- (a) a person who is responsible for
 - (i) enforcing and monitoring maritime activities;
 - (ii) detecting, preventing and investigating offences;

(iii) maintaining and promoting public order and safety under this Act or its statutory instruments; and

(b) includes

(i) officers of the Barbados Police Service;

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

(iii) officers and enlisted members of the Marine Police Unit of the Barbados Police Service;

“Maritime Single Window” has same meaning as in the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2);

“Mineral fingerprinting” means the use of geochemical and isotopic signatures of minerals and metals to enable identification of, and trace the history, location, distribution and application of the product, part, and material in the supply chain;

“Minister” means the Minister with responsibility for Seaports;

“Ocean minerals” has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025-);

“Plans” means a seaport industry and sustainability plan referred to under section 10;

“Port areas” includes

(a) areas specified in the *First Schedule* of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B;

(b) any areas within and surrounding Barbados Port Inc., which are owned or operated by Barbados Port Inc.;

(c) any areas within and surrounding a seaport established within Barbados;

(d) areas specially designated for port development; and

(e) any other area designated as such by order;

“Port facility” means any stationary or mobile facility owned or operated by Barbados Port Inc., and includes

- (a) aids to navigation;
- (b) autonomous port equipment, machinery or other infrastructure;
- (c) docks;
- (d) harbours;
- (e) lighthouses;
- (f) piers;
- (g) pilotage, tug and towage machinery and equipment;
- (h) quays;
- (i) wharves; and
- (j) any other port facility;

“Regulatory and Sustainability Affairs Division of Barbados Port Inc.” means the Division established under section 7(3) of the Act, and a reference to the Division in this Act or in any other enactment, includes a reference to such other departments or other entities subsumed under the Division;

“Seaport directive” means a directive issued by Barbados Port Inc. which shall be complied with by port users, and any reference to a particular seaport directive includes a reference to a seaport directive amending or replacing that directive;

“seaport industry” means that industry within the maritime sector, the activities of which are oriented around

- (a) commerce and trade at the land-sea interface;
- (b) coastal and shoreside activities connected to maritime transport;
- (c) ship-to-shore and shoreside services;

- (d) offshore maritime activities directly and indirectly linked to seaports, trade, logistics and supply chains;
- (e) service providers and other interests directly and indirectly engaged in, and benefiting from, activities at the ship-port intersection;

“Seaport Industry Notice” means a notice issued by Barbados Port Inc. to communicate certain information and any reference to a particular Seaport Industry Notice includes a reference to a Seaport Industry Notice amending or replacing that Notice;

“STCW certified” means certified in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and having at the minimum, training and certifications in the

- (a) Personal Survival Techniques (A-VI/1-1 of the STCW Code);
- (b) Firefighting and Fire Prevention (A-VI/1-2 of the STCW Code);
- (c) Elementary First Aid (A-VI/1-3 of the STCW Code);
- (d) Personal Safety and Social Responsibility (A-VI/1-4 of the STCW Code);
- (e) Proficiency in Security Awareness (A-VI/6-1 of the STCW Code).

Purposes

3. The purposes of this Act are to
 - (a) provide a regulatory framework for the management, operation and development of national seaports;
 - (b) promote an economically viable, ecologically sustainable and socially and culturally responsive national seaport industry;
 - (c) ensure effective shore-side support for the maritime transport sector; and

- (d) support an integrated approach to shipping, particularly at the ship-port interface.

Act binds the State

- 4. This Act shall bind the State

PART II

SEAPORT ADMINISTRATIVE FRAMEWORK

Powers of Barbados Port Inc.

- 5.(1) Barbados Port Inc. shall have the following powers within port areas:
 - (a) management, operation and development of
 - (i) the Port of Bridgetown;
 - (ii) any other seaport established under the auspices of Barbados Port Inc.; and
 - (iii) any other seaport developed at the request of the Minister;
 - (b) to prohibit, control or regulate persons, organizations, vessels and vehicles in any port facility;
 - (c) to enter into any agreement necessary to support continual management, operation and development of the seaport industry;
 - (d) to enter into service agreements, including but not limited to
 - (i) provision of construction services on or above the seabed within the jurisdiction of a port facility; and
 - (ii) provision of any other management, operational, development or maintenance services within port areas or a port facility;

- (e) setting of payment, collections, dues or apportionment of any rates arising from the provision of port-specific services;
- (f) adjusting charges and fees not specified in the official tariff;
- (g) to issue debentures or debenture stock in an effort to raise capital for port-oriented activities;
- (h) to enter onto any land, premises, areas, facilities owned, operated by Barbados Port Inc., or otherwise specified for port use, and to claim compensation for any damage in relation to them;
- (i) sell by auction any cargo remaining in Barbados Port Inc. or any other seaport established under the auspices of Barbados Port Inc. for more than 30 days, owing to
 - (i) non-payment;
 - (ii) poor documentation;
 - (iii) an absence of clearance from appropriate regulatory agencies; and
 - (iv) for any other reason specified by Barbados Port Inc., provided such reason is justifiable in the circumstances;
- (j) to ensure compliance and enforcement in relation to activities conducted within port areas or a port facility;
- (k) to impose administrative penalties, in an amount not exceeding \$100 000, in respect of contraventions of
 - (i) a Seaport directive; or
 - (ii) permit or licence requirements, or requirements contained in any other instrument whereby Barbados Port Inc. authorizes activities;
- (l) to establish port-centric activities on any land owned by Barbados Port Inc. outside of port-defined areas;
- (m) to designate special areas for port development;

- (n) to designate Port-owned areas, sites or property as maritime-heritage protected;
 - (o) to issue directives to port users, and take necessary steps to enforce the same;
 - (p) to issue licences, permits or other instruments in respect of port-specific activities carried out by persons or external entities;
 - (q) to suspend or revoke a licence, permit or other instrument issued;
 - (r) to adopt or create incentive schemes for the benefit of seaport industry stakeholders and the national seaport industry; and
 - (s) to do anything necessary for the effective performance of its functions, and for the proper execution of this Act and statutory instruments made thereunder.
- (2) Barbados Port Inc. in the exercise of its powers under this Act or under any other enactment in which any powers are specified in relation to Barbados Port Inc., shall exercise its powers in a manner that supports national, regional and international maritime trade and commerce.
- (3) An administrative penalty notice issued pursuant to section 5(1)(k) shall be in the format provided in the *First Schedule*.
- (4) Notwithstanding subsection (3), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, appeal to a Judge in Chambers.
- (5) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

Duties of Barbados Port Inc.

6. Barbados Port Inc. shall
- (a) exercise its functions and carry out activities in a safe, secure and environmentally sound manner;
 - (b) ensure its internal policies align with international best practices specific to ports, international best practices at the ship-port interface, and overarching national maritime transport policy;
 - (c) comply with port-specific obligations specified in
 - (i) the United Nations Convention on the Law of the Sea, 1982;
 - (ii) various instruments of the International Maritime Organization;
 - (iii) maritime-specific instruments of the International Labour Organization, including the Maritime Labour Convention; and
 - (iv) other applicable international and regional maritime instruments;
 - (d) comply with requirements specified in relation to ports in national maritime laws;
 - (e) assist the Administration in respect of port State control activities specified under the various instruments of the International Maritime Organization and the Caribbean Memorandum of Understanding on Port State Control;
 - (f) assist the Administration in developing the Autonomous Vessel Operations Code for Ships and Ports under the *Merchant Shipping Act, 2024* (Act 2024-28);
 - (g) report to the Administration regarding its fulfilment of port-specific obligations specified in the international maritime instruments on maritime safety, maritime security, protection of the marine environment and maritime labour protection;

- (h) assist in coastal and marine environmental protection and preservation efforts, including but not limited to
 - (i) ensuring the prevention, reduction and control of marine pollution in port areas and by port facilities;
 - (ii) ensuring the safe and environmentally sound anchorage of vessels; and
 - (iii) contributing, where necessary or requested, to marine environmental restoration and rehabilitation efforts, particularly in nearshore areas;
- (i) regulate, in consultation with stakeholders, matters relating to seaport partnerships, home porting, provisioning, stevedoring, and any other seaport affairs necessitating formal arrangements between Barbados Port Inc. and external entities, with a view to strengthening relations between Barbados Port Inc. and external entities in respect of these matters, and with a view to ensuring fairness, transparency and equitable benefit sharing;
- (j) comply with any marine spatial planning requirements specific to ports and shipping;
- (k) undertake any physical development activities, consistent with national physical development laws and any recommendations made pursuant to the relevant Environmental and Social Impact Assessment;
- (l) provide and maintain
 - (i) port areas;
 - (ii) port facilities; and
 - (iii) port services;
 - (iv) services and amenities to facilitate timely and efficient ship and cargo handling;

- (v) systems to support safe and efficient performance of its functions as bailee, and to ensure proper receipt, storage and delivery of cargo to consignees;
- (m) formulate national seaport policy, legislation, standards, codes of practice and guidelines in consultation with stakeholders;
- (n) maintain a viable port community system, giving due regard to the need for efficiency and continued economic growth in the maritime trade and transport sectors;
- (o) develop and promote plans, initiatives, strategies and activities that support a safe, secure, environmentally sustainable, economically viable, socially and culturally responsive seaport industry;
- (p) integrate corporate social responsibility initiatives into its business model, as part of corporate self-regulation, to properly account for its wider-ranging and longer-term responsibilities to the public beyond the short and medium-term financial interests of financial stakeholders;
- (q) incorporate into its work program critical areas cross-cutting seaport governance, including but not limited to
 - (i) port-specific measures to facilitate autonomous vessels and accommodate other port-related autonomous maritime activities;
 - (ii) climate change;
 - (iii) the environment;
 - (iv) ports, gender and development; and
 - (v) thematic areas promoted by the International Association of Ports and Harbours, to the extent practical;
 - (vi) activities of the International Organization for Marine Aids to Navigation;
 - (vii) any other relevant critical areas, in the interest of holistic seaport governance; and

- (r) ensure the continued sustainable development of Barbados' seaport industry.

PART III

NATIONAL SEAPORT INDUSTRY SUSTAINABILITY PROGRAM

Establishment of National Seaport Industry Sustainability Program

7.(1) There is established a program to be known as the National Seaport Industry Sustainability Program for the adoption of measures by national seaports to achieve continued sustainable development in the seaport industry.

- (2) The National Seaport Industry Sustainability Program shall
 - (a) outline short, medium and long-term sustainability goals for the seaport industry;
 - (b) enhance the economic, social and cultural value of the seaport industry;
 - (c) promote the adoption of measures to protect the marine environment and surrounding atmosphere from seaport industry activities;
 - (d) support climate resilience, energy efficiency, creation of a circular economy, attainment of carbon-neutral status in line with global climate targets;
 - (e) deploy green growth technology and innovation in the seaport industry and wider shipping sector;
 - (f) facilitate sustainable development-oriented projects, activities and initiatives within the seaport industry and the wider shipping sector;
 - (g) promote cooperation across the seaport value chain and overall contribute to making the maritime supply chain more sustainable;
 - (h) set industry-specific sustainability standards, to enable national seaport industry reporting on economic, environmental and people impacts in

a credible way, thereby increasing transparency of seaports to sustainable development;

- (i) facilitate effective streamlining of sustainability factors in seaport industry investment decision-making;
- (j) develop industry-specific sustainability frameworks and operational regimes to stimulate investment, and make such investment and seaport industry sustainability goals mutually supportive;
- (k) support the undertaking of any other action in fulfilment of sustainable growth and development in the national seaport industry;
- (l) be consistent with the sustainable development trajectory of the World Ports Sustainability Program, while yet factoring in local circumstances.

(3) The National Seaport Industry Sustainability Program shall be administered and managed by a Division to be known as the Regulatory and Sustainability Affairs Division of Barbados Port Inc.

(4) The Regulatory and Sustainability Affairs Division of Barbados Port Inc. shall also lead the administration and management of all other regulatory and sustainability related affairs

- (a) under this Act and its statutory instruments;
- (b) specified in other enactments in relation to Barbados Port Inc.; and
- (c) arising out of the normal course of operation of Barbados Port Inc.

Seaport industry sustainability plans

8. The Port Chief Executive Officer shall ensure that Barbados Port Inc. and any other seaport under the authority and management of Barbados Port Inc. adopt or develop such number of seaport industry sustainability plans, as may be necessary, to implement one or more aspects of the National Seaport Industry Sustainability Program.

Compatibility of sustainability plans with port's master and business plan

9. Any seaport industry sustainability plan adopted or developed pursuant to the Act shall be compatible, to the extent practicable, with the

- (a) port master plan, as required by section 8 of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B; and
- (b) port business plan required by section 9 of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B.

Plans adoption, modification and revocation

10.(1) After considering any submissions in relation to a seaport industry sustainability plan, Barbados Port Inc. shall submit the draft plan to the Administration for review and comment.

(2) The Port Chief Executive Officer may

- (a) approve the Plan with or without amendment; or
- (b) refuse to approve the Plan and direct a further amendment to the Plan.

(3) The Port Chief Executive Officer shall

- (a) publish notice of the approval of a Plan in a Seaport Industry Notice; and
- (b) where relevant, publish any requirements to be complied with by port users in relation to the Plans in a port directive.

(4) A seaport industry sustainability plan comes into force on the date on which the notice under subsection (3) is published in a Seaport Industry Notice.

Plan duration and periodic review

11.(1) The Port Chief Executive Officer shall cause a review to be made of the Plan no later than 5 years after its entry into force.

- (2) After review of the Plan, the Port Chief Executive Officer may approve the amendment of the Plan.

Binding effect of plan

- 12.(1) All persons are bound by an in-force seaport industry sustainability plan.
- (2) All port-related activities shall be carried out in accordance with the Plans.
- (3) A seaport industry sustainability plan may be deviated from where
 - (a) it is necessary for saving a life;
 - (b) protecting the marine environment; or
 - (c) as directed in writing by the Port Chief Executive Officer.
- (4) Where the Port Chief Executive Officer gives written direction that a seaport industry sustainability plan is to be deviated from, he shall provide reasons in writing and written instructions on an alternative course of action.

Withdrawal of plans

- 13.(1) The Port Chief Executive Officer may withdraw a seaport industry sustainability plan, where he considers it appropriate to do so.
- (2) Where the Port Chief Executive Officer withdraws a plan, he shall publish a notice of the withdrawal in the *Official Gazette* and in a Seaport Industry Notice, and the plans cease to have effect on the date of such publication.
- (3) The Port Chief Executive Officer shall also take such further steps as he considers appropriate to ensure that the withdrawal of a plan is brought to the attention of interested persons.
- (4) Following the withdrawal of a plan, the Port Chief Executive Officer shall ensure the adoption of a new plans, so that the existing plans is not withdrawn unless a prospective ones are prepared and implementation-ready.

- (5) In this section “interested persons” mean
- (a) any persons appearing to Barbados Port Inc. to be likely to be interested in, or affected by, the withdrawal of the Plans;
 - (b) members of the general public.

PART IV

ACTIVITIES REQUIRING LICENCES, PERMITS OR OTHER INSTRUMENTS

Permits

Activities requiring licence, permits, etc.

- 14.(1)** Barbados Port Inc. shall specify, in a Seaport Directive, activities requiring a licence, permit or other instrument to be obtained from it, prior to carrying out those activities.
- (2) Barbados Port Inc. shall not require a licence, permit or other instrument for which a licence, permit or other instrument is required by the Barbados Maritime Transport Administration, and shall consult with the Administration to avoid duplication.

Permitting requirements

- 15.(1)** No person shall engage in an activity requiring a permit from Barbados Port Inc., unless the relevant permit in respect of that activity has been obtained.
- (2) A person seeking a permit shall apply to Barbados Port Inc. and pay the specified application fee.
- (3) An applicant for a permit shall file with Barbados Port Inc., an application that contains
- (a) applicant’s details;

- (b) supporting documentation in relation to the activity for which the permit is sought;
 - (c) as applicable, an Environmental and Social Impact Assessment (ESIA) report; and
 - (d) any other information requested by Barbados Port Inc.
- (4) Barbados Port Inc. may
 - (a) suspend the consideration of a permit until the matters identified by Barbados Port Inc. as requiring rectification are addressed to the satisfaction of Barbados Port Inc.;
 - (b) approve the application and grant the permit; or
 - (c) deny the application for a permit.
- (5) Where Barbados Port Inc. suspends consideration of an application for a permit, it shall notify the person in writing of the matters that must be rectified for the applicant to qualify for the permit.
- (6) Barbados Port Inc. shall notify the person of a decision to deny or approve an application in writing, and where decision is to grant a permit, the instrument in writing shall notify the person that the permit will be issued on the payment of the specified fees.
- (7) Where a person receives an instrument in writing denying an application for a permit that person may make a written request for the reason for the denial of the application in accordance with section 14 of the *Administrative Justice Act*, Cap. 109B.
- (8) Where the specified fee has been paid, Barbados Port Inc. shall issue the permit to the applicant.
- (9) A permit issued in accordance with this section shall be subject to such terms or conditions as Barbados Port Inc. specifies.

(10) A permit granted under this Act, is not transferable, and may be renewed by a further application made under this section, and that application may be made at least one month before the expiration of the permit.

(11) A person who contravenes the requirements of this section is guilty of offence and is liable to

- (a) have his permit suspended or revoked; or
- (b) an administrative penalty.

Conditions may be imposed in permits, etc.

16. Barbados Port Inc. may in respect of

- (a) the issue of a permit;
- (b) the grant of any approval; or
- (c) the authorisation of any matter,

in connection with activities related to the requisite permit, require such information and impose such conditions as it considers appropriate in the circumstances.

Permit extensions

17. Where Barbados Port Inc. is satisfied that a permit holder has shown good grounds for the extension of a permit, Barbados Port Inc. may grant the extension for such period as it considers appropriate.

Suspension of activities in relation to a permit

18.(1) Barbados Port Inc. may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or totally suspend the activities in relation to which a permit was granted, for a specified period.

(2) A holder of a permit may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or

totally suspend the activities in relation to which the permit was granted with the approval of Barbados Port Inc.

(3) Notwithstanding subsection (2), where it is impractical or unreasonable in the circumstances for the permit holder to obtain the approval of Barbados Port Inc. for the suspension of the activities in relation to which the permit was granted, the permit holder

(a) may suspend the activities; and

(b) shall notify Barbados Port Inc. as soon as practicable of the suspension.

(4) Barbados Port Inc. may extend a period of suspension of a permit where necessary.

(5) Where the activities of a permit holder are suspended under this section, the permit holder shall not, by virtue of the suspension, be taken to be in breach of this Act or a term or condition of the permit.

Suspension of activities for *force majeure*

19. Where the activities in relation to which a permit was granted are partially or totally suspended as a result of a *force majeure* event, Barbados Port Inc. shall extend the permit for the lesser of the following periods

(a) a period that corresponds to the length of time for which the activities were suspended; or

(b) 2 years.

Licences

Licence requirements

20.(1) No person shall engage in any commercial activities for which a licence is required by Barbados Port Inc. without first obtaining the relevant licence from Barbados Port Inc.

- (2) A person seeking a license in respect of an activity requiring a licence, shall apply in the specified form to Barbados Port Inc., pay the specified application specified fee.
- (3) An application for a licence shall file with Barbados Port Inc., an application that contains
 - (a) applicant's details;
 - (b) supporting documentation in relation to the activity for which the licence is sought;
 - (c) as applicable, an Environmental and Social Impact Assessment (ESIA) report; and
 - (d) any other information requested by Barbados Port Inc.
- (4) Barbados Port Inc. may
 - (a) suspend the consideration of a licence until the matters identified by Barbados Port Inc. as requiring rectification are addressed to the satisfaction of Barbados Port Inc.;
 - (b) approve the application and grant the licence; or
 - (c) deny the application for a licence.
- (5) Where Barbados Port Inc. suspends consideration of an application for a licence, it shall notify the applicant in writing of the matters that must be rectified for the applicant to qualify for the licence.
- (6) Barbados Port Inc. shall notify the person of a decision to deny or approve an application in writing, and where the decision is to grant the licence, the instrument in writing shall notify the person that the licence will be issued on the payment of the specified fees.
- (7) Where a person receives an instrument in writing denying an application for a licence, that person may make a written request for the reason for the denial of the application in accordance with section 14 of the *Administrative Justice Act*, Cap. 109B.

- (8) Where the specified fee has been paid, Barbados Port Inc. shall issue the licence.
- (9) A licence issued in accordance with this section shall be subject to such terms or conditions as Barbados Port Inc. specifies.
- (10) A licence granted under this Act, may be transferred in accordance with the Act.
- (11) A person who contravenes the requirements of this section is guilty of an offence and is liable to
 - (a) have his licence suspended or revoked; and/or
 - (b) an administrative penalty.

Conditions may be imposed in licenses, etc.

21. Barbados Port Inc. may in respect

- (a) the issue of a licence;
- (b) the grant of any approval; or
- (c) the authorisation of any matter,

in connection with the activities in respect of which the licence was granted, require such information and impose such conditions as it considers appropriate in the circumstances.

Transfer, Surrender, Suspension or Cancellation of Licences

Transfer of licence

22.(1) A person granted a licence by Barbados Port Inc., in accordance with the Act shall not, without the approval of Barbados Port Inc., transfer, wholly or partially, the rights and obligations of the licensee under the requisite license or licences held by the licensee.

- (2) A licensee may within 90 days of a proposed transfer, and upon payment of the specified fee, apply to Barbados Port Inc. for approval for the transfer.
- (3) Barbados Port Inc. shall, within 30 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 ensure that a transfer is
 - (a) in writing and executed by the licensee and the assignee; and
 - (b) submitted to Barbados Port Inc. for it to endorse on the transfer its approval of the transfer.
- (5) A licensee is 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 is liable to
 - (a) have his licence suspended or revoked; and/or
 - (b) an administrative penalty.

Surrender of license, etc.

- 23.(1) A licensee shall not, without the approval of Barbados Port Inc., surrender a licence or the whole or a part of a licence area.
- (2) A licensee may, within 90 days prior of a proposed surrender and upon payment of the specified fee, apply to Barbados Port Inc. for approval for the surrender.
- (3) Barbados Port Inc. shall, within 30 days of receipt of the application, notify the licensee in writing of the decision whether to approve the surrender.
- (4) Barbados Port Inc. shall not approve a surrender unless a licensee has, to the satisfaction of Barbados Port Inc.,
 - (a) satisfied any monetary obligations incurred before the surrender or made arrangements for the satisfaction of those obligations;

- (b) provided for the protection, restoration and management of the marine environment in the area to be surrendered, where applicable;
 - (c) made good any damage caused by the activity in relation to which the licence was granted;
 - (d) provided information that should have been, but was not, previously provided to Barbados Port Inc.;
 - (e) where applicable, removed or caused to be removed from the area to be surrendered all property brought into the area by the licensee or made arrangements with respect to that property; and
 - (f) done anything requested in writing by Barbados Port Inc. prior to the surrender.
- (5) Where a licensee surrenders a part of the licence area, the license shall continue in force in respect of the remainder of the license area, subject to any modification of the conditions of the licence specified by the Barbados Port Inc. in its approval of the surrender.
- (6) Where a licensee proposes to surrender a license, the licensee shall perform or discharge any outstanding obligations under the license prior to the surrender.
- (7) Barbados Port Inc. shall specify the effective date of a surrender.
- (8) A person who contravenes subsection (1) is guilty of an offence and is liable to
- (a) suspension or revocation of the licence; and/or
 - (b) an administrative penalty.

Suspension of license by agreement

24. Barbados Port Inc. may, by a written agreement with a licensee, suspend a licence

- (a) for a specified period; and

- (b) on specified terms.

Disciplinary power to suspend license

25.(1) Barbados Port Inc. may, by a written notice to a licensee, suspend a licence where the licensee

- (a) has failed to comply with
 - (i) this Act;
 - (ii) a requirement, obligation or other provision contained in any policy, plan, directive, standards or code of practice approved by Barbados Port Inc. in relation to the licensee; or
 - (iii) any guidelines issued, approved or adopted by Barbados Port Inc.; or
- (b) has breached a condition of the license.

(2) Where Barbados Port Inc. intends to suspend a licence, Barbados Port Inc. shall, prior to the suspension, issue to the licensee a notice of default which

- (a) specifies the default of the licensee;
- (b) in the case of a default that is
 - (i) capable of remedy, requires the licensee to remedy the default within a specified period; or
 - (ii) incapable of remedy, requires the licensee to provide good grounds within a specified period as to why the license should not be suspended; and
- (c) states the action that Barbados Port Inc. proposes to where
 - (i) the default is not remedied; or
 - (ii) good grounds are not provided,
 within the specified period.

- (3) Where Barbados Port Inc. is satisfied that a licensee has failed to
 - (a) remedy a default; or
 - (b) provide grounds as to why the proposed action should not be taken,
 Barbados Port Inc. may suspend the license of the licensee.
- (4) Barbados Port Inc. shall specify the effective date of the suspension in the notice.
- (5) A licensee shall not, by virtue of the suspension of a license, be relieved of any obligations and liabilities incurred by the licensee prior to or during the period of suspension.
- (6) Barbados Port Inc. may, for the purpose of subsection (3), suspend the license of a licensee
 - (a) for a specified period or until the licensee remedies a default that is capable of remedy; or
 - (b) indefinitely.

Suspension of marine development operations for emergencies, etc.

- 26.(1) Barbados Port Inc. may, in the event of a major environmental incident, major hazard, major health and safety incident or emergency, partially or totally suspend the activities of a licensee for a specified period.
- (2) A licensee may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or totally suspend activities
 - (a) with the approval of Barbados Port Inc.; and
 - (b) for a period of time agreed upon by the licensee and Barbados Port Inc..
- (3) Notwithstanding subsection (2)(a), where it is impractical or unreasonable in the circumstances for a licensee to obtain the approval of the

Barbados Port Inc. for the suspension of the marine development operations, the licensee

- (a) may suspend the activities; and
 - (b) shall notify Barbados Port Inc. as soon as practicable of the suspension.
- (4) Barbados Port Inc. may extend a period of suspension, where necessary.
- (5) Where the activities of a licensee are suspended by virtue of this section, the licensee shall not, by virtue of the suspension, be taken to be in breach of this Act or a term or a condition of the license.

Suspension of marine development operations for *force majeure*

27. Where the activities of a licensee are partially or totally suspended as a result of a *force majeure* event, Barbados Port Inc. shall extend the license for the lesser of the following periods

- (a) a period which corresponds to the length of time for which the activities were suspended; or
- (b) 2 years.

Cancellation of license

28.(1) Barbados Port Inc. may, by written notice to a licensee, cancel the whole or part of the licence if the licensee

- (a) fails to comply with
 - (i) this Act;
 - (ii) a requirement, obligation or other provision contained in a policy, plan, directive, standard or code of practice approved by Barbados Port Inc., in relation to the licensee; or
 - (iii) any guidelines issued, approved or adopted by Barbados Port Inc.; or
- (b) breaches a term or condition of the license;

- (c) knowingly provides false or misleading information, or omits to provide material information, to Barbados Port Inc., in respect of the application for the license or any requirement of this Act;
 - (d) is declared bankrupt or placed into liquidation or where a receiver is appointed; or
 - (e) does not pay an amount payable by him pursuant to this Act within 90 days from the date on which the amount becomes payable.
- (2) Where Barbados Port Inc. intends to cancel the license under subsection (1)(a) or (b), Barbados Port Inc. shall, prior to the cancellation, issue to the licensee a notice of default which
- (a) specifies the default of the licensee;
 - (b) in the case of a default that is
 - (i) capable of remedy, requires the licensee to remedy the default within a specified period; or
 - (ii) incapable of remedy, requires the licensee to provide good grounds, within a specified period, as to why the license should not be cancelled; and
 - (c) states the action that Barbados Port Inc. proposes to take where
 - (i) the default is not remedied; or
 - (ii) such grounds are not provided,
 within the specified period.
- (3) Where Barbados Port Inc. is satisfied that a licensee has failed to
- (a) remedy the default; or
 - (b) provide grounds as to why the proposed action should not be taken,

Barbados Port Inc. may cancel the license.

- (c) Barbados Port Inc. shall specify the effective date of the cancellation in the notice.
- (4) A licensee shall not, by virtue of a cancellation of a license, be relieved of any obligations and liabilities incurred by the licensee prior to the cancellation.

Restrictions on grant of permits, licenses, etc.

29.(1) A permit, licence or other instrument shall not be issued or endorsed as valid to an applicant who is under the age of 18 years.

(2) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, license or other instrument shall be issued to a person, the results of whose Environmental and Social Impact Assessment (ESIA) shows negative impacts which

- (a) are irreversible;
- (b) no alternatives have been identified in order that the activity or project may proceed via an alternative means, so that the negative impacts may be avoided;
- (c) has significant difficulties in adequately dealing with uncertainties; and
- (d) for other reasons, specified in writing by Barbados Port Inc.,

would not be in the best interest of Barbados.

(3) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, licence or other instrument shall be issued to a person who lacks the financial capacity and technical competence required to successfully carry out the activities or projects to which the application relates, the effect of which, in the opinion of Barbados Port Inc., makes it undesirable that he be issued with a permit, licence or other instrument.

(4) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, licence or other instrument shall be

issued to a person who has an unsatisfactory track record in performance or execution of activities or projects the effect of which, in the opinion of Barbados Port Inc., makes it undesirable that he be issued with a permit, license or other instrument.

(5) In respect of subsection (4), Barbados Port Inc. may require at the time of any application submitted to it, that a reference or testimonial from such number of persons or entities whom the applicant previously undertook similar activities or a similar project be submitted along with the application to Barbados Port Inc.

PART V

SEAPORT INDUSTRY RESEARCH AND DEVELOPMENT

National seaport industry research and development program

30.(1) There is hereby established the National Seaport Industry Research and Development Program for the adoption of measures and coordination of activities to develop and sustain Barbados' seaport industry and marine transport activities at the ship-port interface.

(2) The Program shall

- (a) provide supporting platform for research on the development of the seaport industry, adopting as necessary relevant sub-programs for special research projects;
- (b) assist technology and innovation development on various scales, to continuously improve on seaport industry development;
- (c) promote port-specific investment research;
- (d) support capacity building in shipping and port logistics, maritime trade and commerce, port-oriented training and education and other port-related areas; and

- (e) facilitate attracting research funding, partnership fostering, developing and implementing strategies that increase national seaport industry competitiveness.

Seaport research for development Committee

- 31.(1)** There is established a Committee to be known as the Seaport Research for Development Committee.
- (2) The Committee shall develop and implement the National Seaport Industry Research and Development Program under section 30.
- (3) The rules in the *Second Schedule* shall have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

- 32.** The functions of the Committee are as follows:
- (a) assist in developing and implementing national seaport policy and planning activities;
 - (b) coordinate programs and sub-programs adopted pursuant to section 31 and ensure the avoidance of duplication of activities across programs and sub-programs of Barbados Port Inc., the Administration and other ocean-focused agencies;
 - (c) coordinate public-private partnerships and collaboration in carrying out the National Seaport Industry Research and Development Program and any sub-programs adopted under it;
 - (d) identify opportunities for joint research and development programs and development of economies of scale between
 - (i) seaport development technologies; and
 - (ii) other seaport industry programs, projects or initiatives, and the activities of the wider seaport community; and

- (e) perform any other function necessary for the fulfilment of the National Seaport Industry Research and Development Program adopted under section 30 and any sub-programs adopted within that Program.

PART VI

PORT ARRANGEMENTS

Sister and Friendship port Arrangements

Entry into sister and friendship port arrangements

33.(1) Barbados Port Inc. may, through memoranda of understanding or other appropriate means enter into

- (a) sister port arrangements; or
- (b) friendship port arrangements,

to strengthen the economic and commercial bond between any Barbados-based seaport and a foreign-based seaport and promote cooperation for maritime trade vitalization and service improvement.

(2) Prior to concluding any sister or friendship port arrangement, Barbados Port Inc. shall submit all documentation regarding the arrangement to the Minister for review.

(3) The Minister may make recommendations on the arrangements, in the interests of Barbados.

(4) Barbados Port Inc. shall take into account the recommendations of the Minister and, where the recommendations cannot be integrated, provide written reasons and an alternative recourse.

*Home porting Arrangements***Entry into home porting arrangements**

34. Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into home porting arrangements to facilitate the use of national seaports by vessels as their home, regardless of their port of registry.

Requirements for home porting vessels

35.(1) Home-porting vessels shall

- (a) comply with applicable national and international shipping laws on safety, security, protection of the marine environment and maritime labour when in Barbados;
- (b) hire, where practicable, a percentage of STCW-certified Barbadians to serve on board porting vessels, in accordance with the *Third Schedule*; or
- (c) where practicable, directly train or partner with a local institution to train, a percentage of Barbadians
 - (i) that do not have STCW basic proficiency training and are desirous to obtain such to pursue a career at sea; or
 - (ii) provide advanced STCW training to Barbadians holding basic level STCW certifications.

(2) The hiring percentages specified in the *Schedule* referred to in section 35(1)(b) reflect a minimum, which the parties to a home porting arrangement may negotiate upwards or downwards, depending on the circumstances of the case.

(3) Where one or more home porting vessels cannot comply with the requirements at subsection (1), they

- (a) shall notify the Port Chief Executive Officer in advance; and

- (b) indicate if at all, an alternative arrangement may be made to enable Barbadians to benefit from home porting activities.
- (4) At the end of the home-porting period, submit to the Port Chief Executive Officer a report detailing
 - (a) vessel particulars (vessel name, type, place of registry, IMO #, etc., home-porting duration);
 - (b) the specific number of Barbadians who were employed as part of the home-porting arrangement;
 - (c) the type of service or training, as the case may be, in which Barbadians were engaged as part of the home-porting arrangement;
 - (d) any other information as may be requested by the Port Chief Executive Officer or the Administration.
- (5) Barbados Port Inc. shall ensure that home-porting vessels adhere to the requirements of subsection (1).

Provisioning Arrangements

Entry into provisioning arrangements

36. Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into provisioning arrangements to support the local provisioning of food and beverage supplies to home-porting vessels.

Stevedoring Arrangements

Entry into stevedoring arrangements

37. Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into stevedoring arrangements, to support the development of the stevedoring industry and sustain livelihoods dependent on stevedoring.

Special Arrangements

Entry into special arrangements

38. Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into any other special arrangements in relation to

- (a) port areas;
- (b) port facilities; or
- (c) port projects or initiatives.

PART VII

TRANSSHIPMENT AND PORT-CENTRIC LOGISTICS PROGRAM

Barbados Transshipment and Port-Centric Logistics Program

Establishment of Barbados transshipment and port-centric logistics program

39.(1) There is established a Program to be known as the Barbados Transshipment and Port-Centric Logistics Program.

(2) The Program shall

- (a) create and maintain the enabling conditions necessary for Barbados to become a transshipment hub;
- (b) set standards for improving maritime trade coordination and efficiency, generally and specifically in relation to supply chains;
- (c) guide the development of transshipment activities, port centric logistics activities and related services;

- (d) promote the development of logistics facilities and industrial infrastructure, as part of seaport operations, to enable a wide range of value-added services to be performed;
 - (e) as part of its continued effective implementation, undertake measures that will continually add value to ships and cargo while waiting in port;
 - (f) outline a strategic plan for Barbados to efficiently, effectively and continuously meet the ever-changing demands for logistics services; and
 - (g) undertake within it any other actions or initiatives to ensure continued economic and other forms of development and benefits from transshipment and port-centric logistics activities.
- (3) For the purposes of section 39(1), port-centric logistics means logistics and distribution services based at the port where goods arrive, whereby shipments can be stored at the port hence reducing the number of handling stages throughout the storage and distribution process.
- (4) Efforts shall be undertaken within the Program to
- (a) integrate where beneficial, multimodal transport logistics, in furtherance of the objectives of the *Merchant Shipping (Multimodal Transport) Act, 2024* (Act 2024-29); and
 - (b) implement section 15 of the *Merchant Shipping (Multimodal Transport) Act, 2024*.

Plans in support of Barbados transshipment and port-centric logistics program

40. The Port Chief Executive Officer may, where he deems it necessary in the circumstances of the case, develop a general plan or specific plans, to implement one or more aspects of the Barbados Transshipment and Port-Centric Logistics Program.

Plan compatibility with port's master and business plan

41. Any plan adopted or developed as part of the Barbados Transshipment and Port-Centric Logistics Program shall be compatible, to the extent practicable, with the

- (a) port master plan, as required by section 8 of *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B; and
- (b) port business plan, as required by section 9 of *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*.

Plan adoption, modification and revocation

42.(1) After considering any submissions in relation to a plan pertaining to the Barbados Transshipment and Port-Centric Logistics Program, Barbados Port Inc. shall submit the draft Plan to the Administration for review and comment.

(2) The Port Chief Executive Officer may

- (a) approve the Plan with or without amendment; or
- (b) refuse to approve the Plan and direct further amendment to the Plan.

(3) The Port Chief Executive Officer shall

- (a) publish notice of the approval of the Plan in a Seaport Industry Notice;
- (b) where relevant, publish any requirements to be complied with by port users in relation to the Plans, in a seaport directive.

(4) A plan pursuant to the Barbados Transshipment and Port-Centric Logistics Program comes into operation on a date on which the notice under subsection (3) is published in a Seaport Industry Notice.

Plan duration and periodic review

43.(1) The Port Chief Executive Officer shall cause a review to be made of the Plan no later than 3 years after its entry into force.

- (2) After review of the Plan, the Port Chief Executive Officer may approve the amendment of the Plan.

Binding effect plan

44.(1) All persons are bound by an in-force plan relating to the Barbados Transshipment and Port-Centric Logistics Program.

- (2) All transshipment and related activities shall be carried out in accordance with the plan.

(3) A plan relating to the Barbados Transshipment and Port-Centric Logistics Program may be deviated from where

- (a) necessary for saving life;
- (b) protecting the marine environment; or
- (c) as directed in writing by the Port Chief Executive Officer.

(4) Where the Port Chief Executive Officer gives written direction that a plan relating to the Barbados Transshipment and Port-Centric Logistics Program should be deviated from, he shall provide reasons in writing and written instructions on an alternative course of action.

Withdrawal of plan

45.(1) The Port Chief Executive Officer may withdraw a plan relating to the Barbados Transshipment and Port-Centric Logistics Program, where he considers it appropriate to do so.

(2) Where the Port Chief Executive Officer withdraws a plan, he shall publish a notice of withdrawal in the *Official Gazette* and in a Seaport Industry Notice, and the plan ceases to have effect on the date of such publication.

(3) The Port Chief Executive Officer shall also take such further steps as he considers appropriate to ensure that the withdrawal of the plan is brought to the attention of interested persons.

- (4) Following the withdrawal of the plan, the Port Chief Executive Officer shall ensure the adoption of a new plan, so that the existing plan is not withdrawn unless a prospective one is prepared and implementation-ready.
- (5) In this section “interested persons” mean
 - (a) any persons appearing to Barbados Port Inc. to be likely to be interested in, or affected by, the withdrawal of the Plans;
 - (b) members of the general public.

Transshipment Incentive Scheme

Incentives

- 46.(1)** Barbados Port Inc. shall develop and manage a transshipment incentive scheme to bolster transshipment and related services at the Port of Bridgetown or any other seaport established under the auspices of Barbados Port Inc.
- (2) In developing the Scheme, Barbados Port Inc. shall engage relevant stakeholders.
- (3) Particulars in relation to the incentives shall be detailed within the Scheme.
- (4) Details as to the entry into force and operation of the Scheme shall be officially publicized.

PART VIII

SEAPORT PRE-CLEARANCE

Customs and border protection pre-clearance

47.(1) Subject to

- (a) consultation with the Minister;
- (b) a memorandum of understanding or other written agreement between the Government of Barbados and the Government of the foreign country, and Cabinet's approval of the same; and
- (c) collaboration with the Comptroller of Customs,

Barbados Port Inc. may facilitate the stationing of customs and border protection personnel of a foreign country at the Port of Bridgetown, or any other seaport established or managed under the auspices of Barbados Port Inc., for the purposes specified in subsection (2).

(2) Subject to subsection (1)(a), customs and border protection personnel of a foreign country may be stationed at the Port of Bridgetown, or any other seaport established or managed under the auspices of Barbados Port Inc., to facilitate the undertaking of all agricultural, customs and immigration inspections at such seaport in Barbados.

Establishment of pre-clearance locations

48. The port chief executive officer shall ensure that pre-clearance locations are established at the Port of Bridgetown or any other seaport established or managed under the auspices of Barbados Port Inc. to facilitate the undertaking of all agricultural, customs and immigration inspections at such seaport in Barbados.

Effect of seaport pre-clearance

49. Where, seaport pre-clearance activities are carried out in Barbados in accordance with

- (a) the terms of a memorandum of understanding or other written agreement; and
- (b) this Act or any statutory instrument made thereunder,

passengers and cargo, including agricultural products, shall be accorded the pre-clearance benefits outlined in the memorandum of understanding or other written agreement.

Pre-clearance reciprocity

50.(1) Subject to

- (a) consultation with the Minister
- (b) a memorandum of understanding or other written agreement between the Government of Barbados and the Government of a foreign country, and Cabinet's approval of the same; and
- (c) collaboration with the Comptroller of Customs,

local customs and border protection officials may be stationed at designated pre-clearance locations in a foreign seaport of which the customs and border protection officials of that foreign seaport are stationed at the Port of Bridgetown, or any other seaport established under the auspices of Barbados Port Inc. for the purposes of subsection (2).

(2) Passengers and cargo, including agricultural products, destined for Barbados, shall be reciprocally accorded the pre-clearance benefits enjoyed by passengers and cargo, including agricultural products, destined for countries outside Barbados, as specified in the memorandum of understanding or other written agreement.

PART IX

UNCLAIMED GOODS OR UNPAID FEES

Unclaimed goods

51.(1) Where goods in the possession of Barbados Port Inc. are not claimed within 30 days by the owner or any other person who appears to the Chief Executive Officer of the Port to be entitled to them, the Chief Executive Officer of the Port shall, if the owner or that person is known, serve a notice upon him, within 14 days of the expiry of the 30-day period, requiring him to remove the goods.

(2) If the owner of goods referred to in paragraph (1) is not known and no person appears entitled to them, or if the owner of, or a person entitled to, goods referred to in paragraph (1) is known but a notice under subsection (1) cannot be served, the Chief Executive Officer of the Port may immediately sell the goods by public auction

(3) If the owner of, or person entitled to, goods referred to in paragraph (1) is known and a notice under subsection (1) has not been complied with, the Chief Executive Officer of the Port may,

(a) immediately sell any perishable goods by public auction; and

(b) after one month, sell any other goods by public auction.

(4) The Chief Executive Officer of the Port shall apply the proceeds of the auction in the discharge of customs duties and of the expenses incurred in the sale of the goods and shall pay the balance, if any, into the Seaport Industry Fund.

(5) If any goods offered for sale in accordance with this section cannot be sold for a sum sufficient to pay the expenses incurred in the sale, they may be destroyed, or otherwise disposed of as the Chief Executive Officer of the Port directs.

Unpaid duties

52. Where customs duties or any other duty or charge payable in respect of goods in the possession of Barbados Port Inc. remain unpaid for a period of one month or more, the goods may be disposed of as unclaimed goods under section 51.

Apportionment of proceeds

53. Where the proceeds of a sale conducted under section 51(3) or 52 are insufficient to pay all customs duties and the expenses incurred in the sale, they shall be apportioned at the rate of

- (a) 60 per cent payable to Barbados Port Inc. for the port charges and expenses incurred by Barbados Port Inc. in respect of the sale; and
- (b) 40 per cent payable to the Customs Department for the customs duties owing in respect of the goods sold.

Protection from demurrage claims

54. Barbados Port Inc. is not liable for any demurrage that may occur or be due on any ship, however the demurrage may have been caused.

PART X**RESPONSIBLE SUPPLY CHAIN MANAGEMENT OF MINERALS AND PRECIOUS METALS****Application of this Part**

- 55.** This Part applies to minerals and precious metals mined
- (a) from Barbados waters; and
 - (b) mined from the Area under Barbados' sponsorship,

in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-).

Mandatory delivery of ocean minerals and precious metals to Port of Bridgetown

56.(1) Except where authorized or directed otherwise in writing by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), all minerals and precious metals

- (a) recovered from within Barbados waters under a licence issued in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-); or
- (b) recovered from the Area under Barbados' sponsorship, in accordance with the *Maritime and Underwater Heritage Act, 2025*,

shall be delivered to the Port of Bridgetown for documentation, fingerprinting, and certification, in accordance with this Part, prior to such minerals or precious metals being released on the local, regional or international market.

(2) Where an authorization or direction is given to deliver minerals and precious metals at a place other than the Port of Bridgetown, the Barbados Ocean Minerals Secretariat shall notify the Chief Executive Officer of Barbados Port Inc.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine of \$700 000 or to a term of imprisonment of 5 years or to both.

(4) Minerals and precious metals mined from the ocean in contravention of the *Maritime and Underwater Heritage Act, 2025*, shall be confiscated by Customs Authority, and thereafter handled as directed by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat).

Documentation, Fingerprinting and Clearance of Minerals

57.(1) The owner, agent or master of vessels, or the licensee in respect of whom the minerals and precious metals are concerned, shall submit an Ocean

Minerals and Precious Metals Declaration Form through the Maritime Single Window.

(2) The Declaration referred to in subsection (1) shall be in the form set out in the *Fifth Schedule*.

(3) The minerals and precious metals shall be fingerprinted or otherwise appropriately recorded for tracking and verification purposes, and thereafter shall be inspected by inspectors designated by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat).

(4) Where following an inspection by

- (a) inspectors designated by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat); and
- (b) Customs authorities, in accordance with section 186 of the *Maritime and Underwater Heritage Act, 2025* (Act 2025-),

the minerals and precious metals described in the Declaration are verified to correspond with the minerals and precious metals delivered to the Port of Bridgetown, the Comptroller of Customs shall issue a Certificate of Clearance in the form specified in the *Sixth Schedule*.

(5) In respect of minerals and precious metals for export, a Certificate of Clearance shall not be issued unless a person holds a licence to export in accordance with section 184 of the *Maritime and Underwater Heritage Act, 2025*.

(6) Where a Certificate of Clearance is issued in accordance with subsection (4), the minerals and precious metals may enter the local, regional or international market, subject to any other applicable trade or supply chain compliance requirements.

(7) A person who submits a false Declaration Form is liable

- (a) to the payment of an administrative penalty in an amount of \$250 000, and seizure by Customs authorities of the minerals and precious metals;

- (b) on conviction on indictment to a fine of \$3 000 000 or imprisonment for 7 years or to both;
 - (c) suspension or revocation of applicable permit or licence, as the case may be, issued under Part VI of the *Maritime and Underwater Heritage Act, 2025*.
- (8) A person who seeks to evade tax on minerals and precious metals by
- (a) placing the incorrect value of such minerals and precious metals on export or import documents or other documentation;
 - (b) using misleading descriptions such as “low-value scrap” or other descriptions to evade tax;
 - (c) any other fraudulent means,

is guilty of an offence and is liable on conviction on indictment to a fine of \$3 000 000 or to imprisonment for 5 years or to both.

Ocean Minerals and Precious Metals Supply Chain Management Code

58.(1) Barbados Port Inc., in consultation with the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), and in collaboration with the Administration, shall develop a Code to be known as the Barbados Ocean Minerals and Precious Metals Supply Chain Management Code.

(2) The overarching objective of the Code shall be the adoption of due diligence measures to ensure responsible and sustainable supply chains of minerals and precious metals sourced and recovered from the sea, in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-).

(3) The tenets of the Code shall be guided by

- (a) Organization for Economic Co-operation and Development (OECD) Due Diligence Guidance in the Mineral Supply Chain;

- (b) Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains;
 - (c) Protocol against the Illegal Exploitation of Natural Resources;
 - (d) International Conference of the Great Lakes Region (ICGLR) Mineral Tracking and Certification System;
 - (e) German Federal Institute for Geosciences and Natural Resources Certified Trading Chains and Analytical Fingerprint Technology; and
 - (f) any other relevant international framework or best practice guidance for minerals, precious metals and responsible supply chains management.
- (4) The Code shall set out mandatory requirements for
 - (a) ensuring independent verification that exports of ocean minerals and precious metals from Barbados, from mine site to export, are in compliance with:
 - (i) the *Maritime and Underwater Heritage Act, 2025*, and its statutory instruments; and
 - (ii) the Code;
 - (b) safeguarding against risks in the mineral and precious metals supply chain, taking into consideration the OECD's Five-step Framework for Risk-based Due Diligence in the Mineral Supply Chain;
 - (c) safeguarding against fraud in mineral certification schemes, and ensuring mineral certification schemes or initiatives adopted or developed by Barbados are supported by an appropriate audit verification process;
 - (d) preventing illicit trafficking in minerals and precious metals to
 - (i) protect Barbados-based companies engaged in ocean mineral activities;

- (ii) protect against hindrances to socio-economic development of Barbados;
 - (iii) protect local communities, including artisanal and small-scale sea mining communities, from risks associated with illicit trafficking in minerals and precious metals;
 - (iv) build resilience of the minerals and precious metal's supply chain against the infiltration of transnational organized crime and other cross-border crimes;
 - (e) ensuring equitable participation by, and fair and proper regulation of, artisanal and small-scale sea miners in ocean minerals and precious metals trade and commerce;
 - (f) effective and holistic regulation all other aspects of minerals and precious metals in a supply chain management context.
- (5) The mandatory requirements in the Code shall be supported by related standards and recommended practices to assist in managing safety, including environmental safety, and security risks associated with trade in minerals and precious metals.
- (6) The Code shall enter into force by publication in the *Official Gazette*.
- (7) The Code shall be binding on all persons and vessels engaged in ocean mineral activities, as specified in the Code.
- (8) The Code may be amended from time to time as may be necessary to keep abreast of developments in the realm of minerals, precious metals and supply chain management.
- (9) Supporting compliance and enforcement mechanisms, including directives and guidelines may be issued pursuant to the Code.
- (10) Directive and guidelines developed in relation to the Code shall be developed by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), in consultation with Barbados Port Inc. and the Administration.

(11) For the purposes of this section “Code” means the Barbados Ocean Minerals and Precious Metals Supply Chain Management Code, and a reference to this Code means this Code as may be amended from time to time.

Artisanal and Small-scale Sea Miners Associations

59.(1) Individuals, groups or small businesses, including members of local coastal and fishing communities may form Artisanal and Small-scale Sea Miners Associations to sustain or supplement their livelihoods from ocean mineral activities.

(2) Artisanal and Small-scale Sea Miners Associations shall be registered with the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) in order to engage in ocean minerals and precious metals trade and commerce.

(3) Artisanal and Small-scale Sea Miners Associations shall be participants in a supply chain management certification scheme

(a) managed by Barbados Port Inc.; or

(b) managed by a recognized local, regional or international organization and endorsed by Barbados Port Inc.,

as part of responsible supply chain management activities relating to trade in minerals and precious metals through Artisanal and Small-scale Sea Miners Associations.

Application of the Fairtrade and Fairmined Standard

60. To the extent practicable, the Fairtrade and Fairmined Standard for Gold for Artisanal and Small-scale shall be integrated into, and adapted for, standard setting in respect of artisanal and small-scale sea miners, irrespective of the minerals or precious metals concerned.

Specific Standards for Artisanal and Small-scale Sea Miners

61. Giving due consideration to local circumstances, the characteristics of the ocean mineral sector, and inputs by Artisanal and Small-scale Sea Miners Associations, specific standards shall be tailored for artisanal and small-scale sea miners, including minimum certification requirements to

- (a) support involvement of individuals, groups, coastal and fishing communities and small business in ocean minerals trade and commerce through Artisanal and Small-scale Sea Miners Associations; and
- (b) address labour conditions, health and safety, economic, environmental, social and cultural aspects, in fulfillment of the overarching objectives of the *Maritime and Underwater Heritage Act, 2025* (Act 2025-).

Application of section 234 Maritime and Underwater Heritage Act

62. Section 234 of the *Maritime and Underwater Heritage Act, 2025* (Act 2025-) applies *mutatis mutandis* to any person, group, coastal and fishing community or small business wishing to make a proposal in respect of the ocean minerals and precious metals supply chain management process.

Ancillary support by small vessels to ocean mineral activities

63.(1) Owners of

- (a) small vessels of 150 GT and below, registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and
- (b) vessels above 150 GT but not exceeding 300 GT, classified as small vessels by the Minister responsible for Shipping, pursuant to section 1480 of the *Merchant Shipping Act, 2024* (Act 2024-28), for sole operation in Barbados waters,

may register their vessels with the Administration as ocean mineral tender vessels.

- (2) Owners and operators of ocean mineral tender vessels shall hold a Barbados Small Vessel Operator's Licence or licence Endorsement, in accordance with the *Shipping (Domestic Vessels) Act, 2024*.
- (3) The Administration shall communicate to the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) all owners and operators of small vessels registered with it as ocean mineral tender vessels.
- (4) Owners and operators of ocean mineral tender vessels are restricted to providing support or other services to vessels engaged in ocean mineral activities.
- (5) Owners and operators of ocean mineral tender vessels wishing to engage in ocean mineral activities shall
- (a) join an Artisanal and Small-scale Sea Miners Association and apply through such Association; or
 - (b) otherwise obtain the requisite permit or licence in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-).
- (6) Registration as an ocean mineral tender vessel shall not affect any other registration status of a small vessel under any other register managed by the Administration.
- (7) For the purposes of this section "ocean mineral tender vessel" means a small vessel that supports or services other vessels engaged in ocean mineral activities

Allocation of minerals and precious metals to support the Green Transition

- 64.(1)** The Minister responsible for Natural Resources, in consultation with relevant agencies and stakeholders may by Order allocate a percentage of minerals and precious metals recovered from the sea to support
- (a) the green transition of shipping, in furtherance of the international shipping decarbonization agenda, as enshrined in the *Marine Transport*

(Emissions Control) Act, 2024 (Act 2024-25) and its associated statutory instruments; and

- (b) other transport sectors and renewable-based industries reliant on minerals and precious metals to fulfill their green objectives.
- (2) Notwithstanding subsection (1), the Minister responsible for Natural Resources, in consultation with relevant agencies and stakeholders, may by Order specify other sectors for which a percentage of minerals and precious metals recovered from the sea should be allocated, to support development in those other sectors.
- (3) Mineral and precious metal allocations specified in an Order made in relation to subsections (1) and (2) shall be applied in a manner that does not amount to a restriction in trade in ocean minerals and precious metals or otherwise negatively impact the wider minerals and precious metals sectors, and related sectors.

Protection of Maritime Cultural and Natural Heritage at the border

65.(1) Barbados Port Inc., in consultation with relevant agencies and stakeholders shall coordinate a plan of action for protection and management of maritime heritage at national borders, especially in relation to tangible forms of maritime cultural and natural heritage being imported into or exported out of Barbados.

- (2) In furtherance of subsection (1), guidance and best practices shall be adopted from the World Customs Organization Cultural Heritage Program, and tailored to the extent practical to natural heritage.

PART XI

COMPLIANCE AND ENFORCEMENT

*Regulatory Oversight of the Administration***Regulation-making powers of the Administration in relation to Seaports**

- 66.** The Administration may make regulations in relation to
- (a) ensuring compliance by any seaport in Barbados with port-specific maritime safety, security, marine environmental protection and maritime labour protection requirements;
 - (b) ensuring that
 - (i) vessels in a seaport in Barbados comply with national and international maritime laws; and
 - (ii) seaport authorities promote and facilitate compliance and enforcement activities in relation to vessels in port; and
 - (c) any other port-related activities, to be regulated by the Administration, in accordance with international maritime law.

Seaport compliance audits

- 67.(1)** In exercising its regulatory functions, the Administration shall conduct every 2 years, seaport compliance audits to determine the extent to which the Port of Bridgetown or any other national seaport meets its obligations regarding maritime safety, security, marine environmental protection and maritime labour protection under the Act and under international maritime law.
- (2) The Administration shall submit its audit findings to Barbados Port Inc. within 3 months of completing the audit.

- (3) Where, after an audit, one or more deficiencies are found, Barbados Port Inc. shall take steps to remedy the deficiency, and shall submit a corrective action plan to the Administration.

Regulatory Oversight of Barbados Port Inc.

Regulatory activities of Barbados Port Inc.

- 68.** Barbados Port Inc. shall have full regulatory control over
- (a) all port-related activities, falling outside the regulatory jurisdiction of the Administration;
 - (b) all activities conducted by seaports established under its auspices;
 - (c) port areas;
 - (d) port facilities;
 - (e) the administration, management, operation and development of the seaport industry, in accordance with national law and international best practices for the seaport industry;
 - (f) persons and entities using or operating within port areas, and shall exercise such regulatory control, in accordance with other applicable laws, and where necessary, in consultation with relevant agencies; and
 - (g) to do any such thing necessary for the effective regulation of affairs falling within its regulatory jurisdiction.

Surveys

- 69.(1)** In exercising its regulatory functions, Barbados Port Inc. shall conduct annual surveys of port areas and port facilities in respect of safety, security and environmental-related considerations.
- (2) Barbados Port Inc. shall prepare a survey report in respect of port areas and port facilities.

(3) Where after a survey, one or more deficiencies are found, Barbados Port Inc. shall take steps to remedy the deficiencies.

(4) Where a port area or port facility is being operated by an external person or entity, and one or more deficiencies are found, Barbados Port Inc. shall ensure that the person or entity remedies the deficiency.

Regulatory Oversight of the Harbour Master

Regulatory activities of the harbour master

70.(1) The harbour master shall have regulatory controls within port areas, in respect of the following

- (a) general management and operation of harbours and harbour facilities;
- (b) direction of pilotage, towage and tug activities;
- (c) direction of the time and manner vessels may enter into, and depart from, harbour waters;
- (d) direction of the movement by vessels within harbour waters;
- (e) use of tugs and other forms of assistance;
- (f) direction as to where vessels should anchor;
- (g) position in which vessels shall discharge cargo and passengers;
- (h) position in which vessels should receive or deliver ballast;
- (i) prohibition of entry into, or requiring removal from, the harbour any vessel, where the condition of the vessel may pose danger to person, property or the marine environment;
- (j) prohibit entry of dangerous substances in harbour areas;
- (k) regulate handling, movement and position of vessels carrying dangerous goods;

- (l) detaining vessels for discharging ship-generated wastes or other pollutants into harbour waters;
 - (m) board vessels for safety and environmental related inspections;
 - (n) where there is a wreck is in or near the approaches to a harbour which is or is likely to become a danger to navigation, take possession of, remove or destroy of the wreck;
 - (o) mark the location of a wreck until it is raised, removed or destroyed;
 - (p) issue harbour directives and the impose an administrative penalty not exceeding \$100 000 for the breach thereof; and
 - (q) do any such thing provided it is necessary to maintain a safe, secure and environmentally sustainable harbour area.
- (2) An administrative penalty notice issued pursuant to section 70(1)(p) shall be in the format provided in the *First Schedule*.
- (3) Notwithstanding subsection (2), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, appeal to a Judge in Chambers.
- (4) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

PART XII

OFFENCES AND PENALTIES

Arrest of ship for unpaid charges

71.(1) Where any harbour charges or fees are owing and remain unpaid for a period of one month or more in respect of a ship, an authorised employee may

arrest the ship and its tackle, apparel and furniture, and may detain it until the amount of the charges or fees is paid.

(2) Where, after an arrest under subsection (1), any harbour charges or fees remain unpaid for a period of 7 days, the authorised employee may cause the ship and its tackle, apparel and furniture to be sold, and out of the proceeds of the sale he shall retain the amount necessary to meet the expenses of the detention and sale and shall, after paying the amount of the harbour charges or fees owing to the Authority, deliver the balance, if any, to the master of the ship.

Offence of fraudulent surveys

72.(1) No person shall prepare or issue

- (a) a report of a survey conducted under the Act or any statutory instruments made under it with false or inaccurate information;
- (b) a report or record on the compliance status of a port area or port facility without conducting a survey;
- (c) a report or record that falsely states that a port area or port facility meets required safety, security or environmental standards.

(2) A person who contravenes subsection (1) commits an offence and liable on summary conviction to a fine of \$100 000.

General penalty

73.(1) A person who commits an offence under the Act or under statutory instruments made under the Act for which no other penalty is provided is liable on summary conviction to a fine of \$150 000.

(2) Where an offence under the Act or its statutory instruments is a continuing one, and no other penalty is provided in respect of its continuance, a person who commits the offence is liable on summary conviction, in addition to any other penalty, to a fine of \$500 dollars for every day or part of a day during which the offence continues after the conviction.

PART XIII

MISCELLANEOUS

Safety, Security and Environmental Regulation of Privately-owned Ports

Regulation of privately-owned seaports

74.(1) The Administration shall in respect of

- (a) safety;
- (b) maritime labour conditions;
- (c) security; and
- (d) protection of the marine environment,

have regulatory oversight of privately-owned seaports operating in Barbados.

(2) The Administration may issue directives on safety, maritime labour conditions, security and protection of the marine environment to privately-owned seaports.

Port Welfare

Port welfare services

75. In fulfillment of Regulation 4.4 on access to shore-based welfare facilities in the Maritime Labour Convention 2006, as amended, the Administration and Barbados Port Inc. shall jointly collaborate on port welfare matters, to ensure that seafarers have access to facilities and services in port to secure their health and wellbeing.

*Seaport Industry Financing and Investment***Establishment of the Seaport Industry Fund**

- 76.(1)** There is established a Fund to be known as the Seaport Industry Fund.
- (2) The Fund shall be administered and managed by Barbados Port Inc.
- (3) The purpose of the Fund is to
- (a) support financing for seaport industry development;
 - (b) assist in financing activities, projects, initiatives, measures or undertakings necessary for the continued effective implementation of this Act and its statutory instruments.
 - (c) support financing for seaport industry-oriented research;
 - (d) support the cruise, coastal and marine tourism sectors; and
 - (e) serve, as specified by the Port Chief Executive Officer, after consultation with the Minister, as a repository for gifts, grants, donations, bequests or other revenue streams directed for seaport industry development.
- (4) Barbados Port Inc. may require a percentage of the proceeds from penalties paid in respect of contraventions of the Act, statutory instruments made thereunder or in any directives to be paid into the Fund.

Cruise Passenger Contributions to Sustainability

- 77.(1)** Subject to subsection (2), the Minister, in consultation with Minister responsible for Finance, and in collaboration with Barbados Port Inc. and the cruise industry, may include a nominal fee in the price of every cruise passenger ticket into Barbados, for the purpose of financing national maritime sector sustainability efforts.

- (2) A nominal fee inclusion referred to in subsection (1) shall only take effect by
- (a) written agreement between the parties concerned as to the nominal fee amount to be included in cruise passenger tickets into Barbados;
 - (b) Cabinet's approval; and
 - (c) publication of the notice contained in the *Fourth Schedule* in the *Official Gazette*.
- (3) Where a nominal fee is included in the price of every cruise passenger ticket into Barbados in accordance with subsections (1) and (2), the cruise company or its authorized agent shall be responsible for collecting the nominal fee from every cruise passenger at the time of booking.
- (4) Contributions by cruise travellers into Barbados by way of nominal fees shall be directed to the Seaport Industry Fund established under section 76 of the Act.
- (5) Where nominal fees are not collected at the time of booking, the nominal fees shall be
- (a) transmitted by the cruise company or its agent to the Seaport Industry Fund; or
 - (b) collected by Customs Authority from every cruise passenger upon arrival into Barbados for transmission to the Seaport Industry Fund.
- (6) In the interest of joint sustainability efforts facilitated through sea and air international transport, the Minister shall partner with aviation industry agencies and stakeholders, to extend the cruise passenger contributions to sustainability regime to air travellers.
- (7) The Minister shall undertake appropriate measures to ensure the fair, transparent and effectively regulated inclusion of nominal fees into air passenger tickets into Barbados.

(8) A nominal fee included in a cruise passenger ticket shall not be in an amount that it negatively impacts Barbados' cruise tourism sector.

(9) For the purposes of this section "nominal fees" mean the fees agreed to pursuant to subsection (2)(a) to be included in the price of every cruise line passenger ticket into Barbados for marine sustainability related purposes.

Seaport industry investment schemes

78. Seaport industry investment schemes may be entered into as follows:

- (a) the Port Chief Executive Officer may facilitate entry into investment schemes proposed in writing by external entities that are specific to investment in Barbados' seaport industry;
- (b) the Port Chief Executive Officer, in consultation with interested investors, may develop and manage schemes directed at investment in development of Barbados' seaport industry; and
- (c) a seaport industry investment scheme shall not be concluded where it would be disadvantageous to Barbados' maritime sector or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados.

Binding nature of seaport industry investment schemes

79. A seaport industry investment scheme shall be

- (a) subject to the approval of the Cabinet; 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.

Validity of the scheme

80. A seaport industry investment scheme is valid for the purposes of this Act where it is registered with the Barbados Port Inc.

Particulars of the scheme

- 81.** The Scheme shall detail the following particulars:
- (a) parties to the scheme;
 - (b) duration of the scheme;
 - (c) scope of activities to be undertaken under the scheme;
 - (d) rights and responsibilities of parties to the scheme;
 - (e) insurance or other form equivalent financial security for the venture;
 - (f) nature of the investment;
 - (g) benefit-sharing arrangements;
 - (h) dispute settlement arrangements; and
 - (i) any other relevant particulars as determined by parties to the scheme.

Compliance requirements for parties to schemes

- 82.** Parties to a Scheme shall comply with
- (a) national maritime policies and laws, as applicable;
 - (b) marine spatial planning requirements;
 - (c) maritime boundary and jurisdictional requirements, as applicable; and
 - (d) international best practices in the realm of seaports.

Suspension of an investment scheme

- 83.(1)** Subject to subsection (2), where after entering into an investment scheme its disadvantages become apparent, the scheme may be temporarily suspended to allow for rectification of the matters causing the identified disadvantages.

- (2) The scheme may be temporarily suspended where
- (a) a request for temporary suspension of the scheme is made, in writing, by an affected person or group of persons to the Minister; and
 - (b) the request is accompanied by reasons and supporting evidence.
- (3) Where the identified disadvantages cannot be wholly remedied, the Minister shall ensure that an equitable compromise is agreed to in writing by the parties and the investment scheme is modified accordingly.

Occupational Health and Safety

Compliance with the *Safety and Health at Work Act*, Cap. 356

84. In carrying out seaport operations or any other activities pursuant to this Act, the provisions applicable to seaport operations and vessel-related activities as specified in the *Safety and Health at Work Act*, Cap. 356 and any statutory instruments thereunder shall be adhered to.

General

Registers

- 85.** Barbados Port Inc. may create registers to support its administration of the Act, including
- (a) a register of permits;
 - (b) a register of licences;
 - (c) a register of port-designated areas; and
 - (d) a register of port-designated maritime heritage properties.

Protection from personal liability

- 86.** No liability shall lie personally against
- (a) the Port Chief Executive Officer;
 - (b) any member, officer or employee of Barbados Port Inc. or such other person who is authorized in writing, acting under the direction of the Port Chief Executive Officer;
 - (c) the Administration;
 - (d) any member, officer or employee of the Administration or such other person who is authorized in writing, acting under the direction of the Minister or the Administration;
 - (e) a maritime law enforcement officer,

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

Sharing of information

- 87.** Barbados Port Inc. may disclose information which it receives to
- (a) an authorized official; or
 - (b) a duly authorized representative of the government of another country,
- in connection with the enforcement of this Act or any other enactment.

Prohibition of publication or disclosure of information of unauthorized persons

88.(1) No person shall, without the consent in writing given by or on behalf of Barbados Port Inc., publish or disclose to any person other than in the course of his duties, or when lawfully required to do so by any court or under any law, the contents of any document, communication or information whatsoever, which

relates to, and which has come to his knowledge in the course of his duties under the Act.

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding \$50 000.

(3) Where any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine of \$50 000.

(4) The consent of Barbados Port Inc. under subsection (1), shall not be unreasonably withheld.

Confidentiality

89.(1) No employee or agent of Barbados Port Inc. shall

- (a) use, either directly or indirectly, any confidential information obtained as a result of his relationship with Barbados Port Inc. for his own benefit or advantage; or
- (b) disclose confidential information obtained as a result of his relationship with Barbados Port Inc. to any person other than to
 - (i) an authorized official; or
 - (ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other enactment.

(2) A person who receives confidential information from a person specified in subsection (1) is subject to the provisions of this section as if he were a person specified in subsection (1).

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$150 000 or to imprisonment for 3 years or to both.

Publication of Information

90. Barbados Port Inc. may publish in the *Official Gazette* and in a newspaper published and circulating in Barbados and, in such form as may be appropriate, any information which Barbados Port Inc. considers to be of public interest.

Contractual requirements

91. Contractual arrangements between Barbados Port Inc. and other parties shall be consistent, to the extent practicable, with the standard contracts developed by the Baltic and International Maritime Council (BIMCO), on matters including, but not limited to

- (a) ship repairs;
- (b) ship and offshore structure dismantling works; and
- (c) any other port-related services carried out under a contract, for which there is an applicable BIMCO standard contract.

Transfer of Functions outside of Barbados on behalf of Barbados Port Inc.

92.(1) The Chief Executive Officer, with the approval of the Minister, may where he considers it justifiable, authorize an entity or competent person outside Barbados to perform specified regulatory oversight responsibilities on behalf of Barbados Port Inc. under this Act or under any other enactment in which there are specified functions in relation to Barbados Port Inc.

(2) Any transfer pursuant to subsection (1) shall be executed by way of a transfer agreement.

Power to make regulations

93. The Minister may make regulations generally to give effect to the provisions of this Act.

Power to amend Schedules

94. The Minister may by order amend the *Second* and *Third Schedule*.

- (a) the Act; or
- (b) regulations made under the Act.

FIRST SCHEDULE*(Sections 5(3) and 70(2))*

Seaport Industry (Management, Operations and Development) Act, 2025
 (Act 2025-)

Administrative Penalty Notice

On the _____ day of _____, 20____ at _____
(Time)

_____, you _____
(Location) (Name of person to whom notice is issued)

contravened requirements

1. specified in an instrument issued by Barbados Port Inc., pursuant to section 5(1)(k)(i)/5(1)(k)(ii)/
2. specified in a harbour directive issued by the Harbour Master, pursuant to section 70(1)(p).

The particulars of the contravention(s) are that you:

The administrative penalty amount for the contravention(s) is \$_____.

SECOND SCHEDULE

(Sections 31(3) and 94)

SEAPORT RESEARCH FOR DEVELOPMENT COMMITTEE

Appointment of members

- 1.(1) The Committee shall comprise of 11 members, as follows:
 - (a) 3 representatives from Barbados Port Inc.;
 - (b) 2 representatives from the Administration;
 - (c) 2 representatives from Barbados Investment and Development Corporation;
 - (d) one representative from the Faculty of Science and Technology, University of the West Indies, Cave Hill Campus;
 - (e) one representative from the Faculty of Social Sciences, University of the West Indies, Cave Hill Campus; and
 - (f) two persons appointed by the Minister as follows:
 - (i) one person who appears to the Minister to be qualified and experienced in economics, accounts, finance, tax, law, public administration or business or such other area as, in the opinion of the Minister, is required for the discharge of the functions of the Committee; and
 - (ii) one person nominated by the most representative organization of employees from among its members.
- (2) A member shall, subject to the provisions of this *Schedule*,
 - (a) hold office for a term not exceeding 3 years; and
 - (b) be eligible for reappointment.

- (3) The Minister shall, pursuant to paragraph (2), determine the term of office of a member in such a manner that in any one year the respective terms of office of no more than 3 members expire.

Chairman and Deputy Chairman

2. The Minister shall appoint a member to be Chairman, and another to be Deputy Chairman, of the Committee.

Resignation

- 3.(1) The Chairman may resign his office by instrument in writing addressed to the Minister.
- (2) A director, other than the Chairman, may resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister.
- (3) A resignation takes effect from the date on which the Minister receives the instrument.

Temporary leave of absence

4. The Minister may, in writing, grant a leave of absence to a member.

Temporary appointment

5. Where a member is, or is likely to be, unable to perform the functions of his office for more than 30 days, whether as a result of absence from Barbados, illness or other cause, the Minister may appoint a person to act in the place of the member for that period.

Revocation of appointment

6. The Minister shall revoke the appointment of a member who
- (a) fails to carry out any of his functions under this Act;

- (b) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (c) is convicted of an offence involving fraud or dishonesty or, in the case of any other offence, is sentenced to a term of imprisonment;
- (d) is guilty of serious misconduct in relation to his functions;
- (e) is bankrupt or compounds with or suspends payment to his creditors; or
- (f) fails to declare a conflict of interest in a matter before the Committee.

Vacancies

7.(1) A vacancy in the membership of the Committee arises on

- (a) the death or resignation of a member;
- (b) the revocation of the appointment of a member; or
- (c) the absence of a member from 4 consecutive meetings of the Committee without the approval of the Minister.

(2) A person who is appointed to fill a vacancy referred to in paragraph (1) shall hold office only for the unexpired portion of the term of the former member concerned.

Disqualification

8. A person who

- (a) is a member of Parliament;
- (b) other than a person specified in paragraph 1(a)(ii) or (iii), is a public officer within the meaning of the *Public Service Act*, Cap. 29; or
- (c) were he a member, would be removed from office pursuant to paragraph 6,

is not eligible to be a member.

Gazetting of appointments

9. The appointment, resignation, death or removal of a member of the Committee shall be notified in the *Official Gazette*.

Seal and execution of documents

10.(1) The seal of the Committee shall be

- (a) kept in the custody of the Chairman, the Deputy Chairman or the person performing the functions of secretary to the Committee and may be affixed to documents or instruments pursuant to a resolution of the Committee, in the presence of any 2 of the persons referred to in this sub-paragraph; and
- (b) authenticated by the signature of the Chairman or the Deputy Chairman or the person performing the functions of secretary to the Committee.

(2) All documents or instruments made by the Committee, other than those required by law to be under seal, and all decisions of the Committee shall be signified under the hand of the Chairman or the Deputy Chairman or the person performing the functions of secretary to the Committee.

Meetings

11.(1) The Committee shall meet quarterly or as often as may be necessary or expedient for the transaction of its business; and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The Chairman or, in the event of his absence from Barbados or inability to act as such, the Deputy Chairman

- (a) may at any time call a special meeting of the Committee; and
- (b) shall call such a meeting within 7 days of the receipt by him of a request for that purpose addressed to him in writing and signed by not fewer than 3 members.

- (3) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Committee.
- (4) Where the Chairman and the Deputy Chairman are absent from a meeting, the directors present shall elect a director from among their number to preside at the meeting.
- (5) Five members shall constitute a quorum of the Committee.
- (6) The decisions of the Committee shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.
- (7) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Committee or by such other officer as the Committee appoints for that purpose, and shall be confirmed by the Committee and signed by the Chairman or Deputy Chairman at the next meeting of the Committee.

Attendance of non-members at meetings

- 12.** The Committee may invite any person to attend a meeting to assist or advise it with respect to a matter under its consideration, but a person so invited does not have a right to vote.

Committee may regulate proceedings

- 13.** Subject to the provisions of this *Schedule*, the Committee may regulate its own proceedings.

THIRD SCHEDULE*(Sections 35(1)(b) and 94)***STCW-CERTIFIED BARBADIANS TO BE HIRED FOR SERVICE ON
HOME PORTING VESSELS**

Ship Type or Trade	Period of Operation	Proportion of Barbadian Crew (negotiable)
Offshore Supporting Vessels	More than 90 days	1/3 (one-third – 34%) crew
	More than 180 days	½ (half – 50%) crew
	More than 360 days	2/3 (two-thirds – 67%) crew
Cruise ships	More than 30 days	20% (or other negotiable percentage)
	Less than 30 days	15%
Exploration and Prospecting Vessels and Platforms	More than 90 days	¼ (one-fourth – 25%) crew
	More than 180 days	1/3 (one-third – 34%) crew
	More than 360 days	½ (half – 50%) crew
	More than 720 days	2/3 (two-third – 67%) crew
Vessels in Cabotage Trade	More than 90 days	1/5 (one-fifth – 20%) crew
	More than 180 days	1/3 (one-third – 34%) crew
Any other Vessels (including vessels chartered to a Barbadian Company)	More than 90 days	2/3 (two-third – 67%) crew

***N.B. hiring arrangements are negotiable**

FOURTH SCHEDULE

(Section 77(2)(c))



Seaport Industry (Management, Operations and Development) Act, 2025
(Act 2025-)

**Notice relating to Cruise Passenger Contributions to
Barbados' Maritime Sector Sustainability Efforts**

Pursuant to section 77(1) of the *Seaport Industry (Management, Operations and Development Act, 2025*, (Act 2025-) a nominal fee in an amount of _____
(specify amount)
for the purpose(s) of _____ is being included in the
(specify purpose(s) of nominal fee)
price of every cruise passenger ticket into Barbados for the period _____.
(insert specific period)

The cruise company or its agent is responsible for collecting the nominal fee from every cruise passenger at the time of booking. Where nominal fees are not collected at the time of booking, the said fees shall be collected in accordance with section 77(5) of the Act.

Nominal fee contributions will be transmitted to the Seaport Industry Fund established under section 76 of the Act.

Barbados expresses its sincere gratitude for your support through the nominal fee. This support will assist Barbados in effectively managing and preserving its environment and ecosystems from the impacts of maritime transport and related activities, building climate resilience, and overall enhancing national sustainability efforts.

With your contribution, Barbados will be able to maintain a clean and pristine environment from land to sea, undertake actions in fulfillment of continued integrated sustainable development of the maritime sector, and consistently present our country as one of the most beautiful places in the world to be enjoyed by visitors and locals alike.

FIFTH SCHEDULE*(Section 57(2))*

Seaport Industry (Management, Operations and Development) Act, 2025
(Act 2025-)

OCEAN MINERALS AND PRECIOUS METALS DECLARATION FORM

THIS IS TO DECLARE that:

1. The minerals and/or precious metals described and supported by images as contained in the annex to this Declaration have been ethically, responsibly and sustainably sourced and recovered from Barbados waters /the Area under Barbados' sponsorship, in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-) and any statutory instruments thereunder.
2. All minerals and/or precious metals recovered from the sea have been delivered to the Port of Bridgetown as required by section 56.
3. Measures as specified in the annex to this Declaration will be undertaken in accordance with the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-) and its associated statutory instruments, to advance the minerals and/or precious metals through the supply chain process in a responsible manner.
4. The particulars relating to mineral and/or precious metals type, quantity, value, and other particulars relating to the minerals and/or precious metals specified in the annex to this Declaration are true and accurate.
5. Where an Order is in force pursuant to section 64, a percentage of minerals and/or precious metals (indicate percentage) have been set aside to contribute to the overall percentile requirements specified by the Minister responsible for Natural Resources in the said Order.

*Fifth Schedule - (Cont'd)***ANNEX TO OCEAN MINERALS AND PRECIOUS METALS DECLARATION**

1. Particulars of licence holder and licence issued under PART VI, *Maritime and Underwater Heritage Act, 2025* (Act 2025-).

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3. Particulars on the methods employed to ensure ethical, responsible and sustainable sourcing and recovery of the minerals and/or precious metals from the sea.

Fifth Schedule - (Cont'd)

4. Description and quantity of minerals and/or precious metals recovered from the sea.

5. If for export, export particulars, include type and quantity of minerals and precious metals for export, country of destination.

6. If for local consumption, provide brief description on intended local uses and/or targeted sectors.

Fifth Schedule - (Concl'd)

7. Statement on measures that will be undertaken to advance the minerals and/or precious metals through the supply chain process in a responsible manner.

8. *(Applicable only where an Order is in force pursuant to section 64).*

Indication of percentage of minerals and/or precious metals allocated for contribution towards overall percentile requirements specified in an Order made and in force pursuant to section 64.

9. Particulars relating to the value of minerals and/or precious metals.

SIXTH SCHEDULE*(Section 57(4))*

Seaport Industry (Management, Operations and Development) Act, 2025
(Act 2025-)

FORM OF CERTIFICATE OF CLEARANCE

THIS IS TO CERTIFY that:

1. An Ocean Minerals and Precious Metals Declaration Form has been submitted to the Comptroller of Customs, in accordance with section 57.
2. The minerals and/or precious metals to which the Declaration relates have been inspected and verified to correspond with the minerals and/or precious metals delivered to the Port of Bridgetown.
3. The person seeking clearance in respect of the minerals and/or precious metals holds the relevant permit/licence and other relevant documentation under the *Maritime and Underwater Heritage Act, 2025* (Act 2025-) or is otherwise authorized in writing by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) to carry out such clearance activities.
4. Having verified the above and all other related matters, clearance is granted for release of the said minerals and/or precious metals on the market.

Notes:

Trade or supply chain compliance requirements apply as follows (Barbados Port Inc. to indicate where applicable)

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

INTEGRATED COASTAL AND MARINE MANAGEMENT ACT, 2025

OBJECTS AND REASONS

This Bill would

- (a) repeal and replace the *Coastal Zone Management Act, Cap. 394*;
 - (b) increase the ambit and focus of the Coastal Zone Management Unit to incorporate disaster risk management, as it relates to the coasts and coastal resources of Barbados; and
 - (c) provide for the more effective management of the coastal resources of Barbados, for the conservation and enhancement of those resources in light of climate change and adaptation,
- and provide for matters related thereto.

INTEGRATED COASTAL AND MARINE MANAGEMENT ACT, 2025

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BARBADOS

A Bill entitled

An Act to

- (a) repeal and replace the *Coastal Zone Management Act, Cap. 394*;
- (b) increase the ambit and focus of the Coastal Zone Management Unit to incorporate disaster risk management, as it relates to the coasts and coastal resources of Barbados;

- (c) provide for the more effective management of the coastal resources of Barbados, for the conservation and enhancement of those resources in light of climate change and adaptation; and
- (d) provide for matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Integrated Coastal and Marine Management Act, 2025*.

Interpretation

2. In this Act,

“artificial reef” means any natural or man-made structure placed in or on a body of water typically built to promote marine life in areas with a generally featureless bottom to serve as shelter and habitat, source of food, breeding areas for fishery species and contribute to shoreline protection;

“accretion” means the natural and gradual increase of land due to the accumulation of soil, sand and rocks deposited by water action;

“avulsion” means a sudden and violent shift in a watercourse, resulting in significant land loss;

“alluvion” means the slow increase of land area, whether by artificial or natural processes due to accumulation of soil, clay or other material on the sea-shore;

“Barbados Coast Guard” means the Barbados Coast Guard established by the *Defence Act, Cap. 159*;

“beach” means the entire area associated with the shoreline, composed of unconsolidated materials, typically sand pebbles, coral rubble and beach rock, that extends landwards from the high-water mark to the area where there is a marked change in material or natural physiographic form or as applied to the East coast and some Southeast coast beach locations to a distance of 500 metres landward from the mean high water mark, whichever is the lesser distance;

“beach rock” means formerly unconsolidated materials of the area associated with the shoreline which have been naturally cemented into rock;

“berm” means a nearly horizontal part of the beach or backshore formed by the deposit of material by wave action;

“breakwater” means any structure, constructed or otherwise, whether attached to the shore or otherwise, that

(a) is parallel to or at an angle to the shore;

(b) is continuous or segmented; or

(c) protrudes above the surface of the water or is submerged

protecting the shoreline or a beach, harbour, anchorage or basin from the action of waves or trapping sand or sediment;

“climate change adaptation” means an adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

“coastal resources” means the land, water, minerals and nodules found on or under the seabed and living resources associated with the shoreline, water column, and marine areas of Barbados, including beaches, shorecliffs, seascapes and other resources of aesthetic value, coral reefs, coral rubble, algal beds, seagrass beds, sand dunes, mangroves, other wetlands and other ecosystems found along the shore together with the flora and fauna found in these areas;

“coastal area” or “coastal zone”

- (a) means an area of land and adjacent ocean space (including water and submerged land) extending to the EEZ limits of Barbados in which terrestrial processes and uses directly affect oceanic processes and uses, and in which coastal and marine processes and uses directly affect terrestrial processes and uses; and
- (b) includes areas within a landmark limit of one kilometre from the shoreline at high tide, mangrove swamps, maritime forests, brackish water, ponds, wetlands, marshlands, estuarine rivers, sandy beaches and other areas with a seaward limit up to the limits of Barbados’ 200 nautical mile EEZ, and coastal cliffs, wave-cut platforms, sedimentary bluffs and slopes, sand dunes, coral reefs, algal flats, seagrass beds and other soft-bottom areas;

“coastal protection notice” means a notice described as such and issued in accordance with this Act;

“coastal zone inspector” or “inspector” means the post of coastal zone inspector established in accordance with the *Public Service Act*, Cap. 29;

“Coastal Zone Management Unit” or “Unit” means the department of the government specified in the *First Schedule* in *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“coral” means a colony of

- (a) tiny animal polyps with a skeleton of rigid calcium carbonate that may appear very much like a hard rock; or
- (b) polyps with a more flexible skeleton of calcium carbonate blended with protein that may appear like a waving fan, pen, soft rod or mass;

“coral nursery” means a frame, module, mat, rope, artificial tree-shaped structure, reef ball or patch of groyne, breakwater, natural substrate, laboratory or other approved substrate upon which coral recruits naturally or upon which

coral fragments are attached in order to grow them to a size to which they can be transplanted;

“coral out plant location” means a marine location that has been inspected and approved by the Coastal Zone Management Unit as a location where coral fragments grown in coral nurseries, corals that have to be relocated or requiring transplantation may be attached to the substrate or an approved structure by approved authorized personnel for the purpose of coral research or the repopulation of a coral reef or predetermined coral restoration area;

“coral reef” means an underwater biological community of flora and fauna and their physical environment characterized by reef-building and soft corals, or a ridge of rock in the sea formed by the growth or deposition of coral;

“coral sample collection location” means a marine location that has been inspected and approved by the Coastal Zone Management Unit as a location where coral fragments or coral samples may be collected by approved authorized personnel for the purpose of coral research or the population of a coral nursery;

“Designated Marine Area or “DMA” means an area designated by the Minister under section 21;

“development” means the carrying out of building, engineering, mining or other operations in, on, over or under any land or submerged land, the making of any material change in the use of any buildings, or other land or the subdivision of land, or submerged land;

“Director” means the post of Director in the Unit established in accordance with the *Public Service Act*, Cap. 29;

“disaster risk management” means the systematic process that integrates risk identification, prevention, mitigation and transfer, as well as disaster preparedness, emergency response and rehabilitation or reconstruction to lessen the impacts of hazards;

“fauna” means any animal or part thereof which is common to the coast, beach, coastal, territorial or oceanic waters such as coral, fish, shell fish, turtle,

shark, dolphin, mantaray, stingray, sea snake, mollusc, crustacean, sponge, echinoderm, or other marine animal as well as its young and eggs;

“fish” means an aquatic animal, whether piscine or not, such as shell fish, turtle, shark, dolphin, mantaray, stingray, sea snake, mollusc, crustacean, coral, sponge, echinoderm, as well as their young and eggs or any part of such animal, its young or eggs;

“fishing with explosives”

(a) means the use of dynamite, other explosive or other chemical compound that contains combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or part of the compound will kill, stupefy, disable, or render unconscious any fisheries species and aquatic resources and is capable of damaging or altering the natural habitat; and

(b) includes the use of any other substance or device which causes an explosion capable of damaging or altering the natural habitat;

“flora” means any part of a plant which grows on the beach, coast or ocean waters including seaweeds, algae, sea grasses, mangroves, beach ground cover plants, cacti, shrubs, trees as well any other plant or grass which grow in this coastal region;

“foreshore land” means a strip of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and upper limit of a wave wash at high tide usually marked by a beach scarp or berm;

“former Act” means the *Coastal Zone Management Act*, Cap. 394;

“General Manager” means the General Manager of the Marine Managed Areas (MMAs) Unit;

“groyne” means any barrier or boulders or other materials which are attached to the shore or extend in any direction across the foreshore as a means of trapping and retaining sand or sediment on the beach;

“habitat” means the natural home or environment of an animal, plant or other organism;

“high water mark” means the line of the highest run up of waves, which is defined by the limit of the wave run up of the high tides nearest to the first or last quarter of the lunar month occurring on the third or fourth day before or after the day of a full moon determined as specified by section 37;

“integrated coastal zone management” means a resource management system that integrates all relevant policy areas, sectors, and levels of administration and an interactive planning process in addressing management issues in the coastal zone;

“Interpretive Centre” means marine areas that include artistic installations, art works, sculptures or displays of underwater objects;

“low water mark ” means the line of exposed land at the coast of Barbados at mean low water spring tide;

“marine area”

(a) means the submarine areas within the territorial waters and EEZ of Barbados; and

(b) includes any adjoining land or swamp area that forms a single ecological entity with a submarine area referred to in paragraph (a);

“Marine Managed Areas (MMAs) Unit” or “MMA Unit” means the Marine Managed Areas (MMAs) Unit of the Coastal Zone Management Unit;

“marine park” means

(a) a park consisting of an area of sea and beach or coast protected for recreational use; or

(b) a park to preserve a specific coastal resource and ensure the ecosystem is sustained for the organisms that exist there;

“Police Service” means the Barbados Police Service established under the *Police Act*, Cap. 167 and the *Constitution*;

“prohibited area” means a coastal area designated as such in an order made under ;

“receiver of wreck” means a receiver of wreck appointed under section 267 of the *Shipping Act*, Cap. 296 and section 216 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“restricted area” means a coastal area designated as such in an order made under section 55;

“seagrasses” means any of various submerged plants including eelgrass, tape grass, and turtle grass of usually shallow coastal waters that have narrow grass-like leaves and often form dense underwater meadows;

“waters of Barbados” means the waters of the Exclusive Economic Zone, the territorial waters and internal waters of Barbados, as defined in the *Barbados Territorial Waters Act*, Cap. 386, and any other waters over which Barbados has jurisdiction;

“wreck” means sunken boats, ships and derelicts abandoned by their owners found within the territorial waters of Barbados and are not in the custody of the receiver of wrecks.

Act binds the State

3. This Act binds the State.

Administration of Act

4. The Minister shall administer this Act.

Functions of the Minister

5.(1) The functions of the Minister are to

- (a) develop and implement policies or procedures to enforce the purposes of the Act, to encourage and ensure the protection and sustainable use of the coast or coastal resources and where required issue guidelines for the public use;

- (b) do all things necessary for the purpose of carrying out his functions under the Act;
 - (c) ensure efficiency and transparency in the administration of this Act;
 - (d) develop, implement and enforce the integrated coastal zone management plan;
 - (e) develop a disaster risk management plan for the coastal zones in Barbados as a part of the coastal zone management plan;
 - (f) develop policies, procedures and guidelines for coastal zone management areas or designated marine areas to ensure the protection, preservation and sustainable use of coastal resources of Barbados;
 - (g) develop policies, procedures and guidelines for climate change adaptation for the coastal zone;
 - (h) develop policies for enhancement of coastal zone management areas; and
 - (i) develop enforcement procedures in relation to the inspection of premises that are operated by a person in order to ensure compliance with the provisions of this Act or the regulations.
- (2) The Minister shall with respect to development of coastal lands and in advising Cabinet in respect of the use and development of the land in the coastal zone management area consider the coastal zone management plan.

PART II

ADMINISTRATION

Establishment of the Coastal Zone Management Unit

6.(1) The Coastal Zone Management Unit, in this Act referred to as “the Unit”, is established.

- (2) The Unit shall be a department of the Public Service.
- (3) The Director shall be the head of the Coastal Zone Management Unit.
- (4) The Unit shall be assisted by such staff as is required for the purposes of carrying out the provisions of this Act.
- (5) The public offices required for the purposes of section 7, shall be established in accordance with the *Public Service Act*, Cap. 29.

Functions of the Unit

- 7.(1) The Unit shall have the following functions:
 - (a) assist the Minister with
 - (i) the protection and management for the coastal zone, beaches, marine areas and related matters;
 - (ii) marine renewable energy affairs;
 - (iii) matters related to seawater desalination;
 - (iv) blue carbon management;
 - (v) matters related to coastal and marine tourism;
 - (vi) coastal and marine spatial planning;
 - (vii) matters related to marine cultural heritage protection; and
 - (viii) the general administration of this Act;
 - (b) promote integrated coastal zone management
 - (i) within each sphere of government;
 - (ii) between different spheres of government; and
 - (iii) between organs of state and other parties concerned with coastal management; and

- (c) promote the integration of coastal management concerns and objectives into
 - (i) those environmental implementation plans and environmental management plans referred to in the national development strategies to which they are relevant; and
 - (ii) national development policies, plans and strategies.
- (2) In performing the functions specified in subsection (1), the Unit shall
 - (a) formulate standards and prescribe codes of practice for the internal use of the Unit;
 - (b) facilitate or conduct scientific research in respect of beaches, coastal processes, coastal ecosystems, the coastal zone or marine areas and where applicable, apply the results of such research in the development of these areas for the benefit of Barbados; and
 - (e) do all such things as the Unit considers necessary or expedient for the purpose of enforcing or administering this Act.

Functions of the Director

- 8.** The functions of the Director are to
- (a) coordinate, manage and administer the functions of the Unit;
 - (b) enforce and administer the provisions of this Act;
 - (c) assign personnel as may be necessary to ensure effective implementation of this Act;
 - (d) assist in the development and implementation of a coastal hazard management plan for the coastal zone of Barbados as part of the coastal zone management plan and contribute such information to the Director, Emergency Services of the Department of Emergency Management as may be required;

- (e) be subject to such directions whether of a special or general character in relation to the policy or procedures with respect to enforcing the Act or policy generally as the Minister gives in writing on any matter that affects coastal resources or the public interest of Barbados, and the Director shall give effect to such directions;
- (f) advise the Ministers, Boards, Commissions, and other statutory authorities on such matters as the Minister may require with respect to coastal zone management under this Act or on related coastal matters;
- (g) attend public consultations convened in accordance with the *First Schedule*;
- (h) prepare or cause to be prepared an integrated coastal zone management plan in accordance with this Act;
- (i) collect, collate and include information relating coasts and coastal zone management in Barbados and where required establish and maintain an electronic database with that information;
- (j) provide for the distribution of educational material and the conduct of training programmes in relation to the use of coastal zones and marine areas in Barbados;
- (k) review documents submitted in support of applications under the *Planning and Development Act, 2019* (Act 2019-5) and submit recommendations to the Planning Office;
- (l) require coastal studies or other research where required to do so by the Minister for the purposes of the Act;
- (m) review documents submitted in support of applications or bids for contracts in respect of shoreline stabilization works or other works in coastal areas, ensure site inspections, coordinate the verification of submitted documents with relevant Ministries and other agencies and facilitate an environmental impact assessment or other studies, where required;

- (n) make recommendations or give advice to the Minister or the Director of Planning and Development, as may be required by the *Planning and Development Act, 2019* (Act 2019-5);
- (o) with the approval of the Minister, establish
 - (i) marine parks in a Designated Marine Area; or
 - (ii) artistic installations, art works or displays of underwater objects;
- (p) manage and control the marine parks and Interpretive Centres established under this Act;
- (q) carry out inspections for the purpose of detecting breaches of this Act and initiating protective action with respect thereto;
- (r) issue such notices, certificates and other statutory documents as are directed by the Minister or authorized by this Act;
- (s) provide the Minister with such data, reports and other information concerning the performance of the Director's duties as the Minister may from time to time require;
- (t) perform such other functions assigned to the Director under this Act or any other enactment; and
- (u) perform such other functions as may be assigned to the Director by the Minister or under this Act.

Coastal Zone Inspector and the Barbados Coast Guard

9.(1) The Director shall be assisted by such a number of public officers as may be designated by the Minister to discharge the functions of coastal zone inspector under this Act.

(2) The Barbados Coast Guard shall exercise the powers granted by the section 208 of the *Defence Act*, Cap. 159 in circumstances where the Barbados Coast Guard deems necessary to exercise such powers to protect the coast and costal waters of Barbados.

(3) The Director may in accordance with section 9(2) of the *Defence Act*, Cap. 159 seek the assistance of the Barbados Coast Guard where he deems it necessary for the management of coastal resources and the Barbados Coast Guard shall assist when called upon to do so.

(4) (Insert 6(5))

Powers of Coastal Zone Inspector

10.(1) A coastal zone inspector, for the purposes of this Act, shall have the power to

- (a) patrol or monitor coastal zone management areas, designated marine area or other coastal zones;
- (b) enter and search any place or premises where the inspector reasonably believes infringement of the provisions of this Act or any Act that affects coastal zone management has occurred or is likely to occur;
- (c) enter and search any place or premises where the inspector reasonably believes that evidence of infringement of the provisions of this Act or any Act that affects coastal zone management will be found;
- (d) stop and search any vehicle or vessel in relation to which the inspector reasonably believes infringement of the provisions of this Act or any Act that affects coastal zone management has occurred or is likely to occur;
- (e) require the production of any document which the inspector reasonably believes contains information relevant to an infringement, which the inspector reasonably believes has occurred or is imminent, and that affects the protection of the coastal zone;
- (f) prepare and serve on individuals, institutes or developers, coastal zone protection notices;
- (g) require the production of any document required to be kept under the provisions of this Act or any Act that affects coastal zone management;

- (h) require the production of any document which the inspector reasonably believes contains information relevant to
 - (i) ensuring compliance with the provisions of this Act or the Regulations; or
 - (ii) determining an infringement of the provisions of this Act or the Regulations;
 - (i) make reasonable inquiries of any person, whether orally or in writing with respect to a place, premises, vehicle or vessel; and
 - (k) exercise any other power related to inspection or investigation granted under the Regulations.
- (2) An inspector shall, when performing functions under this Act, produce the inspectors identification card.
- (3) A power under paragraph (a) or (b) of subsection (1) shall not be exercised in relation to a dwelling house except by an order of the Court.
- (4) The Director shall have all the powers of a coastal zone inspector.
- (5) For the purposes of paragraph (1), “search” includes taking samples of substances for the purpose of analysis, taking copies of documents, taking photographs and taking videos or voice recordings and the power to seize any coral, fish or other coastal resources.

Order by Magistrates

11.(1) Where a magistrate is satisfied, on evidence on oath by a coastal zone inspector, that it is necessary for the coastal zone inspector to exercise a power under section 10(1) in relation to a dwelling house, the magistrate may issue an order authorising the coastal zone inspector to exercise any power under section 10(1) and specify in the order a period of time for such inspection.

(2) Where a magistrate is satisfied, on evidence on oath by a coastal zone inspector that

- (a) an existing order be exercised in relation to a dwelling house was not effected due to administrative delays or other internal matters; or
- (b) the inspector was not able effectively to carry out the inspector's duties under this section 10(1) in accordance with the order because
 - (i) no occupier is present to grant access to a place, premises, vehicle or vessel that is locked or is otherwise inaccessible;
 - (ii) a person has prevented the inspector from exercising a power under section 10(1); or
 - (iii) there was reasonable ground for the coastal zone inspector to believe that to exercise a power under that section might otherwise defeat the purpose thereof or endanger human life, human health, property or the environmental quality of the coastal zone

the magistrate may issue a further order or renew an existing order authorizing the inspector to exercise any power under that section that is specified in the order for a further period of time.

(3) An order made under this section expires 30 days after the date on which it is made unless renewed for any reason mentioned in subsection (2) before expiration of the order.

(4) An order made under this section shall be carried out at any reasonable time unless the order authorises otherwise.

(5) An order made under this section may be issued or renewed on application notwithstanding that no notice of the application is given to a person who may be affected thereby.

PART III

COASTAL ZONE MANAGEMENT PLAN

Management plan and zoned areas

- 12.** The Director shall prepare for the approval of the Minister
- (a) an integrated coastal zone management or an amendment to an integrated coastal zone management plan;
 - (b) a description of an area to be delimited, demarcated or designated as a coastal zone management area or an amendment to a description of an area to be delimited, demarcated or designated as a coastal zone management area; or
 - (c) a description of an area to be delimited, demarcated or designated as a designated marine area or an amendment to a description of an area to be delimited , demarcated or designated as a designated marine area.

Content of Management Plan

- 13.(1)** The coastal zone management plan shall include
- (a) policies, strategies and standards for the development and maintenance of structures in the coastal zone management area or the proposed coastal zone management area;
 - (b) standards for environmental impact assessment for development which may affect the conservation and management of coastal resources;
 - (c) standards for water quality in coastal and marine areas to effect the maintenance, rehabilitation and enhancement of coastal and marine habitats;
 - (d) provisions for public access to the beach and other natural areas of the coastal zone;

- (e) make any area in a coastal zone marine area, a marine designated area;
- (f) standards for activities such as beach rock removal, coral rubble removal, coral reef management and restoration, installation of any coral nursery, removal of seagrass, removal of flora and fauna for purposes of the aquarium trade, offshore sand mining, dredging, use of explosives and chemicals, use of vehicles on beaches, and the movement and the anchoring of vessels;
- (g) standards for the management of marine parks and designated marine areas;
- (h) provisions designating any areas of the beach as a prohibited area for the purpose of removing vegetation, sand stones, shingle or gravel;
- (i) recognition of social and cultural values of the coastal zone;
- (j) promotion of sustainable land use planning decision-making;
- (k) recognition of the coastal zone as a vital economic zone in support of sustainable coastal economies;
- (l) plans and strategies to
 - (i) mitigate current and future risks from coastal hazards, taking into account the effects of climate change; and
 - (ii) improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events;
- (m) co-ordination of the policies and activities of government and public authorities relating to the coastal zone and the facilitation of the integration of their management activities;
- (n) provisions for participation of all concerned persons in decision making with respect to coastal management and planning, the development and administration of the plan, and including greater

public awareness and outreach, education and understanding of coastal processes and management actions; and

- (o) provisions to deal with emerging issues including plans and strategies for
 - (i) coastal transportation services and associated jetties;
 - (ii) over water bungalows and other buildings;
 - (iii) carrying capacity of beaches;
 - (iv) water parks;
 - (v) inflatable structures; and
 - (vi) other *ad hoc* emerging issues which may arise.

(2) The Director may include such maps and other descriptive or diagrammatic material in the coastal zone management plan as may be necessary to illustrate any coastal area or any strategy, policy, standard or designation in the plan with particularity.

Public consultation

14.(1) The Minister shall cause a public consultation to be held in accordance with the provisions of *First Schedule* where

- (a) the coastal management plan;
- (b) a description of an area to be delimited, demarcated or designated as a coastal zone management area; or
- (c) a description of an area to be delimited, demarcated or designated as a designated marine area

is submitted to the Minister by the Director under section 12.

(2) The Minister shall ensure that the information with respect to the matters referred to in subsection (1) is disseminated to the public to ensure that the public

is sufficiently informed of the public interest concerns and the likely social or economic implications of the matter.

(4) The Minister may at a public consultation consider a single matter contained in subsection (1) or address multiple matters from subsection (1), as the Minister considers appropriate for the public consultation.

Revision from public consultation

15.(1) The Director shall submit to the Minister a summary of the comments or concerns from the public consultation as well as such analysis or recommendations as the Director considers appropriate with respect to the coastal management plan, the description of the coastal zone management area or the description of the special marine area.

(2) The Director shall make such revisions to the coastal zone management plan or a description of the coastal zone management area or special marine area as the Minister may require and submit the revised coastal zone management plan or the description of the coastal zone management area or special marine area to the Minister.

(3) The Minister may subject the revised coastal zone management plan or the description of the coastal zone management area or special marine area to another public consultation in accordance with the provision of the *First Schedule*.

(4) The Minister in consultation with the Director shall determine when there has been sufficient public consultation and that no further consultation is required on a coastal zone management plan, the description of the coastal zone management area or special marine area, and the Minister shall publish a notice to that effect in *Official Gazette*.

Approval by Minister

16.(1) The Minister may approve the

- (a) coastal zone management plan;

- (b) description of the coastal zone management area; or
- (c) description of the special marine area

submitted under section 12(1) without modifications or subject to modifications as the Minister considers expedient.

(2) Where the Minister has approved the coastal zone management plan pursuant to subsection (1)(a) the Minister shall publish the coastal zone management plan in the *Official Gazette* .

(3) A person may purchase a copy of the coastal zone management plan from the Director on the payment of the prescribed fee.

Implementation of the Management Plan

17.(1) The Director shall implement the coastal zone management plan in such a manner as the Minister may require.

- (2) Subject to subsection (3), any person who
 - (a) exercises or performs a function under any enactment; or
 - (b) performs or intends to perform any action for commercial gain, business, scientific research, entertainment or any other purpose

which will affect the coastal resources of Barbados or the conservation and management of coastal resources of Barbados, shall have regard to the coastal zone management plan and the provisions of this Act.

(3) To the extent that the coastal zone management plan and any fisheries scheme set up under the *Fisheries Act*, Cap. 391 both apply to the living resources of the coastal zone outside a coastal zone management area or special marine area which is a restricted or prohibited area, and in the case of any conflict between the scheme and the coastal zone management plan, the fisheries scheme shall prevail.

(4) Notwithstanding the provisions of this Act, the coastal zone management plan shall not be construed as authorising any development that is not permitted

under the *Planning and Development Act, 2019* (Act 2019-5) or any other enactment.

Review and amendment of plan

18.(1) The Minister may, on the advice of the Director, require a review of the coastal zone management plan as the Minister considers necessary, and that plan shall be reviewed at least once every 10 years from the date of its approval.

(2) The Director shall submit a report of the review of the coastal zone management plan to the Minister with such recommendations as the Director considers necessary.

(3) The Director may prepare for the approval of the Minister

(a) amendments to the coastal zone management plan; or

(b) a new coastal zone management plan.

(4) Any amendment to the coastal management plan shall be submitted to public consultation in accordance with the *First Schedule*.

Amendment of description

19.(1) The Minister may require a review of the description of a coastal zone management area or special marine area as he considers necessary, and the description of a coastal zone management area or special marine area shall at least be reviewed once every 10 years from the date of the order made in accordance with section 20.

(2) The Director shall submit a report of the review of the description of a coastal zone management area or special marine area to the Minister with such recommendations as the Director considers necessary.

(3) The Director may prepare for the approval of the Minister

(a) amendments to the description of a coastal zone management area [or special marine area]; or

- (b) a new description of a coastal zone management area or special marine area.
- (4) Any amendment to the coastal management plan [or special marine area] shall be submitted to public consultation in accordance with the *First Schedule*.

Coastal zone management area

- 20.(1) The Minister may by order
 - (a) prescribe the boundaries and description of any coastal zone management area;
 - (b) prescribe, if necessary, that the coastal zone management area is to be either a restricted area or a prohibited area;
 - (c) prescribe the activities which are permitted in the coastal zone management area; and
 - (d) prescribe such permits as may be required as well as fees for the application for permits and fees for the issue of permits and prescribe fees for the use of or activities in a coastal zone management area.
- (2) An order made under subsection (1) shall include the boundaries or description of the coastal zone management area approved in accordance with this Act.
- (3) The Minister may in respect of a coastal zone management area prescribe such permits as may be required as well as fees for the application for permits and the issue of permits and prescribe fees for the use of or activities in a coastal zone management area.
- (4) An order made under subsection (1) shall be published in the *Official Gazette*, and a copy thereof shall be displayed in a conspicuous place in the coastal zone management area.
- (5) The Minister may amend, vary or revoke an order made under subsection (1).

Designated Marine Area

21.(1) The Minister may by order delimit, demarcate or designate a coastal or marine area of Barbados as a designated marine area where he considers it necessary for the

- (a) preservation or enhancement of the natural beauty of the areas;
- (b) protection or rehabilitation of the flora and fauna found in the areas;
- (c) protection of wrecks and other items of archaeological and historical interest found in the areas;
- (d) promotion of the enjoyment by the public of the areas;
- (e) protection of human health;
- (f) designation of any area in special marine area as a prohibited area;
- (g) protection and restoration of coral reefs, seagrass beds, mangroves, beaches, sand dunes and other marine areas;
- (h) promotion of fishery habitat rehabilitation;
- (i) promotion of mariculture; or
- (j) promotion of marine renewable energy.

(2) An order made under subsection (1) shall include the boundaries or description of the coastal zone management area approved in accordance with this Act and prescribe the activities permissible in a designated marine area.

(3) An order made under subsection (1) may designate a designated marine area to be a restricted area or a prohibited area.

(4) The Minister may in respect of a special marine area prescribe such permits as may be required as well as fees for the application for permits and the issue of permits and prescribe fees for the use of or activities in a special marine area.

(5) An order made under subsection (1) shall be published in the *Official Gazette*, and a copy thereof shall be displayed in a conspicuous place in the special marine area.

(6) The Minister may amend, vary or revoke an order made under subsection (1).

Land acquisition

22. Any land required for use in connection with the development or delimiting of a coastal zone management area or special marine area may be acquired by

- (a) private treaty; or
- (b) the State in accordance with the provisions of the *Land Acquisition Act*, Cap. 228.

PART IV

PERMITS

Permits

23.(1) A person who wishes to

- (a) harvest coral;
- (b) transplant of coral;
- (c) import [or export coral] for trade;
- (d) use a restricted area or prohibited area; or
- (f) collect or breed any item listed at paragraphs (a) to (e) for the aquarium trade.

shall apply to the Minister for a permit.

(2) A permit issued under subsection (1) shall only be issued for any of the following:

- (a) scientific study and research;
- (b) preservation or restoration of coral reefs, [seagrass beds, and mangroves or other coastal ecosystems];
- (c) sustainable trade or sustainable commerce;
- (d) creation of artificial reefs; or
- (e) the aquarium trade.

(3) The Minister shall prescribe the form of application and the fees to be paid for the issue of permits under subsection (1).

(4) The Minister may suspend or revoke any permit

- (a) for contravention of any term or condition of the permit; or
- (b) where the Minister is advised by the Director that the suspension or revocation is necessary for the protection of the environment.

Appeal

24. Where the Minister suspends or revokes a permit the aggrieved person may within 21 days of the receipt of the revocation, appeal against this decision to a Judge in Chambers.

PART V

PROTECTION OF COASTAL RESOURCES

Coastal public property

25. Coastal public property consists of

- (a) coastal waters; and

- (b) land submerged by coastal waters, including
 - (i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and
 - (ii) the substrata beneath such land;
- (c) any island, whether natural or artificial, within coastal waters, except
 - (i) any part of an island that was lawfully alienated before the commencement of this Act; or
 - (ii) any part of an artificially created island (other than the seashore of that island)

that is declared by the Minister to be excluded from coastal public property;

- (d) the seashore;
- (e) any portion of a coastal cliff;
- (f) any admiralty reserve owned by the State;
- (g) any state-owned land declared to be coastal public property; or
- (h) any natural resources on or in
 - (i) any coastal public property of a category mentioned in paragraphs (a) to (g);
 - (ii) the exclusive economic zone, or in the continental shelf; or
 - (iii) any harbour, work or other installation or in any coastal public property of a category mentioned in paragraphs (a) to (g) that is owned by an organ of state.

Extending coastal public property

26.(1) The Minister may, by notice published in the *Official Gazette*, declare any state-owned land to be coastal public property in order

- (a) to improve public access to the seashore;

- (b) to protect [sensitive coastal ecosystems];
 - (c) to secure the natural functioning of dynamic coastal processes;
 - (d) to facilitate the achievement of any of the objects of this Act; or
 - (e) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise.
- (2) Before declaring state-owned land to be coastal public property pursuant to subsection (1), the Minister shall
- (a) consult with interested and affected parties; and
 - (b) obtain the concurrence of the Minister responsible for Housing and Lands.
- (3) A declaration made by the Minister under subsection (1) may be withdrawn by the Minister by notice published in the *Official Gazette* with the prior approval of Parliament.

State public trustee of coastal public property

27. The State shall ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the public.

Access to coastal public property

- 28.(1) Subject to this Act and any other enactment, every person has a right to coastal public property and to use such property.
- (3) No fee may be charged for access to coastal public property without the approval of the Minister.
- (4) The Minister shall, before granting approval for the imposition of a fee for the use of coastal public property require a public consultation process to enable interested parties to make representations.
- (5) Subsections (3) and (4) do not apply to coastal public property
- (a) that the state has leased to a private person; or

- (b) that is, or forms part of a protected area or a harbour.

Coastal protection zone

- 29.(1) Subject to subsection (2), the coastal protection zone consists of
- (a) land falling within a [sensitive coastal area] within which unauthorized activities shall not take place;
 - (b) any part of the littoral active zone that is not coastal public property;
 - (c) any coastal protection area or part of such area which is not coastal public property;
 - (d) any land unit situated wholly or partially within one kilometre of the high water mark which at the commencement of this Act
 - (i) was zoned for agricultural or other use; or
 - (ii) was not zoned and was not part of an urban area or other human settlement;
 - (e) any land unit not referred to in paragraph (d) that is situated wholly or partially within 200 metres of the high water mark;
 - (f) any coastal wetland, lake, lagoon, watercourse or dam which is situated wholly or partially within a land unit referred to in paragraph (d)(i) or (e);
 - (g) any part of the seashore which is not coastal public property;
 - (h) any admiralty reserve which is not coastal public property; or
 - (i) any land that would be inundated by a disastrous flood or storm event.
- (2) An area forming part of the coastal protection zone except an area referred to in paragraph (f), (g) or (h) may be excised from the coastal protection zone in terms of adjustment to coastal boundaries.

Purpose of coastal protection zone

30. The purpose of the coastal protection zone is to enable the management and regulation of the coastal ecosystem in order to

- (a) protect the sociological integrity, natural character and the economic, social and aesthetic value of coastal public property;
- (b) avoid increasing the effect or severity of natural hazards in the coastal zone;
- (c) protect people, property and economic activities from risks arising from dynamic coastal processes including the risk of sea level rise;
- (d) maintain the natural functioning of the littoral active zone;
- (e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and
- (f) make land near the seashore available to organs of state and other authorized persons for
 - (i) performing necessary security surveillance patrols;
 - (ii) performing rescue operations;
 - (iii) temporarily depositing objects and materials washed up by the sea or tidal waters.

Management of designated marine areas

31.(1) The Minister may, by notice in the *Official Gazette* appoint a manager for each designated marine area.

(2) The manager shall manage the designated marine area in a manner that will achieve the objectives for which it was established.

(3) The manager may be

- (a) an individual,

- (b) an organ of state; or
 - (c) a juristic person constituted for the purpose.
- (3) The Minister may make regulations
- (a) specifying the duties and powers of the manager; and
 - (b) prescribing the rules to enable the manager to achieve the objectives for which the designated marine area was declared.

Temporary occupation of land within coastal zone

32.(1) Subject to the *Land Acquisition Act*, Cap. 228, the Minister may, in consultation with the Minister with responsibility for Lands direct that land within the coastal zone be temporarily occupied to build, maintain or repair works to implement a coastal management programme, perform shoreline for coastal engineering structure repair or to respond to pollution incidents or emergency situations and may for this purpose

- (a) take from the land stone, gravel, sand, earth or other material;
 - (b) deposit materials on it; and
 - (c) construct and use temporary works on it, including roads, causeways and boulder type construction platforms.
- (2) If the land referred to in subsection (1) is private property, the Minister in consultation with the Minister with responsibility for Lands, shall before the land is occupied, give the occupier and the owner of the land reasonable notice, in writing, of the intention to occupy and the purpose of the occupation.

Discharge of effluent into coastal waters

33.(1) Subject to this Act and the *Marine Pollution Control Act*, Cap. 392A, no person shall discharge effluent that originates from a source on land into coastal waters.

- (2) The Minister with responsibility for the Environmental Protection Department may by notice in the *Official Gazette* authorize persons in general or

a category of persons to discharge effluent into coastal waters and may in an emergency discharge effluent into an estuary or wetland after consultation with the Minister responsible for coastal zone management.

(3) Notwithstanding subsection (2), any person who wishes to discharge effluent into coastal waters contrary to the provisions of that subsection shall apply to the Environmental Protection Department for a coastal waters discharge permit [extra strength agreement].

(4) The Minister may not grant a permit pursuant to subsection (3) where the discharge of effluent is likely

- (a) to cause irreversible or long-lasting adverse effects that cannot satisfactorily be mitigated;
- (b) to prejudice significantly the achievement of any coastal management objective contained in the integrated coastal zone management plan; or
- (c) to be contrary to the interests of the community.

Repair or removal of structures within coastal zone

34.(1) The Director may write a request to the Ministry with responsibility for planning and development for the issuing of a notice requiring the removal of any buildings or structures within the coastal zone if that building or structure

- (a) is having or is likely to have an adverse effect on the coastal environment by virtue of its existence because of its condition or because it has been abandoned;
- (b) has been erected, constructed or upgraded in contravention of *Planning and Development Act, 2019* (Act 2019-5);
- (c) has been erected, constructed or upgraded on state lands without the permission of the Ministry responsible for Housing and Lands; of
- (d) has been erected, constructed or upgraded in contravention of this Act or any other law.

- (2) Before exercising a power to issue a notice under subsection (1), the Director shall
 - (a) consult with the Director of Planning and Development; and
 - (b) allow the person to whom a notice is issued under subsection (1) to make representations.
- (3) A notice issued under subsection (1)
 - (a) shall state
 - (i) the reasons for the notice; and
 - (ii) that the person to whom it is addressed may appeal against the notice; and
 - (b) may instruct the person responsible for the structure
 - (i) to remove the structure from the coastal zone or place where it is situate within a specified period;
 - (ii) to rehabilitate the site and as far as is reasonable, to restore it to its natural state;
 - (iii) to repair the structure to the satisfaction of the Minister responsible for Planning and Development within the time stated in the notice; or
 - (iv) to take any other appropriate steps in terms of this Act or any other applicable legislation to secure the removal or repair of the structure.
- (4) If the identity of the person responsible for a structure referred to in subsection (1) cannot be ascertained, the Minister may
 - (a) publish the notice referred to in subsection (3) in the *Official Gazette* and a daily newspaper in general circulation in Barbados; and
 - (b) post or affix the notice in a prominent place on the building or structure to which it applies.

Fixed penalty

35.(1) Notwithstanding section 23, the Director may, where he considers it in the public interest, serve a Coastal Zone Protection Notice on a person granted a permit where he has reasonable cause to believe that the person granted the permit has

- (a) harvested or taken any coral, fish, fauna or other coastal resource in a manner that was contrary to the permit;
- (b) used an explosive, poison or other noxious substance to harvest coral or catch, take or harvest fish or fauna;
- (c) permitted any explosive, poison or other noxious substance to be used to harvest coral or catch, take or harvest fish or fauna;
- (d) released or caused to be released any pollutant into the environment;
- (e) except in an emergency, cast, dragged or dropped any anchor in such a way as to damage any coral reef;
- (f) caused physical damage to any coral reef, fish, fauna or other coastal resource; or
- (g) has breached the terms of conditions of a permit

in a coastal zone management area or a special marine area which is designated as a restricted area or a prohibited area.

(2) The Director may only issue a Coastal Zone Protection Notice where a coastal zone inspector, Coast Guard or other authorised officer has copies of documents, photographs, videos or voice recordings, or seized coral, fish or other coastal resources as well as the name and contact information of the person who committed the infringement specified in subsection (1).

(3) A Coastal Zone Protection Notice in the form set out in the *Second Schedule*, offering the person an opportunity of discharging any liability that would arise out of a conviction for an offence by payment of a fixed penalty in

the amount set out in the *Second Schedule* shall be served personally on the person alleged to have committed the infringement.

- (4) A Coastal Zone Protection Notice referred to in subsection (1) shall
 - (a) contain a statement of the infringement alleged;
 - (b) contain such particulars of the infringement as are necessary for giving reasonable information of the allegation;
 - (c) specify the period during which, by virtue of subsection (1), proceedings may not be taken for the infringement;
 - (d) contain the amount of the fixed penalty; and
 - (e) specify the magistrate's court to the clerk of which the fixed penalty is to be paid.
- (5) Where a person granted a permit disputes that he is guilty of the conduct described in accordance with subsection (1), he may be prosecuted under section 55.
- (6) The fixed penalty under this section shall be paid to the clerk of the magistrate's court stated in the Coastal Zone Protection Notice issued pursuant to subsection (1).
- (7) In any criminal proceedings for an offence under this section, a certificate that payment of a fixed penalty was or was not made to the clerk of the magistrate's court by the date specified in the certificate signed by the clerk is *prima facie* evidence of the facts stated therein.
- (8) The person issued a notice referred to in subsection (1), is upon payment of the fixed penalty exempt from prosecution for any offence based on the same facts for which the fixed penalty was paid.
- (9) In any criminal proceedings for an offence, a receipt that the payment of a fixed penalty was made is *prima facie* evidence of the facts stated therein.
- (10) The Minister may, by order amend, vary or revoke the *Second Schedule*.

Power to require information

36.(1) For the purpose of enabling the Minister, or the Director to make an order or serve a notice or other document under this Act, the Director may require the owner or the occupier of any premises or vessel, and any person who either directly or indirectly receives rent in respect of any land, vessel or premises, to state in writing the nature of the owner's or occupier's interest therein, and the name and address of any other person known to them to have an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.

(2) The Director may liaise with persons and organisations within or outside of Barbados for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government of Barbados relating to coastal zone management in Barbados.

(3) Any person who, having been required in pursuance of this section to give any such information, without reasonable cause fails to give that information within 28 days of being so required, or such longer period as the Director may allow in any particular case, is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to 3 months imprisonment or to both.

(4) Any person to whom information has been given under this Act, or who has obtained any information in the course of the person's duties under this Act, who makes any unauthorised disclosure of that information to any other person who is not required to receive that information is guilty of an offence and liable on summary conviction to a fine of \$50 000 or to imprisonment of 3 years or to both.

PART VI

MARINE MANAGED AREAS

*General***Definitions**

37. For the purposes of this Part, “designated marine area” means a marine managed area, marine protected area, marine park or marine reserve that is designated by the Minister in a coastal and marine area for the purposes of marine environmental protection, preservation, restoration, rehabilitation, enhance, scientific, educational, cultural, social and economic benefit, or other similar national interest.

Application of this Part

38. This Part applies to designated marine areas established and managed in accordance with this Part.

Objectives of this Part

39. The objectives of this Part are to
- (a) clarify the regulatory, management and operational framework for marine conservation, to manage, develop, regulate and enforce designated marine areas and associated activities of national interest; and
 - (b) provide for general matters in respect of designated marine areas.

Administration

40. This Part is to be administered by the General Manager.

Collaboration

- 41.** The Marine Managed Areas Unit shall collaborate with the
- (a) National Conservation Commission;
 - (b) Fisheries Division;
 - (c) Environmental Protection Department,
- and other regulatory agencies as necessary in the administration of this Part.

Functions of the Marine Managed Areas Unit

Marine Managed Areas Unit

- 42.** The General Manager shall perform the functions specified in section 43.

Functions of the Marine Managed Areas Unit

- 43.** The functions of the MMA Unit are as follows:
- (a) monitoring, regulating, management and administration of designated marine areas;
 - (b) seeking funds for the establishment and development of designated marine areas;
 - (c) expending such funds in furtherance of the management of designated marine areas;
 - (d) management and sustainable development of designated marine areas;
 - (e) enforcing any laws and regulations in respect of designated marine areas and any other incidental activities;
 - (f) development and implementation of policies for designated marine areas;

- (g) development of regulations for establishment and use of designated marine areas;
- (h) setting and collection of fees in respect of designated marine areas;
- (i) mapping, demarcation, signage of designated marine areas, in consultation with the Coastal Zone Management Unit;
- (j) maintenance of demarcation buoys, mooring buoys, signage and other associated facilities;
- (k) restoring and rehabilitating degraded coastal and marine areas within the boundaries of a designated marine area;
- (l) protection and enhancement of coastal and marine resources within the designated marine areas;
- (m) monitoring the physical and biological resources within the areas;
- (n) collaboration with Fisheries Division in areas pertaining to management of, access to, and protection of, fish populations and habitat;
- (o) establishment of, and leading a coordinating body for all agencies having an interest in the designated marine areas;
- (p) promoting conservation of coastal resources within designated marine areas;
- (q) developing educational programs promoting understanding of coastal resources and their uses;
- (r) advising the Minister generally on designated marine areas;
- (s) implementing and enforcing the provisions of this Part and subsidiary legislation to the Act;
- (t) generally carrying out the Act, together with such other functions as may be conferred upon it by the Minister for the purposes of this Part or by any other enactment;

- (u) development and maintenance of strong relationships with all stakeholder groups; and
- (v) to do all such things which are necessary and within the powers of the Unit, in furtherance of the objectives of this Part and related regulations.

Powers of the Unit

44. The Unit may, without prejudice to the generalities outlined in respect of its functions above at section 43, and with the consent of the Minister, undertake any of the following as it deems appropriate in carrying out its functions and promoting the purposes of the Act:

- (a) establish, operate or manage services for the purposes of their duties and functions under the Act, in the publicizing of their activities, the promotion of interest in the conservation of fish, aquatic flora, animals, vegetation and other features and the assistance of visitors to designated marine areas;
- (b) provide educational and informational services to local resident users on any designated marine area; and
- (c) manage or grant concession or licenses to other persons to operate or manage on their behalf any lodges, restaurants or other places for accommodation of visitors travelling to or from any designated marine area, or for the accommodation of visitors to any place of aesthetic, geologic, prehistoric, archaeologic, historic or scientific interest, which may be operated in connection with any designated marine area.

*Declaration of Designated Marine Areas***Declaration by Minister with responsibility for designated marine areas**

45. The Minister, after consultation with the government agencies referred to in section 41, may by notice declare any area within Barbados waters, a coastal or marine area to be a designated marine area where

- (a) the area is of natural, scientific, cultural, historical, ecological, economic, educational or other value; or
- (b) preservation or management of the area is necessary to properly protect, permit access to, or allow public viewing of enjoyment of an area.

Purposes of designation

46. The purposes of the designation pursuant to section 45 are set out as follows:

- (a) to protect, conserve and restore the species and genetic diversity of living and non-living marine resources and the ecosystem processes of coastal and marine areas;
- (b) to stimulate the rational development of underutilized natural resources;
- (c) to manage coastal and marine areas so as to promote sustainability of existing resource use, and the recovery of areas and resources that have been over exploited or otherwise damaged;
- (d) to ensure that local resident users in the vicinity of, dependent on, a designated marine area are involved in all phases of the planning, development and management of that designated marine area, share in the benefits of the operation of the designated marine area, and have

priority in the resource use and economic opportunity afforded by the establishment of the designated marine area; and

- (e) to promote community-oriented education and dissemination of information concerning conservation and sustainable use of a designated marine area.

Responsibility of the National Conservation Commission

Responsibility of the National Conservation Commission in respect of designated marine areas

47.(1) Where any area is established as a designated marine area pursuant to section 45, the National Conservation Commission shall have the power to

- (a) the manage the terrestrial environment, including beaches bordering any designated marine area;
- (b) control, maintenance and development of public parks, public gardens and beaches within proximity of designated marine areas, in accordance with the *National Conservation Commission Act*, Cap. 393;
- (c) develop coastal and terrestrial parks adjoining designated marine areas;
- (d) enter into written agreements with owners or occupiers of land, adjoining the foreshore of any designated marine area, for the purpose of obtaining public access to beaches;
- (e) acquire land for
 - (i) the development of a park; or
 - (ii) the provision of public access to a beach,

in accordance with the *Land Acquisition Act*, Cap. 228;

- (f) adopting and developing general management plans for terrestrial areas, including terrestrial areas adjoining coastal and marine areas; and
 - (g) and any other matters for which the National Conservation Commission has responsibility for under the *National Conservation Commission Act*, in respect of terrestrial areas and terrestrial areas adjoining marine areas.
- (2) The MMA Unit and the National Conservation Commission shall collaborate as necessary to avoid management conflicts.
- (3) The National Conservation Commission shall advise the Minister on the removal of coral from the ocean bed or any other thing the removal of which might cause the encroachment of the sea in a designated marine area.
- (4) The National Conservation Commission shall be responsible for terrestrial areas with in designated marine areas and terrestrial areas adjoining marine areas, including beaches.

Responsibility of the MMA Unit

48. The MMA Unit shall be responsible for any designated marine area within Barbados' waters.

Co-management arrangements for designated marine areas

Power of MMA Unit to enter into co-management arrangements

49.(1) The MMA Unit may enter into co-management arrangements, after consultation with the Coastal Zone Management Unit, and with written consent from the Minister, for the purposes of jointly managing any designated marine area.

(2) A co-management arrangement under subsection (2) shall contain the following particulars:

- (a) the parties to the arrangement;

- (b) the duration of the arrangement;
 - (c) scope of activities within the arrangement;
 - (d) the rights and responsibilities of each party, in respect of the arrangement;
 - (e) the annual pre-determined fee for management and use of designated marine areas;
 - (f) approaches to conflict resolution;
 - (g) terms of termination of the arrangement; and
 - (h) any other relevant information.
- (3) A co-management arrangement shall be in writing and signed by the parties concerned.
- (4) A co-management arrangement shall not be in conflict with this Act, the Integrated Coastal Zone Management Plan or any in-force marine spatial plan.
- (4) The Government of Barbados retains existing role and functions in the management, regulation and enforcement of any designated marine area manage within a co-management arrangement.
- (5) The entity entering into a co-management arrangement with Government shall pay the Government an annual pre-determined fee for management and use of designated marine areas.
- (6) There shall be no transfer of ownership any coastal and marine areas, including areas comprising a designated marine area, or land areas adjoining a designated marine area under any co-management arrangement.
- (7) The Minister may, by regulations, provide for specific requirements for management of designated marine areas within a co-management arrangement.

*Conflict Resolution***Conflict resolution**

50.(1) In case any right, title, interest, franchise, lease, claim, privilege, exemption or immunity of any person in an area declared to be a designated marine area gives rise to conflict, dispute or difference, the Minister shall use best efforts to resolve such conflict, dispute or difference and shall consult and negotiate in good faith and understanding of the mutual interests of the parties to reach a just and equitable solution.

(2) Any dispute may go to arbitration, where the Minister so directs.

(3) Where the dispute or difference is not settled by alternative forms of dispute resolution, the dispute or difference shall be settled by a court of competent jurisdiction.

*Restriction on Grant of Right, License, Title, Interest, etc.***Restriction on grant of right, license, title, interest, etc.**

51.(1) Except as specifically provided under the Act, no activity shall be permitted, and no right, license, title, interest, franchise, lease, claim, privilege, exemption, or immunity may be granted to any person or entity, by any person, agency or entity, whether government or private, in any designated marine area pursuant to the Act, unless

- (a) such grant is consistent to the extent practical, with the *National Conservation Commission Act*, Cap. 393, general management plan of the National Conservation Commission any applicable regulations and the general management plan for designated marine areas;
- (b) such grant is consistent with the *Planning and Development Act*, 2019 (Act 2019-5); and
- (c) there is an express permission of the General Manager.

(2) Where the Minister deems it necessary within a designated marine area, and where it is consistent with the general management plan for designated marine areas, the Minister may, in consultation with the MMA Unit, Environmental Protection Department, and government agencies referred to in section 41, authorize the

- (a) provision of water supplies and the carrying out of works necessary for the purposes of the Act;
- (b) taking of steps to ensure the conservation, security and sustainable use of marine living resources;
- (c) setting aside of all or any portion of a designated marine area as breeding place for fish and other animals and as nurseries for aquatic flora and vegetation;
- (d) entering into written agreements with owners or occupiers of land adjoining the foreshore of designated marine areas;
- (e) making of recommendations of sites suitable for the erection an operation, by persons of hotels and other buildings for the accommodation of visitors, shops or similar undertakings.

General Management Plan for Designated Areas

General Management Plan

52.(1) The MMA Unit shall adopt or develop a general management plan specific to each designated marine area and by regulations state the specific requirements in respect of such general management plan.

(2) The contents of the general management plan for designated marine areas shall be as follows:

- (a) a full description of the nature and location of the designated marine area;

- (b) a brief description of the biological, environmental, geological and cultural resources of the designated marine area, and the use of the area by local residents within the vicinity of the area;
 - (c) detailed statements of proposed objectives;
 - (d) detailed account of local resident users in the vicinity of the area, and other elements which distinguish between classes and categories to which the description applies; and
 - (e) description of buffer zones surrounding a designated marine area.
- (3) The general management plan shall be designed and developed by the General Manager in accordance with this Part and any directive from the Minister in writing, and in consultation with the Director, the Coastal Zone Management Unit.
- (4) Where the general management plan is adopted, the MMA Unit shall notify local authorities, regional and national planning agencies of the adoption.
- (5) No authority shall allocate land and putting to new use any area within a buffer zone, unless
- (a) an assessment of the environmental impact of the proposed activity is conducted pursuant to legal requirements, policy, practice or pursuant to any applicable general management plan or regulations made under the Act; and
 - (b) written notification of the proposed allocation of land or new use is submitted to the General Manager not less than 30 days prior to preparation of the environmental impact assessment.
- (6) Where it is apparent that the proposed activity has a negative effect on fish, animals, water, aquatic flora, vegetation or aquatic substrate, the advice of Coastal Zone Management Unit shall be sought.
- (7) The sale or exchange of any specimen of marine fauna or flora in a designated marine area and purchase of, or exchange, or otherwise the acquisition

of any specimen of marine fauna or flora which may be considered desirable to introduce into a designated marine area shall be prohibited.

(8) The MMA Unit, in consultation with the Coastal Zone Management Unit shall make specific regulations for matters in relation to the general management plan for designated marine areas.

Zones within Designated Marine Areas

Plan of zones and contents

53.(1) The General Manager to prepare and submit a plan of zones as part of the general management plan for a designated marine area;

(2) The contents of a plan of zones shall be as follows:

- (a) a specific map showing the zones and boundaries of the designated marine area;
- (b) description of zones and activities permitted within each zone; and
- (c) any other matter or description necessary for identifying components in the zones.

(3) The Minister, on consultation with the Coastal Zone Management Unit, shall make regulations for plans of zones and contents on the matters in respect of the zones.

Local Resident Users

Publicizing of residences within designated marine areas

54.(1) Hotels, other commercial establishments and private residences within the boundaries of designated marine areas shall advertise that they are within the boundaries of these areas.

(2) Commercial and residential establishments within the boundaries of designated marine areas shall adhere to environmental obligations in respect of

these areas, as well as to preserve and protect these areas; and restore and rehabilitate, such areas, owing to any damage caused to the designated marine areas by these establishments.

(3) A person who causes environmental damage to a designated marine area commits an offence and is liable on summary conviction to a fine of \$500 000.

Designated Marine Areas Fund

Establishment of Designated Marine Areas Revolving Fund

55.(1) There shall be established a fund to be known as the “Designated Marine Areas Revolving Fund” to serve as the repository for

- (a) all funding received from the fees from activities occurring within the designated marine areas;
- (b) all voluntary subscriptions, donations, or bequests received by the Unit, or the co-management entity, or any designated marine area;
- (c) all proceeds from user and entry fees, tourism levies, proceeds from licensing fees and other charges imposed by the Unit in respect of designated marine areas;
- (d) revenue from sustainable resource or development activities conducted by the Unit or any designated marine area;
- (e) any other sum or property which may be vested in the Unit or designated marine area as a result of the performance of its functions; and
- (f) fifty per cent of the proceeds from fines paid in respect of contraventions of the Act or regulations to the Act.

(2) The General Manager shall maintain such accounting records as are required by *Public Finance Management Act, 2019* (Act 2019-1).

(3) A designated marine area shall have an account within the Revolving Fund where all revenues generated from within the designated marine area shall

be retained and expended for pursuance of the objectives outlined in the general management plan of that designated marine area.

(4) The General Manager shall ensure that, where the donor of funds deposited in the Revolving Fund requested that those funds be used at a particular designated marine area, or for activities or equipment, all such funds shall be used in accordance with the donor's request.

(5) The MMA Unit shall, with written approval of the Minister, expend other funds from the account for the establishment and development of designated marine areas, or for any purpose relating to the functions of the MMA Unit.

(6) The General Manager shall submit to the Minister an annual audited report on the sources and uses of funds under the Revolving Fund.

Establishment of Advisory Committee

56.(1) There shall an Advisory Committee established in relation to designated marine areas.

(2) The functions of the Advisory Committee is as follows:

- (a) to advise the Minister on the management and regulation of designated marine areas;
- (b) to oversee the operation of designated marine areas;
- (c) to consult with MMA Unit on technical, scientific and operational matters concerning designated marine areas; and
- (d) to make recommendations and proposals for continued management and sustainable development of designated marine areas.

*Restrictions of Certain Activities in Designated Marine Areas***Specific limitations**

57.(1) The Minister, in consultation with the MMA, may make regulations to provide for specific limitations or to regulate activities based on

- (a) the species of fish, animals, vegetation or aquatic flora;
- (b) the methods employed in fishing, hunting, capturing and gathering of fish and aquatic flora from designated marine areas;
- (c) the type of nets, gear and other equipment permitted in a designated marine area;
- (d) the type of vessels and vehicles permitted in a designated marine area;
- (e) the geographical location in which activities may be conducted;
- (f) the size of the fish, animal, vegetation or aquatic flora; or
- (g) the size of the catch of any fish, animal, vegetation or aquatic flora from the designated marine area.

(2) The regulations made under subsection (1) may close down or limit the activities referred to in subsection (1) seasonally, or for any period of time.

(3) A person who contravenes any regulations made pursuant to subsection (1) shall be liable to a fine of \$50 000.

(4) The Minister may by order prescribe

- (a) fees for licenses activities referred to in subsection (1); and
- (b) provide for exemptions or conditional exemptions in accordance with specified conditions, or for limitation of any provision or requirement to certain period of seasons of the year, or to certain times or at certain intervals.

Restrictions on certain activities

58.(1) The Minister, in consultation with the MMA, may make regulations prohibiting persons within a designated marine area from engaging in the following:

- (a) fishing, hunting, killing or capturing any fish or animal or disturbing any egg, nest, roe or spawn within the designated marine area;
- (b) gathering, collecting or removing any fish, animal, aquatic flora or vegetation, whether live or dead, or any sand, minerals or aquatic substrate;
- (c) selling or transporting any fish, animal, aquatic flora, vegetation or the products thereof or any sand, minerals or aquatic substrate;
- (d) being in possession of any weapon, explosive, trap or poison;
- (e) engaging in aquaculture or mariculture;
- (f) making salt;
- (g) conducting any sport fishing, tourism or other commercial activity;
- (h) operating any vessel or vehicle within any designated marine area; and
- (i) destroying, defacing or removing any object within a designated marine area.

(2) A person who contravenes any regulations made pursuant to subsection (1) shall be liable to a fine of \$50 000.

*Restrictions on Commercial Activities***Restrictions on commercial activities**

59.(1) The Minister, in consultation with the MMA, may make regulations prohibiting persons within a designated marine area from engaging in the following:

- (a) commercial activity within a designated marine area unless that activity is specifically permitted under the general management plan of the National Conservation Commission, or the general management plan for the designated marine area, or regulations adopted for that designated marine area;
- (b) mining or installing any heavy industry within a designated marine area;
- (c) mining or installing any heavy industry outside the boundaries of a designated marine area in a manner that causes negative effects on those areas;
- (d) depositing or discharging any oil, chemicals, or other hazardous substances within any designated marine area; or buffer zone or adjacent areas having an impact on the designated marine area;
- (e) depositing or discharging any sewage, litter, rubbish, or other article or substance within any designated marine area buffer zone, or adjacent areas having an impact on a designated marine, except in accordance with specific permission from the Marine Managed Areas Unit Manager, and consistent with the general management plan of the designated marine area;
- (f) transfer any permit, license or certificate required under the Act, subsidiary legislation to the Act, *National Conservation Commission Act*, Cap. 393 or related regulations to the *National Conservation Commission Act*, or forge or otherwise obtain such document by misrepresentation or other illegal means; or

- (g) contravening the Act or any subsidiary legislation made under the Act or any direction given by an authorized officer.
- (2) A person who contravenes any regulations made pursuant to subsection (1) shall be liable to a fine of \$50 000.

Limitation on Acts in Defence of Human Life

Acts in defence of human life, property, etc.

- 60.**(1) Notwithstanding any provision in this Act, a person may take all reasonable measures to protect human life or property.
- (2) A person who acts in accordance with subsection (1) shall make a report of the event within 48 hours of the event to the nearest authorized officer.
- (3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of \$100 000.

PART VII

MARINE SPATIAL PLANNING AND MANAGEMENT

General

Definitions

- 61.** For the purposes of this Part
 - “Barbados waters” or “marine waters” means the internal waters, territorial sea, contiguous zone and exclusive economic zone of Barbados;
 - “benthic” means anything associated with or occurring on the bottom of a body of water;
 - “CSOs” means Coastal States Organizations

“CZMU” means the Coastal Zone Management Unit

“marine spatial plan” means a comprehensive plan to organize human activity in an ocean area so as to achieve the purposes of the Act;

“marine spatial planning” means a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives, and to reduce user-user conflicts and user-environment conflicts in the ocean space;

“maritime law enforcement (MLE) officer” means

- (a) members of the Marine Police Unit of the Barbados Police Force; and
- (b) officers and soldiers of the Barbados Defence Force serving as members of the Barbados Coast Guard (in the wording of 208 of the *Defence Act*, Cap. 159)

“MSP” means Marine Spatial Planning;

“MSP Unit” means the Marine Spatial Planning Unit;

“NGOs” means non-governmental organizations

“pelagic” means living or occurring in the open sea;

Scope of this Part

62. This Part applies to activities which are undertaken within the marine waters of Barbados.

Administration of this Part

63. This Part is to be administered by the Marine Spatial Planning Unit , in consultation with the Coastal Zone Management Unit and other relevant stakeholders.

Objectives

64. The objectives of this Part are to promote an area-based management approach to the maritime areas of Barbados, in order to

- (a) develop and implement a marine spatial planning framework which is adaptable to address the ever-changing marine environment that can be accessed by all sectors and users of the ocean;
- (b) promote sustainable economic opportunities which can contribute to the Barbadian ocean economy through coordinated and integrated planning;
- (c) facilitate and encourage responsible use of the ocean;
- (d) preserve the ocean for present and future generations;
- (e) protect and enhance the marine and coastal environment;
- (f) promote the resilience of marine and coastal ecosystems, communities and assets to climate change;
- (g) provide an integrated decision-making and management framework to coordinate with relevant stakeholders to effectively balance marine conservation with the ecologically sustainable uses of the marine environment and resources;
- (h) protect and preserve existing sustainable ocean uses from displacement by new ocean uses, and effectively balance existing and new ocean uses;
- (i) encourage engagement in protecting Barbados' marine waters by interested persons and groups, including the government, communities and industry;
- (j) promote land-sea and sea-land integrated ocean management;

- (k) provide guidance to single-sector decision-makers to ensure that the sum of all decisions are oriented toward integrated, ecosystem-based ocean management; and
- (l) properly regulate and manage ocean-based activities within a marine spatial planning framework.

Establishment of Marine Spatial Planning Unit

65. There is established a Marine Spatial Planning Unit for the purposes of this Part and which shall have regulatory and enforcement responsibilities in respect of marine spatial planning and related activities.

Planning and Management of Activities in Maritime Areas

66. Activities occurring in

- (a) internal waters;
- (b) territorial sea;
- (c) contiguous zone;
- (d) exclusive economic zone;
- (e) inner continental shelf; and
- (f) outer continental shelf

shall be planned and managed within a marine spatial plan, developed in accordance with this Part.

Guiding Principles

67. The following principles and measures shall be applied to marine spatial planning for the protection, management and development of Barbados' marine resources

- (a) the ecosystem integrity principle, in order to ensure a primary focus on maintaining ecosystem structure and functioning with a MSP area,

recognizing that ecosystems are dynamic, changing and sometimes not properly understood, thus requiring precautionary decision-making;

- (b) the integration principle, in order to avoid the negative impacts of working in sectoral and institutional compartments, through coherence and integration among levels of government;
- (c) the public trust principle, in order to reinforce that marine resources, including the marine space belong to the people and are held in trust by the government for its people and future generations;
- (d) the transparency principle, to ensure that decision-making processes are easily understood by the public, and allow citizens to see how decisions are made, how resources are allocated, and how decisions have been reached that affect their lives;
- (e) the precautionary principle, to ensure that a proactive approach is taken toward decisions that may cause severe or irreversible harm to society or to the environment, and that lack of scientific certainty is not used as a basis for not taking precaution;
- (f) the polluter-pays principle, to ensure that the cost of pollution damage is borne by the polluter.

Marine Spatial Planning Policy

68.(1) Within one year of entry into force of the Act, a Marine Spatial Planning Policy shall be developed, in consultation with relevant stakeholders.

(2) Within 5 years of after the coming into force of the Act, the Marine Spatial Plan Policy shall be evaluated, reviewed and updated as necessary, and be further reviewed at 5 year intervals.

*Institutional and Administrative Arrangements***Government Coordination and Administration**

69. The marine spatial plan shall be implemented consistent with the Policy and in accordance with the Act.

Approval of Marine Spatial Plans

70.(1) Any marine spatial plan developed for Barbados shall be approved by the Cabinet.

(2) References under this Part to an “in-force marine spatial plan” means a marine spatial plan that

- (a) has been developed in accordance with this Part;
- (b) has been approved by Cabinet; and
- (c) as a result of (a) and (b) is currently in force for Barbados.

Role of the Coastal Zone Management Unit in Marine Spatial Planning

71. The Coastal Zone Management Unit

- (a) may review and make recommendations in respect of marine spatial planning activities;
- (b) shall monitor the work of the agencies responsible for marine spatial plan implementation;
- (c) shall ensure that coastal and marine activities are carried out consistently with any marine spatial planning requirements;
- (d) shall ensure the performance of all other duties or functions imposed or conferred under the Act or any regulations thereto in relation to marine spatial planning.

Marine Spatial Planning Unit

72.(1) The Marine Spatial Planning Unit shall be the competent authority for national marine spatial planning activities and shall exercise MSP related functions in accordance with this Part and in consultation with relevant stakeholders.

(2) The duties of MSPU include

- (a)* the preparation of the marine spatial plan policy which is to be developed in collaboration with the CZMU and Marine Spatial Planning Committee, and reviewed, evaluated and updated at five-year intervals;
- (b)* the preparation and review of the marine spatial plan;
- (c)* updating the marine spatial plan periodically at five-year intervals;
- (d)* undertaking public education and promotional activities to sensitize the public of any restrictions imposed by the marine spatial plan and management measures;
- (e)* preparing and maintaining a schedule of marine-based activities for which management measures should be implemented;
- (f)* preparation of annual reports that records the MSP activities and achievements of the MSPU;
- (g)* performing any other duties or functions imposed or conferred on it by the Act or regulations made under the Act, or in any other instrument; and
- (h)* exercising such functions as may be necessary in the effective execution of its role as the competent authority for marine spatial planning activities.

Marine Spatial Planning (MSP) Steering Committee

73. There is established a Marine Spatial Planning Steering Committee which shall provide assistance in relation to marine spatial planning activities, including to

- (a) assist the MSPU with marine spatial planning activities;
- (b) consult with MSPU on technical, scientific and operational matters concerning marine spatial planning;
- (c) make recommendations and proposals for continued management and sustainable development of Barbados' ocean space within a marine planning framework; and
- (d) perform any other functions as may be specified in writing by the Minister.

Marine Spatial Plan

Marine Spatial Planning Guidance

74.(1) A preliminary list of specific problems to be solved through the MSP process shall be prepared.

(2) A financial plan that

- (a) estimates the cost of MSP activities;
- (b) identifies alternative means to acquire financing for MSP activities,

shall be prepared.

(3) A marine spatial planning team with appropriate skills and competencies shall be mobilized.

(4) A work plan that identifies essential work products and resources required to complete the outputs of on-time planning shall be developed.

- (5) The boundaries and time frame for analysis and management shall be defined.
- (6) The specific principles, goals and objectives to effectively guide the development of the MSP management plan shall be formulated.
- (7) A stakeholder plan shall be designed, which indicates who, when and how to involve stakeholders throughout the entire MSP process.
- (8) There shall be developed an
 - (a) inventory and maps of significant biological and ecological areas in the management area;
 - (b) inventory and maps of current human activities and pressures in the management area.
- (9) An assessment shall be made of
 - (a) possible conflicts and compatibilities among existing human uses; and
 - (b) possible conflicts and compatibilities between existing human uses and the environment.
- (10) A trend scenario which illustrates how the MSP area will look if present conditions continue in the absence of new management interventions shall be developed.
- (11) Alternative spatial sea use scenarios which illustrates how the management area may look when human activities are redistributed based on new goals and objectives shall be created.
- (12) A preferred scenario which provides the basis for identifying and selecting management measures in the marine spatial plan shall be created.
- (13) Alternative management measures for the marine spatial plan shall be identified and evaluated.
- (14) Criteria for selecting alternative management measures shall be identified.

- (15) A comprehensive management plan, including if needed, a zoning plan, shall be developed.
- (16) Actions required to implement, ensure compliance with, and enforce the marine spatial plan shall be clearly identified.
- (17) A monitoring system shall be designed to measure performance indicators of the marine spatial plan.
- (18) Information on the performance of marine spatial management measures that will be used for evaluation shall be gathered.
- (19) Periodic reports to decision makers, stakeholders, and the public about the performance of the marine spatial plan shall be issued.
- (20) Proposals for adapting management goals, objectives and strategies for the next round of planning shall be developed.
- (21) Applied research needs shall be identified.

Plan Elements and Criteria

- 75.(1) The marine spatial plan shall include the following elements and criteria:
- (a) a map delineating the boundaries of the plan area, and any zones in which particularized activities are allowed, prohibited or otherwise regulated;
 - (b) where there are zones within the plan area, there must be a clear written description on how the zone may be used including
 - (i) the permissible activities within the zone and whether licences, permits or other permissions are required to engage in these activities;
 - (ii) a description of any prohibitions, limitations or requirements applicable to the zone including as to the nature, timing, duration or location of any ocean activity;

- (iii) a description of the necessary surveillance monitoring equipment that will be mandated for all vessels local and foreign operating within the designated spaces;
 - (iv) references to any Act, law or regulation or policy which governs activities within the zone;
 - (c) human-use data about the marine space, standardized into spatial layers and overlaid in a GIS system.
- (2) The plan may also including the following additional elements to aid in the implementation, administration and public understanding of the plan:
- (a) a framework which is used to monitor, evaluate and report on the implementation of the marine spatial plan;
 - (b) an implementation plan or similar tool which outlines any proposed timeframes for the implementation of actions and the persons responsible for delivering those actions;
 - (c) details of the proposed use, development and works for the area to which the plan applies;
 - (d) narrative information giving context of the marine spatial plan concerning the cultural, environmental, economic or social characteristics of the plan area;
 - (e) references to scientific data and information, studies and reports;
 - (f) supplemental maps, charts, graphs, tables, photographs and other graphic material and visual aids.

Conformity of Marine Spatial Plan to Policies

76. The marine spatial plan shall conform to a marine spatial planning policy currently in effect for Barbados, unless relevant considerations indicate otherwise.

Zones

77.(1) The marine spatial plan shall outline the zone plan which is intended to particularize ocean use or set of uses. The zoning shall be as follows:

- (a) a general use zone which aims at the protecting the pelagic and benthic habitats of the marine environment while allowing and encouraging a range of ecologically sustainable uses of the ocean;
 - (b) a restricted commercial fishing zone within Barbados' marine waters which restricts most large-scale commercial fishing activities in areas which can cause endangerment to the marine habitats;
 - (c) an ocean habitat preservation zone which will be used to protect and manage the pelagic and benthic habitats by prohibiting potentially damaging activities to the habitat and encouraging conservation of the ocean space sustainable use of the ocean;
 - (d) an island protection zone to provide for the conservation of the pelagic, benthic, coral reef and coastal habitats by prohibiting all seabed mining activities and large-scale commercial fishing, while allowing other ecologically sustainable uses;
 - (e) a national marine park zone to provide for strict preservation of the natural integrity and ecological values of specific coral reef and coastal habitats in Barbados' marine waters.
- (2) Zonation consideration shall also be given to the shipping sector. Within these locations the protection of, or prohibition of, fishing activities shall also be taken into account.
- (3) Zonation consideration shall also be given to non-shipping ocean-based sectors. Within these locations the protection of, or prohibition of, fishing activities shall also be taken into account.
- (4) The MSPU may by notice in the *Gazette* amend the zones created under regulations subsidiary to the Act or create additional types of zones and

restrictions on activities in those zones to manage and accommodate other uses of Barbados' marine waters. Such restrictions shall be fully enforceable pursuant to any relevant regulations.

- (5) Additional marine spatial planning zones may be created by regulations.

Plan Adoption, Modification and Revocation

Plan Adoption

78.(1) After considering any submissions in relation to a draft marine spatial plan, the MSPU shall submit the draft plan to the Minister for approval.

(2) Prior to approving the Plan, the Minister shall hold a public consultation regarding the MSP.

(3) After the public consultation process is concluded, the Minister may

- (a) direct any necessary modifications to be made to the Plan;
- (b) approve the Plan with or without amendment; or
- (c) refuse to approve the Plan.

(4) Where the Minister approves the Plan, he shall publish a notice of approval of the marine spatial plan in the *Official Gazette*.

(5) A marine spatial plan comes into operation

- (a) on a date on which the notice under subsection (3) is published in the *Official Gazette*;
- (b) on any later date specified in the notice.

(6) The MSPU shall, after the Minister's official publication of the plan in the *Gazette*, publish on the website of MSPU a copy of the marine spatial plan.

Plan Modification or Amendment

79.(1) Any amendment to the marine spatial plan shall first be approved by the Minister. The Minister may approve such an amendment at any time.

- (2) There shall be public consultation prior to amendment of a marine spatial plan.

Plan Revocation

80.(1) The Minister may revoke the marine spatial plan, where he considers it appropriate to do so.

- (2) Where the Minister revokes the marine spatial plan, he shall publish a notice of revocation, together with the reason for revocation in the *Official Gazette*, and the marine plan concerned ceases to have effect on the date of such publication.

- (3) The Minister shall also take such further steps as he considers appropriate to ensure that the revocation of the marine spatial plan concerned is brought to the attention of interested persons.

- (4) Following the revocation of a national marine spatial plan, the Minister shall ensure the adoption of a new marine spatial plan, so that an existing marine spatial plan is not revoked unless a prospective one is prepared and implementation-ready.

- (5) Hereunder “interested persons” mean

- (a) any persons appearing to the Minister to be likely to be interested in, or affected by, the withdrawal of the marine spatial plan concerned;
- (b) members of the general public.

All Marine Areas and Uses

81. The MSPU shall, as soon as practicable, after the entry into force of the Act, begin preparing for approval, the national marine spatial plan for existing and anticipated uses of Barbados’

- (a) internal waters;
- (b) territorial sea;
- (c) contiguous zone;

- (d) exclusive economic zone;
- (e) inner continental shelf; and
- (f) outer continental shelf.

Plan Duration and Periodic Review

82.(1) The MSPU shall review a marine spatial plan no later than 5 years after the commencement of the Plan.

(2) After review of a marine spatial plan, the MSPU may recommend in writing that the Minister modify such Plan.

(3) The Minister may in writing direct the MSPU to conduct a review of the marine spatial plan anytime he sees fit, including upon the request of another Minister in the Cabinet, changes to national legislation or policy affecting the marine spatial planning activities, changes to the use of the ocean space, or new scientific information or data available through monitoring activities.

Plan Implementation, Monitoring and Compliance

83. The MSPU, in consultation with the CZMU shall monitor the implementation of, and public compliance with marine spatial plans.

Binding Effect of Plan

84. All persons are bound by a lawfully adopted marine spatial plan, as that plan is expressed through the plan area boundaries, zone boundaries, and zone requirements established pursuant to the Act.

Relationship to other Laws

85. In the event of any inconsistency between the provisions of this Part and other enactments specifically relating to marine spatial planning, the provisions of this Part prevails, to the extent of inconsistency.

*Public Participation and Access to Information***Public Information**

86.(1) Prior to promulgation of a marine spatial plan, a proposal for a Plan shall be published with a commenting period of at least 6 months.

(2) Public information generated during the planning process that will likely cause overfishing or harm threatened or endangered marine species, biodiversity or fish habitat shall not be made public.

Access to Information

87.(1) The MSPU shall post and maintain online for public inspection an existing approved marine spatial plan and its supporting materials.

(2) The MSPU shall maintain at its offices complete and accurate paper copies of an existing approved marine spatial plan and supporting materials and shall make such plan and materials available for inspection by any person during normal business hours, without prior request or fee.

(3) The MSPU shall, upon request, offer for sale paper copies of an existing approved marine spatial plan and supporting materials, at a cost to be determined by the MSPU, in consultation with the Minister.

Marine Stakeholder List

88.(1) There shall be maintained a list of persons and organizations to be known to it to be interested in the use, conservation, or management of marine waters of Barbados, including businesses, community leaders, government officials, civil society organizations, international donors, persons who have expressed an interest in ocean policy, and any other concerned individuals.

(2) For each person on the list, a physical address must be indicated, electronic address, or other reliable way to send written notice to the person.

- (3) Reasonable efforts shall be made to keep names and addresses on the list current and at a person's request, they shall promptly be added to or removed from the list.
- (4) The MSPU shall notify all persons on the Marine Stakeholder List
 - (a) in carrying out his responsibility to seek representations pursuant to the Act; and
 - (b) in providing public notice of any other significant decision made pursuant to the Act.

Soliciting, Responding to, and Incorporating Public Input

- 89.(1)** In informing the public and seeking representations pursuant to the Act, best efforts shall be used
 - (a) to communicate with the public, including women, youth, and other historically excluded groups, about marine spatial planning processes; an
 - (b) to notify all persons identified on the Marine Stakeholder List.
- (2) In informing the public and seeking representations, the following may be done:
 - (a) distribution of information to raise awareness of the possibility of participating in MSP efforts;
 - (b) convening of public meetings, including virtual meetings;;
 - (c) communication of marine spatial planning information by newspaper, radio, social media, or other appropriate and effective communication channels;
 - (d) hosting of workshops for local communities to support understanding about MSP and the effects (positive and negative) MSP may have on certain stakeholder groups;

- (e) facilitation of training sessions for certain stakeholder groups, e.g. small-scale fishers and local coastal community groups;
- (f) advancing of education initiatives for stakeholder groups to develop and improve negotiating skills;
- (g) garnering of financial support for professional negotiators who can assist in developing a position for the stakeholder group through actively assisting in discussing MSP goals, objectives and measures; and
- (h) utilization of any other method that the MSPU, CZMU or MSP Steering Committee devises to ensure broad public participation.

Defining MSP Stakeholder Involvement

90. In defining the participants in the MSP stakeholder process, should include individuals, groups or organizations that

- (a) are or will be affected by MSP decisions;
- (b) are reliant on the resources of the management area where MSP decisions will be taken;
- (c) have or make legal claims or obligations over areas or resources within the management area;
- (d) conduct activities that impact on areas or resources of the management area;
- (e) have special seasonal or geographic interests in the management area;
- (f) have a special interest in the management of the area, i.e. environmental and cultural interests.

Goals of Stakeholder Involvement for MSP Process

- 91.** The goals of stakeholder involvement for the MSP process shall be
- (a) to encourage ownership of the spatial plan, engender trust among stakeholders and decision-makers, as well as promote voluntary compliance with MSP requirements, and rules and regulations specific to the activities occurring within the MSP boundaries;
 - (b) to deepen understanding of the spatial, temporal and other complexities of the management area;
 - (c) to gain an increased understanding of the human influences on the management area;
 - (d) to deepen mutual and shared understanding about the problems and challenges in the management area;
 - (e) to better understand the underlying desires, perceptions and interests that stimulate and/or prohibit integration of policies in the management area;
 - (f) to maximize existing and potential compatibility of user-user and user-environment conflicts of the management area;
 - (g) to create new options and solutions that may not have been individually considered;
 - (h) to expand and diversify the capacity of the MSP team, especially through the inclusion of secondary and tertiary information such as local knowledge and traditions.

Sustainable Financing for Marine Spatial Planning Activities

Designated Funding for Marine Spatial Planning

- 92.(1)** MSP financing may be maintained based on funds received from the sources specified in *Third Schedule*.

(2) All MSP-related funds shall be received and disbursed for the following purposes:

- (a) support of overall marine spatial planning processes and activities;
- (b) enforcement of laws, regulations, by-laws, and other legal restrictions related to coastal management, including creation, review and modification of the marine spatial plan;
- (c) informing the public of the contents of the laws, regulations, marine spatial plans and sustainable management of Barbados' coastal environment;
- (d) consultations with stakeholders and the general public on the contents of and any modifications to the marine spatial plan;
- (e) training and education of enforcement officers in the enforcement of Barbados' coastal management laws and other relevant legal restrictions;
- (f) education and outreach activities and efforts related to the natural resources in Barbados;
- (g) data collection, research monitoring and other endeavours to preserve, protect and manage the natural, physical and ecological resources and the architectural, cultural and historical heritage of Barbados;
- (h) provision of grant funds for environmental and marine conservation projects applied for by NGOS and CSOs;
- (i) the annual audit of the fund's operations, which shall comprise no more than 5 per cent of the annual revenues of the fund.

(3) The Marine Spatial Planning Unit shall ensure in each case that the scope and design of each chosen MSP financing mechanism is based on the MSP activities and management measures being implemented in each case, and generally that the financing mechanism is appropriate to the marine management goal with which the MSP process is concerned.

(4) In determining the feasibility of a given funding mechanism for marine spatial planning activities, regard shall be had to the following:

(a) financial considerations:

- (i) the amount of money that will actually be needed annually for the time frame of the marine spatial plan to support the MSP activities;
- (ii) the revenue likely to be generated annually by the chosen financing mechanism;
- (iii) whether the revenues generated outweigh the cost of setting up a new user-fee system;
- (iv) the potential impact of a highly variable revenue flow on MSP activities that the chosen financial mechanism is intended to support;
- (v) other available sources of funds, either on a long-term or one-time basis;

(b) administrative considerations:

- (i) difficulty in designing, administering, enforcing, or implementing a particular type of user fee, quota or trading system;
- (ii) whether the financial mechanism would be too complicated or costly to administer;
- (iii) whether there is adequately trained personnel to administer and enforce the system, or in sourcing such personnel, where none are available;
- (iv) whether implementing a particular financial mechanism may be heavily reliant on individual discretion;
- (v) whether effective safeguards can be devised to limit potential problems;

- (vi) difficulty in collecting, verifying, maintaining the data upon which the financial mechanism is based;
- (c) social considerations:
 - (i) the potential social impacts of the financial mechanism;
 - (ii) who will pay, willingness-to-pay, capacity-to-pay;
 - (iii) whether the financing mechanism will be considered equitable and legitimate;
- (d) legal considerations:
 - (i) whether the proposed financing mechanism is established under the current legal system;
 - (ii) whether new legislation will be required to establish the proposed financing mechanism, including the difficulty and time considerations in promulgating such legislation;
 - (iii) whether the financing mechanism can be implemented under existing legislation *via* an administrative or executive order;
- (e) political considerations:
 - (i) whether there is government support for introducing a new financing mechanism;
 - (ii) whether it can be guaranteed that the revenues from the financing mechanism will be used solely for marine spatial planning purposes;
 - (iii) whether the financing mechanism and management of funds be ensured by the courts, particular user groups, NGO watch-dog groups, an independent board of directors or an international agency;

- (f) environmental considerations:
 - (i) the potential environmental impact of implementing any new financing mechanism;
 - (ii) whether the desire to increase revenues in fulfillment of MSP objectives compromise other objectives or exceed the carrying capacity of the marine area.
- (5) In making a determination as to a financial mechanism, every effort shall be made to ensure that the MSP process is not compromised due to lack of resources.

Marine Spatial Plan Compliance and Enforcement

Marine spatial plan (MSP) compliance certificate

- 93.(1)** Notwithstanding the provisions set out in section 95 and 96, the exercise of a use or activity in Barbados waters when such use or activity is already provided for in an approved and current Marine Spatial Plan, requires the prior grant of a Marine Spatial Plan Compliance Certificate issued by the MSPU.
- (2) The Marine Spatial Plan Compliance Certificate, referred to in subsection (1) and set out in the form specified in the *Fourth Schedule*, attests that a marine use or activity in Barbados waters is actually provided for in the specific marine space within Barbados waters by the in-force marine spatial plan.
- (3) A Marine Spatial Plan Compliance Certificate is valid for 5 years.
- (4) A Marine Spatial Plan Compliance Certificate may be renewed subject to the marine use or activity remaining in compliance with an in-force marine spatial plan.

Marine spatial plan (MSP) compatibility certificate

- 94.(1)** Notwithstanding the provisions set out in section 95 and 96, the exercise of a use or activity in Barbados waters which has a significant economic, social or environmental added value and which occupies a large area or volume

of Barbados waters, when such use or activity is not foreseen in the Marine Spatial Plan, requires the grant obtainment of Marine Spatial Plan Compatibility Certificate issued by the Coastal Zone Management Unit.

(2) The Marine Spatial Plan Compatibility Certificate, referred to in subsection (1) and set out in the form specified in the *Fourth Schedule*, attests that a marine use or activity in Barbados waters, although not provided at the time of application for that marine space within Barbados waters by the in-force Marine Spatial Plan, is in fact compatible with the

- (a) Marine Spatial Planning Policy; and
- (b) in-force Marine Spatial Plan.

(3) A Marine Spatial Plan Compatibility Certificate is valid for 5 years. Renewals are subject to the marine use or activity remaining compatible with an in-force marine spatial plan.

Marine uses and activities subject to other legislation

95. Where the exercise of a certain use or activity is subject to any form of licensing or permitting under the provisions of any other applicable legislation of Barbados, such licensing or permitting shall be granted by the competent authorities specified in those other pieces of legislation, provided that such competent authorities issuing such licenses, permits or other instruments ensure that a MSP Compliance Certificate or MSP Compatibility Certificate has actually been issued previously, in accordance with section 93.

Marine uses and activities not subject to regulation

96. When the exercise of a certain use or activity, by its nature, is not regulated by any license, permit or other instrument under existing legislation in force in Barbados, the licensing, permitting or authorization of the said use or activity shall be granted by the Marine Spatial Planning Unit, following a proposal prepared by the Marine Spatial Planning Committee.

Suspension of activities: MSP non-compliance

97.(1) Where the activities of a holder of a MSP Compliance Certificate are found to be no longer in compliance with an in-force marine spatial plan, the Marine Spatial Planning Unit may temporarily suspend the activities of the MSP Compliance Certificate holder until the non-compliance has been rectified and the activity or activities are brought back into compliance with the in-force marine spatial plan.

(2) Where the activities of a holder of a MSP Compatibility Certificate is found to be no longer compatible with an in-force marine spatial plan, the Marine Spatial Unit may temporarily suspend the activities of the MSP Compatibility Certificate holder until the incompatibility has been rectified and the activity or activities are again compatible with the in-force marine spatial plan.

Issuance of MSP certificates

98.(1) Every marine use or activity in Barbados waters shall comply with the requirements an in-force marine spatial plan before

- (a) exercising the use or engaging in the activity; and
- (b) if already exercising the use or engaging in the activity, continuing to exercise such use or engage in such activity,

on or at any time after the date applicable to that marine use or activity, outlined in subsection (2) below are met.

(2) The requirements are that

- (a) an inspection has been carried out in respect of the marine use or activity;
- (b) at the date of the inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compliant with an in-force marine spatial plan; or

- (c) at the date of inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compatible with an in-force marine spatial plan; and
- (d) in consequence of that inspection, a Marine Spatial Plan Compliance Certificate or Marine Spatial Plan Compatibility Certificate, as the case may be, has been issued by the Marine Spatial Planning Unit and is still valid.

Endorsements on MSP certificates: annual inspections

99.(1) No person in Barbados waters may

- (a) engage in any marine use or activity; or
- (b) if already engaging in such marine use or activity, continue to do so,

after the end of any annual inspection for that marine use or activity unless the requirements outlined in subsection (2) below are met.

(2) The requirements are that

- (a) an inspection has been carried out in respect of the marine use or activity;
- (b) at the date of the annual inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compliant with an in-force marine spatial plan; or
- (c) at the date of the annual inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compatible with an in-force marine spatial plan; and
- (d) in consequence of that annual inspection, the MSP Compliance or Compatibility Certificate, as the case may be, has been endorsed to this effect and is still valid.

Fees - MSP certificates

- 100.** The Minister shall make regulations setting out the fees for
- (a) MSP Compliance and Compatibility Certificates; and
 - (b) annual endorsements on MSP Compliance and Compatibility Certificates, set out in the form specified in the *Fourth Schedule*.

Exemptions from MSP certification requirements

- 101.**(1) The Marine Spatial Planning Unit may, after consultation with the Marine Spatial Planning Committee, specify in writing and publicize any marine uses or activities are exempt from MSP certification requirements.
- (2) Where the Marine Spatial Planning Unit considers granting an exemption, in accordance with subsection (1), it shall provide justification as to why such exemption should be allowed.
- (3) The Marine Spatial Planning Unit shall notify relevant agencies of marine uses or activities that are exempted from MSP certification requirements prior to publicizing such exemptions, in order to give such agencies opportunity to make any recommendations, if any.

Offences and penalties - violation of marine spatial plan

- 102.** A person who engages in an ocean activity that contravenes any prohibition under the Act or any enforceable requirement of an existing approved marine spatial plan made in accordance with the Act commits an offence and is liable on summary conviction to a fine of \$500 000.

Violation of regulations made pursuant to part 30

- 103.** Any person who otherwise acts in contravention of this Part or any regulations made pursuant to this Part commits an offence and is liable on summary conviction to a \$50 000.

Forfeiture

104.(1) Where a person is convicted of an offence against under this Part, the Court may, in addition to any other penalty it may impose, order that any vessel including her gear, furniture, appurtenances, stores, equipment, cargo and aircraft, and all or part of any fish, fish product, fishing gear, vehicle, or other item used in or connected with the commission of any act prohibited by this Part.

(2) In the case of fishing vessels, where any fish seized in connection with the offence have been sold, the proceeds of sale of the fish, may be forfeited to the Government, and if so forfeited such property shall be disposed of in such manner as the Minister may direct.

Evidentiary presumptions

105.(1) Any marine resource found on a vessel which has been used in the commission of an offence under the Act or any subsidiary regulations thereto is presumed to have been caught in the commission of that offence unless the contrary is proved.

(2) If, in any legal proceedings under the Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of a law enforcement vessel or aircraft as being the place in which the event took place is presumed to be the place in which the event took place, unless the contrary is proved.

(3) An entry in a logbook or other official record of an enforcement vessel or aircraft

- (a) is *prima facie* evidence of the matters in the logbook or official record; and
- (b) may be given by the production of written copy or extract of the entry certified by a Maritime Law Enforcement Officer as a true copy of accurate extract.

- (4) In any proceedings for an offence under the Act, an allegation made by the informant in any information or charge on whether or not a person was the operator of a vessel is presumed to be true unless the contrary is proved.
- (5) An entry in writing or other mark in or on a log, chart, electronic chart or electronic log or other document required to be maintained under this Act used to record the activities of a fishing vessel is to be taken to be that of the operator of the vessel.
- (6) If, in any legal proceedings for an offence under this Part
 - (a) a MLE Officer gives evidence on reasonable grounds to believe that any fish to which the offence relates were taken by
 - (i) the use of driftnets; or
 - (ii) in a specified area of the fishery waters; and
 - (b) the Court considers that, having regard to the evidence, the grounds are reasonable, the fish is presumed to have been so taken, unless the contrary is proved.
- (7) In any proceedings for an offence under this part 30, an allegation made by the informant in any information or charge on whether or not a person was the operator of a vessel is presumed to be true, unless the contrary is proved.

Citizen Suits

- 106.(1)** Where a person believes that there is a violation of a requirement under this Part or under a lawfully adopted marine spatial plan, the person may notify the Marine Spatial Planning Unit of the violation.
- (2) In the absence of enforcement action, the Marine Spatial Planning Unit may initiate a civil action before the Court against the person responsible for the violation.

Authorized officers

107. The Minister may, after consultation with the Attorney General, appoint in writing any person or class of persons, or agencies appointed by the Minister to carry out MSP enforcement activities, and such persons shall exercise all powers and privileges accorded by the instrument of appointment, in order to effectively enforce marine spatial planning and marine spatial planning related activities.

Enforcement responsibility

108.(1) The Marine Spatial Planning Unit shall have the primary responsibility for marine spatial planning enforcement, in consultation with the Maritime Law Enforcement, including

- (a) monitoring control and surveillance of all fishing operations, seabed mineral resource exploration activities, offshore petroleum activities, marine renewable energy activities, marine and ocean research related activities and other related activities within the marine waters; and
- (b) general enforcement of this Part.

(2) The Marine Spatial Planning Unit with approval from the Minister shall, as appropriate, involve participation by relevant government departments or offices responsible for coastal and marine enforcement.

(3) The Coastal Zone Management Unit may recommend other entities, officials or persons to perform marine spatial planning enforcement functions.

Traditional Rights and Management

Arrangements with local fishing and coastal community groups

109.(1) Agreements or arrangements may be made with a group of people who are representative of a local fishing or coastal community group that has a special interest in the plan area.

(2) The agreement or arrangement may relate to the development and/or implementation of a marine spatial plan, or plan area, or for a species or ecological community within the plan area concerned and may, if the MSPU considers it appropriate, provide that, if such a plan of management is prepared, the fishing or coastal community group is to manage the area, or the species or ecological community within the area, jointly with MSPU in accordance with the marine spatial plan.

(3) The use of marine-specific traditional knowledge in any marine spatial planning activities shall be compensated in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2).

Marine Spatial Management Measures

Objective of Marine Spatial Management Measures

110. The objective of marine spatial management measures is to induce humans to do what is necessary to produce the desired mix of marine ecosystem goods and services, through spatial management measures that promote sustainable human-environment compatibility in maritime areas.

Spatial Management Measures Selection Criteria

Criteria for selecting marine spatial management measures

111. Spatial management measures shall be selected on the basis of the following criteria:

- (a) physical, chemical and biological effects over time, including
 - (i) changes in ambient water quality in various sub-areas of the management area;
 - (ii) effects of changes in ambient water quality or physical disturbance on components of the ecosystem, as well as users of the ecosystem services of the management area;

- (iii) effects on biologically or ecologically important areas;
- (iv) ecosystem effects external to the management area;
- (b) ecologically or biologically significant marine areas, including
 - (i) uniqueness or rarity - areas containing either unique (the only one of its kind) or rare (occurs only in few locations) or endemic (unique to a particular geographic location) species, populations or communities, and unique, rare or distinct habitats or ecosystems, and/or unique or unusual geomorphologic or oceanographic features;
 - (ii) special importance for life history stages of species - areas required for a population to survive and thrive;
 - (iii) importance for threatened, endangered or declining species and habitats, areas containing habitats for the survival and recovery of endangered, threatened, declining species, or with significant assemblages of such species;
 - (iv) vulnerability, fragility, sensitivity or slow recovery - areas containing a relatively high proportion of sensitive habitats, biotopes (small, uniform environments occupied by a community of organisms) or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery;
 - (v) biological productivity - areas containing species, populations or communities with comparatively higher natural biological productivity;
 - (vi) biological diversity - areas containing comparatively higher diversity of ecosystems, habitats, communities, or species, or with higher genetic diversity;

- (vii) naturalness - areas with a comparatively higher degree of naturalness as a result of the lack of, or low level of, human-induced disturbance or degradation;
- (c) economic effects and their distribution, including
 - (i) direct benefits, values of products and services produced from the ocean, and the distribution of benefits;
 - (ii) direct costs of ocean products and services produced and the distribution of costs;
 - (iii) administrative costs;
 - (iv) indirect benefits associated with ocean products and services produced;
 - (v) indirect costs associated with ocean products and services produced;
- (d) administrative considerations, including
 - (i) simplicity;
 - (ii) effects on resources of implementing agencies;
 - (iii) retention of effectiveness under changing conditions;
 - (iv) ease of modification under changing conditions;
- (e) timing considerations, including
 - (i) years before production of ocean products/services begin;
 - (ii) years before adverse or positive effects on ambient environmental quality begin to be measured;
 - (iii) time required to establish implementation incentive or institutional arrangement systems;

- (f) political considerations, including
 - (i) priority in relation to implementation of strategies in other management areas;
 - (ii) degree to which strategy can be executed by a single agency rather than by multiple agencies;
 - (iii) impact on intergovernmental relations;
 - (iv) acceptability to public;
 - (v) legal issues;
- (g) accuracy of estimates for analysis, including
 - (i) physical, chemical, biological and ecological effects;
 - (ii) benefits, direct and indirect, and their distribution;
 - (iii) costs, direct and indirect, and their distribution;
- (h) resource use effects, including
 - (i) ocean space required;
 - (ii) cumulative effects on the environment;
- (i) feasibility of financing, including
 - (i) financial requirements for implementation;
 - (ii) sources of financing;
 - (iii) ability to pay.

*Spatial Management Measures by Sector***Spatial management of marine transportation activities**

112. The following spatial management measures may be imposed in relation to the marine transportation sector:

- (a) mandatory vessel traffic routes;
- (b) ship routes/fairways;
- (c) vessel traffic separation schemes;
- (d) areas to be avoided by vessels;
- (e) vessel restrictions based on precautionary or prohibited areas;
- (f) vessel restrictions based on particularly sensitive sea areas (PSSAs);
- (g) lightering areas;
- (h) moving safety (buffer) and security zones around LNG Tankers;
- (i) pilot boarding areas;
- (j) safety zones around oil spill response operations;
- (k) any other appropriate spatial management measure for the marine transportation sector.

Spatial management of seaport activities

113. The following spatial management measures may be imposed in relation to the seaport sector:

- (a) safety zones around vessels and terminals;
- (b) anchoring and no-anchoring grounds or areas;
- (c) security zones in ports and waterways;
- (d) offshore port zones for oil or LNG transfers;

- (e) any other appropriate spatial management measure for the seaport sector.

Spatial management of fisheries activities

114. The following spatial management measures may be imposed in relation to the fisheries sector:

- (a) fishery closure areas, including seasonal closures;
- (b) no-trawl areas;
- (c) critical habitat designations;
- (d) artificial reef areas;
- (e) any other appropriate spatial management measure for the fisheries sector.

Spatial management of mariculture activities

115. The following spatial management measures may be imposed in relation to the mariculture sector:

- (a) areas designated for mariculture;
- (b) any other appropriate spatial management measure for the mariculture sector.

Spatial management of oil/gas activities

116. The following spatial management measures may be imposed in relation to the offshore oil and gas sector:

- (a) oil and gas lease or concession areas;
- (b) areas withdrawn from offshore oil and gas leasing;
- (c) safety zones around offshore installations;
- (d) any other appropriate spatial management measure for the offshore oil and gas sector.

Spatial management of marine renewable energy activities

117. The following spatial management measures may be imposed in relation to the marine renewable energy sector:

- (a) offshore wind farms;
- (b) wave parks;
- (c) tidal gardens;
- (d) marine renewable energy lease or concession areas;
- (e) areas withdrawn from marine renewable energy leasing;
- (f) safety zones around offshore wind farms, wave parks, tidal gardens;
- (g) any other appropriate spatial management measure for the marine renewable energy sector.

Spatial management of offshore pipeline and cabling activities

118. The following spatial management measures may be imposed in relation to the offshore pipeline and cable sector:

- (a) pipeline rights-of-way or areas;
- (b) communications cable rights-of-way;
- (c) cable line areas (not always in rights-of-way);
- (d) any other appropriate spatial management measure for the offshore pipeline and cable sector.

Spatial management of sewage activities

119. The following spatial management measures may be imposed in relation to the sewage sector:

- (a) sewer lines;
- (b) sewer diffuser areas;

- (c) any other appropriate spatial management measure for the sewage sector.

Spatial management of deep-sea mining activities

120. The following spatial management measures may be imposed in relation to the deep sea mining sector:

- (a) deep sea aggregate extraction areas;
- (b) any other appropriate spatial management measure for the deep-sea mining sector.

Spatial management of offshore dredging activities

121. The following spatial management measures may be imposed in relation to the offshore dredging sector:

- (a) dredging sites or areas;
- (b) dredged material disposal areas or sites (active and inactive);
- (c) any other appropriate spatial management measure for the offshore dredging sector.

Spatial management of seawater desalination activities

122. The following spatial management measures may be imposed in relation to the seawater desalination sector:

- (a) seawater desalination areas or sites;
- (b) brine disposal areas or sites (active and inactive);
- (c) any other appropriate spatial management measure for the seawater desalination sector.

Spatial management of military activities

123. The following spatial management measures may be imposed in relation to the military sector:

- (a) military operations or exercise training areas;
- (b) danger, restricted or security areas;
- (c) missile testing ranges;
- (d) submarine operating areas;
- (e) water space management for submarine operations;
- (f) sonar operating zones;
- (g) safety and security around naval vessels;
- (h) unexploded ordnance areas;
- (i) any other appropriate spatial management measure for the military sector.

Spatial management of recreational activities

124. The following spatial management measures may be imposed in relation to the marine recreational sector:

- (a) marine wildlife viewing areas;
- (b) personal watercraft areas;
- (c) channels for entry and exit of watersports craft;
- (d) watersports craft operation areas;
- (e) passenger submarine operating areas;
- (f) any other appropriate spatial management measure for the marine recreational sector.

Spatial management of ocean-based historical and cultural activities

125. The following spatial management measures may be imposed in relation to the ocean-based historical and cultural sector:

- (a) protected archaeological areas;
- (b) submerged archaeological sites;
- (c) any other appropriate spatial management measure for the ocean-based historical and cultural sector.

Spatial management of ocean-based religious activities

126. The following spatial management measures may be imposed in relation to the ocean-based religious sector:

- (a) ceremonial sites;
- (b) sites for collecting materials for ceremonies;
- (c) marine worship areas;
- (d) any other appropriate spatial management measure for the ocean-based religious sector.

Spatial management of conservation-focused activities

127. The following spatial management measures may be imposed in relation to the nature conservation sector:

- (a) fish spawning areas;
- (b) fish nursery areas;
- (c) marine mammal breeding areas;
- (d) marine mammal feeding areas;
- (e) marine mammal migration routes;
- (f) marine mammal stop-over areas;

- (g) seabird feeding areas;
- (h) seagrass beds;
- (i) coral reefs;
- (j) wetlands;
- (k) marine nature reserves or ecological reserves (no-take, no-access, no-impact zones);
- (l) marine wilderness areas;
- (m) marine parks;
- (n) marine monuments;
- (o) habitat or species management areas;
- (p) protected seascapes;
- (q) managed-resource protected areas;
- (r) any other appropriate spatial management measure for the nature conservation sector.

Spatial management of marine research activities

128. The following spatial management measures may be imposed in relation to the marine research sector:

- (a) scientific reference sites;
- (b) any other appropriate spatial management measure for the marine research sector.

*Miscellaneous Marine Spatial Planning Matters***Regulations**

- 129.(1)** The Minister may make regulations in respect of the following:
- (a) the provision of data, statistics, documents and any other relevant information that may be necessary for the development of a marine spatial plan from the MSPU;
 - (b) collecting and responding to public representations;
 - (c) the process for preparing a marine spatial plan, or for modifying or revoking an existing approved plan;
 - (d) categories of zones that may be used in a marine spatial plan;
 - (e) monitoring and conducting reviews of any existing approved marine spatial plan;
 - (f) the classification, demarcation, administration, management, use and control of designated marine areas;
 - (g) marine spatial plan administration, compliance and enforcement;
 - (h) public participation and access to information with respect to the marine spatial plan;
 - (i) the payment of fees and fines pursuant to this Part; and
 - (j) any other matter that is required for the effective implementation of marine spatial planning under this Act.
- (2) In making regulations under the Act, the Ocean Affairs Minister shall take into account
- (a) the purpose of this Part;
 - (b) the guiding principles articulated under this Part; and
 - (c) the Marine Spatial Plan Policy and Plan objectives.

Monitoring of, and periodical reporting on implementation of marine spatial plan

130.(1) The MSPU in accordance with any regulations made under the Act, shall provide an annual marine spatial plan report to the Minister that includes the information specified in subsection (2).

(2) The information to be included is

- (a) a statement detailing the implementation status of all management measures adopted;
- (b) all data collected that is relevant to the achievement of the purposes of this Part; and
- (c) the results of all MSP research, whether or not the research was undertaken by the MSPU, that is relevant to the achievement of the purposes of this Part; and
- (d) any other relevant information.

(3) The Minister may at any time, in writing, request the MSPU to provide any information referred to in subsection (2), if available, that is specified in the request, and the MSPU must provide the information, if available, within a reasonable period specified by the Minister.

(4) The MSPU shall ensure the use of the best available data and information and the sharing of information necessary for marine spatial planning.

Conflict resolution

131. The MSPU shall

- (a) ensure cooperation between sector agencies; and
- (b) where necessary, resolve user-user conflicts and user-environment conflicts, including relocations, and trade-offs or other resolutions between sectors.

Regional marine spatial plans

132.(1) The Minister may after obtaining Cabinet approval, enter into any regional marine spatial planning arrangements that will be beneficial to Barbados.

(2) Regional Marine Spatial Planning Regulations may be developed by the Minister, where

- (a) there are overlapping maritime claims in the continental shelf area of Barbados with another State(s);
- (b) it is necessary to do so to promote marine conservation and preserve biodiversity in areas beyond national jurisdiction;
- (c) it is necessary in the interests of cross-border co-operation on one or more maritime activities; or
- (d) it is necessary in the particular circumstances.

Approved pre-existing marine activities

133. Licences, permits, certificates, approvals or other permissions that are lawfully issued prior to the effective date for a marine spatial plan and allow an activity use, development, or other action to occur within the plan area are valid for the lesser of 1 year or the duration of the approval-after which time such approvals and activities must comply with the requirements of the marine spatial plan.

Savings clauses

134.(1) If a person holds a fishing licence issued in accordance with national fisheries laws and in force immediately before the commencement of the Act, nothing in the Act, affects any activities carried out in accordance with the licence before the term of the licence expires.

(2) If a person holds a licence or permit in respect of offshore oil/gas or offshore mining activities issued under any other enactment, and in force immediately before the commencement of the Act, nothing in the Act, affects

any activities carried out in accordance with the licence or permit, as the case may be, before the term of the licence or permit expires.

(3) Nothing in subsection (1) implies that an existing affected licence holder has a right to, or a legitimate expectation of

- (a) any renewal or extension of a licence; or
- (b) the grant of any further licence.

PART VIII

INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM

Objectives of this part

135. The objectives of this Part are to

- (a) establish and sustain a national integrated system of coastal and ocean observing systems, comprising of government and non-government components coordinated at the national level by the Coastal Zone Management Unit and at the regional level by a network of regional coastal and ocean observing systems, and that includes, *in situ*, remote and other coastal and ocean observation and modelling capabilities, technologies, data management systems, and product development systems, and is designed to address national and regional needs for coastal and ocean information, to gather specific data on key coastal and ocean variables, and to ensure timely and sustained dissemination and availability of these data to
 - (i) the public;
 - (ii) support national defence and search and rescue operations;
 - (iii) support coastal and ocean commerce;
 - (iv) marine navigational safety;

- (v) weather, climate and marine forecasting;
- (vi) siting for marine development activities;
- (vii) ocean-based economic development;
- (viii) ecosystem-based coastal and marine resource management;
- (ix) public safety, public outreach and education;
- (x) promote increased public awareness and stewardship of coastal and ocean resources;
- (xi) enable easy access to coastal and ocean data and promote coastal and ocean data sharing between government and non-government sources and promote public data sharing;
- (xii) encourage advances in scientific understanding to support the sustainable use, conservation, management and understanding of healthy coastal and ocean resources to ensure that Barbados can respond to opportunities to enhance food, economic and national security;
- (xiii) to monitor and model coastal and ocean changes, including in relation to chemistry, harmful algal blooms, hypoxia, water levels, water temperature, and other phenomena;
- (xiv) improve Barbados' ability to measure, track, observe, understand and predict events directly and indirectly related to weather, climate, natural climate variability and interactions between oceanic and atmospheric environments, including freshwater-seawater interactions;
- (xv) sustain, update and modernize Barbados' coastal and ocean observing infrastructure to detect changes and ensure delivery of reliable and timely information;

- (xvi) authorize activities that
- (A) promote the basic and applied research to develop, test and deploy innovations and improvements in coastal and ocean observation technologies;
 - (B) protect and preserve healthy, and rehabilitate degraded coastal and ocean ecosystems;
 - (C) ensure a strong maritime safety and security system in respect of all human activities occurring at sea;
 - (D) safeguard Barbados' maritime sector from the economic implications of the lack of, or inadequate national hydrographic services.

Management of the integrated coastal and ocean observation system

136. The Integrated Coastal and Ocean Observation System shall be managed by the Coastal Zone Management Unit (CZMU), in collaboration with its other affiliated units.

Regional coastal and ocean observation system

137. The Coastal Zone Management Unit, may lead the establishment of a Regional Coastal and Ocean Observation System, which shall be managed by an organizational body that is established by contract or memorandum with CZMU and regional level States and/or private interests, with the responsibility of engaging public and private sectors in designing, operating and improving regional coastal and ocean systems, for the provision of data and information that meet the needs of user groups from respective Caribbean regions.

Elements - national coastal and ocean observation system

138. In order to fulfill the objectives of the national coastal and ocean observation system, the system shall be national in scope and consist of

- (a) government assets to fulfill national and international coastal and ocean observation missions and priorities;
- (b) non-government assets, including a network of regional coastal and ocean observation systems to fulfill regional and national coastal and ocean observation missions and priorities;
- (c) observing, modelling, data management and communication systems for timely integration and dissemination of data and information products from the System, including data collection procedure reviews at the national and regional level, to make recommendations for data collection standards across the System to meet national coastal and ocean observation, applied research, and weather forecasting needs;
- (d) product development system to transform observations into products in a readily usable and understandable format;
- (e) coastal and ocean research and development program conducted under the guidance of CZMU.

Policy, oversight, administration and coordination

139. The CZMU, shall perform the following:

- (a) identify and create programs or projects to meet the objectives specified under section 135;
- (b) prepare annual and long-term plans for the integrated design, operation, maintenance and enhancement, and expansion of the System to meet the objectives specified under section 135;

- (c) develop and transmit to the Minister an annual and coordinated comprehensive budget to
 - (i) operate all elements of the national coastal and ocean observation system;
 - (ii) ensure continuity of data streams from government and non-government assets;
 - (iii) establish requirements for observation data variables to be gathered by both government and non-government assets, and identify, in consultation with national and regional coastal and ocean observing systems, priorities for Systems observations;
 - (iv) establish and define protocols and standards for System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the System network;
 - (v) develop contract requirements for each coastal and ocean observation system to
 - (A) establish eligibility for integration into the System;
 - (B) ensure compliance with all applicable standards and protocols;
 - (C) ensure that national and/or regional observations are integrated into the System on a sustained basis;
 - (vi) identify gaps in observation coverage or needs for capital improvements of both government and non-government assets;
 - (vii) perform such additional functions in respect of national and regional coastal and ocean observation systems.

PART IX

PRO-BLUE TOURISM

Definitions

140. For the purposes of this Part,

“Blue Tourism” means the analysis and evaluation of coastal and maritime tourism at the global level. It comprises a regional sector review, as well as scalable regional initiatives to strengthen maritime governance and environmental management in the coastal and maritime sector.

“Coastal and Maritime Tourism (CMT)” means land-based tourism activities including swimming, surfing, sunbathing, and other coastal recreation activities. Maritime tourism means sea-based activities such as boating, yachting, cruising and nautical sports as well as their land-based services and infrastructure;

“Ecosystem-based management (EBM)” means an integrated management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species or ecosystem services in isolation;

“Integrated Coastal Zone Management (ICZM)” means a dynamic, multidisciplinary and iterative process to promote sustainable management of coastal zones;

“Integrated Coastal Zone Management (ICZM)” is a resource management system following an integrated, holistic approach and an interactive planning process in addressing the complex management issues in the coastal area;

“Marine Spatial Planning (MSP)” means an integrated, policy-based approach to the regulation, management and protection of the marine environment, including the allocation of space that addresses multiple, cumulative and

potentially conflicting uses of the sea and thereby facilitates sustainable development (MSPP Consortium, 2006). It involves a public process of analyzing and organizing human activities within marine areas to achieve ecological, economic and social objectives;

“Pro-Blue Tourism Observatories” means a systematic application of monitoring, evaluating and information management techniques which provides makers, planners, tourism managers, stakeholders etc. with key tools to strengthen institutional capacities to support the formulation and implementation of sustainable tourism policies, strategies, plans and management processes;

“Sustainable Development Goals (SDG)” means achieving a better and more sustainable future. They address the global challenges we face including poverty, inequality, climate change, environmental degradation, peace and justice;

“Sustainable Ocean Labs (SOL)” means taking a portfolio-based approach towards the challenge of ocean ecosystem sustainability;

“System of Environmental-Economic Accounting (SEEA)” is a framework that integrates economic and environmental data to provide a more comprehensive and multipurpose view of the interrelationships between the economy and the environment and the stocks and changes in stocks of environmental assets, as they bring benefits to humanity. It contains the internationally agreed standard concepts, definitions, classifications, accounting rules and tables for producing internationally comparable statistics and accounts;

“UN World Tourism Organization (UNWTO)” is the United Nations agency responsible for the promotion of responsible, sustainable and universally accessible tourism.

Pro-Blue Tourism Policy

141.(1) There is hereby established a policy to be known as the “Pro-Blue Tourism Policy”

- (2) The objectives of the Pro-Blue Tourism Policy are to
- (a) protect and enhance the coastal and marine tourism industry;
 - (b) promote the resilience of coastal and marine ecosystems, communities and assets to climate change;
 - (c) respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change;
 - (d) promote a diversity of experiences in the coastal and marine tourism industry;
 - (e) promote the ecologically sustainable use and development of the coastal and marine tourism industry and its resources in appropriate areas; and
 - (f) build scientific understanding of ecologically sustainable coastal and marine tourism.

Guiding principles

142. The following drivers shall be mentioned when referring to the Pro-Blue Tourism Policy to ensure all objectives are met:

- (a) population growth is evident as more hotels, beach houses, guest houses are being built and as a result, the pressure on the recreational infrastructures is increasing;
- (b) ageing infrastructure in terms of jetties and boardwalks;
- (c) climate change looking at rising sea levels.

Pro-Blue Tourism Policy

143.(1) The Pro-Blue Tourism Policy shall be approved by Cabinet and shall be in existence immediately upon entry into force of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-) so that it can have effect for the purposes of the Act.

- (2) Within 5 years of the coming into force of the Act, the CZMU shall evaluate, review in consultation with the Ministry of Tourism and update the Pro-Blue Tourism Policy.
- (3) The policy shall be approved by the Minister in writing after evaluation by the CZMU.
- (4) The CZMU shall evaluate, review in consultation with the Ministry of Tourism and update the Pro-Blue Tourism Policy at 5-year intervals.

Policy elements and criteria

144. The Pro-Blue Tourism Policy shall include the following elements and criteria:

- (a) Ecosystems and Habitats which include the water and soil (including sediment) quality in the marine and coastal environment must be maintained where it is in good condition and rehabilitated where it has degraded as a result of litter, plastic, nutrients, sediment, pathogens and chemical pollutants or any other form of pollution impacting on water quality or accumulating in soil/sediment by
 - (i) minimizing disturbance of sediment and associated turbidity effects;
 - (ii) ensuring that any damage or discharge infrastructure such as ocean outfall is appropriately located in relation to the receiving environment;
 - (iii) ensuring that any damage or discharge infrastructure such as ocean outfall is appropriately located in relation to the receiving environment;
 - (iv) promoting continuous improvement and best practice management of discharge; and
 - (v) encouraging rehabilitation and restoration programs and works that support the improvement of water quality;

(b) Cultural Values and Marine Heritage Sites to

- (i) manage their tangible and intangible cultural values and marine heritage sites to reflect and protect their values;
- (ii) consider and plan for the impacts of natural marine and coastal processes, climate change and land use change on cultural values and marine heritage sites;
- (iii) encourage adaptive re-use of heritage places that are no longer required for the original purpose in a way that maintains their values and character and enhances their contribution to community activities, coastal tourism and sense of place;
- (iv) the capacity of heritage sites to cope sustainably with visitors and manage the direct and cumulative impacts of use and visitation numbers, must be assessed;
- (v) new memorials in the marine and coastal environment must be relevant to the surrounding environment; and
- (vi) properly manage, protect and care for art centres and underwater parks;

(c) Managing Coastal Hazard Risk to

- (i) consider available local coastal hazard assessments and localized projections when planning for coastal hazard risk;
- (ii) avoid development in identified areas that are vulnerable to coastal hazard risk from impacts such as flooding, inundation and geotechnical risk;
- (iii) consider and seek to manage the impacts of climate change on the health and functioning of marine and coastal ecosystems and habitats; including the landward movement of habitats in response to sea level rise; and

- (iv) consider the impacts of climate change on the marine environment including but not limited to increased sea-surface temperature, ocean acidification, changed behaviour of discharge patterns and resulting distribution of native and invasive species in marine spatial planning, sector-based planning and adaptation planning;
- (d) Coastal Settlements to
 - (i) strategically plan and manage the development of settlements in the marine and coastal environment in an integrated and coordinated way to ensure
 - (A) community and industry uses are provided for in appropriate locations;
 - (B) competing or conflicting uses are appropriately managed;
 - (C) coexistence of compatible activities is facilitated;
 - (D) growth is facilitated where it does not threaten beaches;
 - (E) support for a network of diverse settlements that provide a range of opportunities; and
 - (F) avoidance of minimization of adverse impacts on ecosystems and habitats, local values and landscape features;
 - (ii) identify clear settlement boundaries in planning schemes, to plan for growth and protect coastal values and direct growth to within these boundaries. Where no settlement boundary is identified, define the extent of the settlement by existing urban zoned land and land identified in the planning scheme for future urban settlement;
 - (iii) plan for settlement growth and locate development to
 - (A) minimize and seek to avoid negative impacts on ecosystems and habitats, local values and landscape features;

- (B) avoid increasing exposure to current or future coastal hazard risk, including risks posed by climate change such as rising sea levels; and
- (C) consider the impact of climate change along the primary foreshore;
- (iv) avoid development of primary low-lying coastal areas;
- (v) urban renewal and redevelopment opportunities should be encouraged within existing settlements where they do not increase coastal hazard risk;
- (vi) use buffers, where required to protect environmental values, cultural values and marine heritage sites and to enable the coexistence of compatible activities and to allow for the adaptation of the natural environment; and
- (vii) use water-sensitive design practices in urban areas to reduce environmental impacts on beaches and the marine environment from sources such as litter and hydrological regimes;
- (e) Marine and Coastal Industries to
 - (i) use the Marine Spatial Planning Framework to guide planning, management and decision making across marine sectors to enable equitable and ecologically sustainable marine uses and industries, and to coordinate and integrate managing risks, impacts and change the marine and coastal environment;
 - (ii) prevent, manage and minimize risk from the introduction and spread of marine pests, invasive species and diseases from industry use and development in the marine environment such as fishing, marine industries and structures;
 - (iii) prevent, manage and minimize risk of pollution and discharge from industry use and development in the marine environment; and

- (iv) use licensing and leasing agreements along with permits for industry uses and infrastructure on marine and coastal land to maximize public benefit and minimize speculative behaviour;
- (f) Recreation and Blue Tourism to
 - (i) enable a diversity of sustainable recreational uses and activities that strengthen peoples' connection with the marine and coasting environment such as fishing, boating, swimming, surfing and cultural tourism;
 - (ii) support community-based clubs to provide access and use for the broader community to the marine and coastal environment in ways that minimize environmental impacts;
 - (iii) use strategic and spatial planning to locate opportunities for safe and sustainable recreation and tourism developments that
 - (A) respond to identified demand;
 - (B) minimize impacts on environmental and cultural values;
 - (C) minimize impacts on other users;
 - (D) maintain public safety;
 - (E) respond to the carrying capacity of the site;
 - (F) minimize exposure to coastal hazard risk and risk posed by climate change; and
 - (iv) monitor the use of facilities in the marine and coastal environment to help determine the carrying capacity of sites and inform adaptive management and decision making;
- (g) Building, Structures and Access to
 - (i) support sustainable buildings and structures;

- (ii) design, locate and maintain buildings and structures to effectively manage
 - (A) any increase in exposure to coastal hazard risk including increased rates of sea level rise, accretion inundation;
 - (B) exposure to public health and safety risks;
 - (C) any detrimental impacts on neighbouring main land or private land;
 - (D) adverse effects on the environment and associated uses and values; and
 - (E) impacts on marine and coastal functions and processes;
- (iii) design, locate and maintain buildings and structures to
 - (A) minimize impacts on marine and coastal flora and fauna;
 - (B) avoid impacts on cultural values and heritage sites;
 - (C) accommodate and sustain the natural drainage patterns and hydrology of the area;
 - (D) use materials that respond to the geology and substrate of the site and surrounding area;
 - (E) avoid dominant structures that are not accommodating to the local heritage character;
 - (F) complement and enhance the surrounding landscape and coastal character, with the line and form of the structure accommodating to the surrounding landscape context;
 - (G) retain public views to and from the water and/or along the coast; and
 - (H) avoid generating ongoing noise that intrudes on the local community.

Establishment of Pro-Blue Tourism Plan

145. There is hereby established a plan to be known as the “Pro-Blue Tourism Plan”.

Objectives

146. The objectives of the Pro-Blue Tourism Plan are to

- (a) apply a sustainable approach to the development of the coastal and marine sector;
- (b) ensure all elements of the environment are carefully surveyed and analyzed;
- (c) mainstream and promote green jobs through sustainable tourism;
- (d) identify potential and committed local partners;
- (e) build effective collaboration among tourism stakeholders;
- (f) strengthen the framework that promotes sustainable tourism;
- (g) strengthen regulatory frameworks and associated penalties to curtail unsustainable tourism practices; and
- (h) plan and manage blue tourism sustainably.

Pro-Blue Tourism Plan

147.(1) The Pro-Blue Tourism Plan shall be approved by Cabinet and shall be in existence immediately upon entry into force of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-) so that it can have effect for the purposes of the Act.

(2) Within 5 years of the coming into force of the Act, the CZMU shall evaluate, review in consultation with the Ministry of Tourism and update the Pro-Blue Tourism Plan.

- (3) The plan shall be approved by the Minister in writing after evaluation by the CZMU.
- (4) The CZMU shall evaluate, review in consultation with the Ministry of Tourism and update the Pro-Blue Tourism Plan at 5-year intervals.

Plan Elements and Criteria

148.(1) The Pro-Blue Tourism Plan shall include the following elements and criteria:

- (a) promote policy coherence, stakeholders collaboration and cooperation mechanisms to
 - (i) ensure coherent, integrated and consistent policies at all political, geographic and sectoral levels, by designing and implementing sustainable tourism strategies and policies taking into account all sustainable development aspects of blue tourism and its impacts, links and contributions to the global environmental commitments such as SDG 12 (Sustainable Consumption and Production), 13 (Climate Change) and 14 (Oceans' Conservation); or Paris Agreement;
 - (ii) promote effective collaboration and innovative partnerships among all relevant stakeholders, by encouraging multi-stakeholders initiatives-such as Sustainable Ocean Labs-for all relevant public and private actors of the value chain, including IOGs, authorities, industry, NGOs or academia, in order to identify and address the major environmental and social challenges faced by the maritime and coastal tourism sector, in particular related to climate change, biodiversity protection and natural resources conservation;
 - (iii) foster policy dialogue and technical cooperation within and between marine regions, through the sharing of knowledge, expertise and resources from different marine regions, in particular those with similar challenges and issues, as well as

transnational and inter-regional partnerships, networks and strategies;

- (b) support an integrated maritime and coastal planning through ecosystem-based approach to
 - (i) implement transversal planning instruments, such as Integrated Coastal Zone Management (ICZM) and Marine Spatial Planning (MSP), in order to involve all levels of government, administrative and planning authorities in coastal management planning process with an integrated vision of Coastal and Maritime Tourism (CMT) impacts. This process must include a comprehensive land-sea planning process based on an ecosystem-based approach;
 - (ii) promote transboundary planning and international cooperation among different countries, including national and local institutions and stakeholders, by sharing information and a common vision, planning and actions to facilitate sustainable tourism. This process is especially relevant to manage maritime mobility (recreation, boating, yachting and cruise ships), and to develop coherent frameworks for MSP at a sub-regional sea scale;
 - (iii) encourage inclusive planning and collaborative management with all stakeholders, in particular by actively involving local communities at all development stages and all spatial, administrative and political levels, to ensure that the local population, including public and private actors, are actively involved in the management of its territorial resources, and that they effectively benefit from its economic impact by maximizing the sustainable community development;

- (c) develop comprehensive monitoring, evaluation and statistics schemes to
 - (i) measure and monitor the impacts of maritime and coastal tourism to natural ecosystems in order to ensure that tourism is appropriately controlled as a source of high territorial pressure in sensitive areas, on the administrative, political and environmental scale. This measure could be implemented through blue tourism observatories in each marine region, to collect relevant, robust and consistent data at national and regional level;
 - (ii) promote quantitative instruments and assessment tools to evaluate the carrying capacity of destinations or territories through an adjustable by territory methodology of ‘acceptable’ limits shared globally. CMT’s contribution to sustainable development goals at both regional, national and sub-national levels should also be particularly tracked for SDG 12 (SCP), SDG 13 (Climate) and SDG 14 (Ocean);
 - (iii) integrate socio-economic and environmental statistics at a national and regional level based on the UNWTO statistics schemes-yet in development-to integrate the tourism satellite accounts (TSA) with the System of Environmental-Economic Accounting (SEEA). A simpler, easy-to-use version of these indicators could be developed and promoted at the local/national level to facilitate its localization. A set of indicators common to all marine regions should also be promoted and shared in open platforms accessible to all relevant stakeholders;
- (d) identify, support and disseminate sustainable practices, responsible businesses and green skills to
 - (i) promote sustainable business practices by private and public actors through support mechanisms to Corporate Social Responsibility (CSR) strategies, environmental management schemes and Environmental, Social and Governance (ESG)

reporting. Simplified environmental and sustainability guidelines for tourism SMEs should be developed and promoted to facilitate sharing and dissemination of reports and good practices;

- (ii) strengthen the integration of local private actors from different economic sectors along the sustainable tourism value chain to reduce the economic 'leakage' captured by large tourism enterprises; ensure that the added value from blue tourism activities is better retained at the local level; and support local industries, such as agriculture, manufacturing, crafts and any other impacting industrial activities;
 - (iii) encourage high-quality education and vocational trainings integrating the principles of sustainability and inclusiveness in all its programs and products with the objective of preparing and empowering the blue tourism leadership, management and personnel with updated skills, in the whole value chain, targeting public and private organizations with the support of academia and training agencies;
- (e) implement sectoral strategies and action plans to green and decarbonize the whole tourism industry to
- (i) develop sectoral action plans to decarbonize the whole tourism industry by tracking carbon emissions from tourism on global, national and sectoral levels; agreement on absolute emission reduction levels, for various timelines (e.g. 2025, 2030, 2050) and transport mode (aviation, cars and maritime); develop national targets for all sub-sectors of tourism and translate emission targets into business-specific action plans with incentives and disincentives to ensure meeting of targets;
 - (ii) mainstream the use of eco-labels and environmental certifications in the whole tourism value chain through Environmental Management Systems (EMS), voluntary/mandatory

environmental certifications and labelling approaches, because they are efficient and effective tools to implement and communicate environmental sustainability at the destination and product levels. Such tools would help private enterprises to contribute in the achievement of the global environmental commitments by investing in energy efficiency and zero-emission transport, in the promotion of local and sustainable markets, and in the publication of data on their ecological or carbon footprint.

- (f) facilitate the financing of sustainable blue tourism activities, strategies and actors to
 - (i) guarantee the alignment of development aid and cooperation schemes with the needs and priorities of CMT at the regional, national and local levels by capitalizing trade-related technical assistance frameworks assigned to sustainable tourism activities; identifying and supporting tourism projects most relevant to NDCs climate allocation; integrating innovative financing mechanisms in the mobilization of resources; focusing on strategic and systemic environmental and climate issues identified in the International Sustainability Agenda such as renewable energy, water use, food security, capacity building, etc.;
 - (ii) design and implement environmental incentives and policies aiming at influencing the behavior of blue tourism enterprises, travelers and investors, e.g. tradeable rights for environmental compensation; water, carbon and financial incentives, such as tax deductions for eco-certification, local eco-taxes for hotels, airlines passengers or cruise travelers, etc.;
 - (iii) ensure sustainable and efficient Public Private Partnerships (PPPs) in the development of critical tourism facilitates and services-transport infrastructures, public amenities, information and climate services, etc. through carefully designed,

implemented and monitored collaboration schemes, based on recommended guidelines and best practices to avoid negative economic, social or environmental externalities;

- (g) involve, prepare and empower travelers, the industry and key stakeholder to
 - (i) partner with the private sector by sensitizing blue tourism companies, hotels and resorts, cruises and tour operators to better understand and interiorize the cost-saving benefits of resource-efficient allocation, branding and reputation improvement and the long-term security of green investment, through capacity-building and CCSR programs such as Transforming Tourism Value Chain initiative;
 - (ii) educate travelers and tourists by increasing public awareness regarding the ecological, socio-economic and human health impacts of tourism industry and travel and promoting more responsible and sustainable consumption patterns, through initiatives such as the 10 Years framework for Sustainable Consumption Production also known as One Planet Network;
 - (iii) engage with civil society by guaranteeing the active participation of local communities, NGOs, academia, travelers and other social actors - both from destinations and place of origin - at the monitoring, dialogue and decision-making processes through education or research programs.

(2) The Blue Tourism Plan shall include the following elements and criteria in relation to hotels and resorts:

- (a) mainstream sustainability certifications, eco-labelling and environmental initiatives to
 - (i) identify, adapt and implement a shared and standardized certification system for hotels and resorts at the regional and national levels, as an integral part of sustainable tourism policies

in coastal and maritime areas. The scheme system must be identified and disseminated by all stakeholders-authorities, companies, research institutes and universities, NGOs, etc. and it should consider the three dimensions of sustainability (environmental, social and economic) while guaranteeing the transparency of the certification criteria and the information about the results;

- (ii) ensure accessibility of certification schemes to all kinds of destinations and businesses in order to include even small and medium-sized enterprises or destinations, through simplified toolboxes, online self-assessment or incremental processes;
 - (iii) promote good practices of information sharing, capacity-building and awareness actions, with short-term results such as staff training in the sustainable management of resources and information campaigns and environmental awareness campaigns for hotel and resort clients;
- (b) implement sustainable and comprehensive tourism planning, monitoring and management tools to
- (i) develop regional and national policies to redistribute tourism on a spatial and temporal scale, according to the tourism reception capacity of destinations, measured by recognized indicators, such as ecosystem resilience, natural resources availability, population density, carbon emissions and transport systems. Such a scheme should be developed, approved, implemented and monitored through intergovernmental bodies and based on multilateral agreements;
 - (ii) integrate sustainable coastal, marine and urban planning tools (ICZM, MSP, and LUP) to regulate the construction of tourist accommodation facilities and the development of recreational activities related to the first 500 meters from the sea line. The use of ecosystem-based approach (EBA) will help to have a more

accurate and sensitive planning and management schemes. Such approach should be integrated into existing multilateral environmental agreements, such as regional seas conventions, national and local policies and regulation.

- (iii) restrain or control the development of high resources (water, land or energy) consuming facilities such as golf courses, swimming pools and gardens and other leisure spaces. The need and environmental impact assessments of such sensitive infrastructures should be carefully, professionally and transparently undertaken by independent third-parties. The results should be openly published and discussed with all the relevant stakeholders, including local communities, NGOs and academia, in order to insure a well-informed decision process. If eventually approved, reliable monitoring schemes should be put into practice in order to avoid deviations from original plans and mitigate any unexpected impacts;
- (c) increase investments in energy efficiency, water treatment and waste recycling schemes to
 - (i) promote industry management plans of natural resources for the use of energy, water and food in hotels and resorts, with the aim of reducing environmental pressures and impacts on local resources and fragile ecosystems. This plan must include a program of energy efficiency, waste management and water use limitation, waste prevention, setting maximum consumption limits and/or economic incentives as well as educational training programs for staff and travelers, ideally with the support of local communities and NGOs;
 - (ii) accelerate the implementation of environmental technologies and resource-efficient solutions, prioritizing the local production of renewable energy and ambitious energy efficiency schemes on-site. Self-production of renewable energy through the installation

of PV panels, biomass facilities or wind turbines should be actively promoted to reduce carbon footprint, increase energy reliability and showcase environmental good practices. Fossil-fuel generators, often used as backup in locations with unreliable electricity networks, should be progressively decommissioned;

- (iii) eliminate the use of non-recycling items such as single-use plastics, plastic bags, water bottles, plastic straws and single-use amenities (cotton swabs, shower and shampoo kits). The whole supply and value chain, both at destinations or country of origin, should be involved in order to be able to provide cost-effective, reliable and sustainable alternatives. Also industry actors, staff and travelers should be educated to understand the impact of plastic and marine pollution and the need to change behaviours and consumption patterns at a higher speed and scale.

(3) The Pro-Blue Tourism Plan shall include the following elements and criteria in relation to cruises and ports:

- (a) provide sound regulation, technical support and financial incentives to green ports and cruise practices to
 - (i) develop green tax schemes in ports and cruise terminals to incentivize, but also sanction companies in regard to their sustainability performances. Such mechanisms, should be designed, implemented and monitored at regional - through enhanced regional sea conventions - or international level - through IMO regulation to ensure a coherent and consistent position in front of the industry, build a level-playing field between destinations and avoid free-riders and tax evasion;
 - (ii) support investment for Onshore Power Supply (OPS) through e.g. tax exemption. This would enhance the economic profitability of OPS use for cruise companies against Heavy Fuel Oil (HFO) or Marine Gas Oil (MGO). The use of Liquefied Natural Gas (LNG) barges could be a first step to provide low-

carbon energy-supply to cruise while at call. The economic and technical barriers to the grid connection should also be reviewed and removed, prioritizing the self-production of low-carbon or renewable energy on site;

- (iii) implement stringent environmental legislation controlling air pollution such as Emissions Control Areas (ECA) to improve the quality of fuel used, support cleaner technologies, and reduce exposure of coastal population to toxic emissions;
- (b) leverage zoning, integrated planning and risk mitigation in sensitive marine areas to
 - (i) reduce and monitor cruise traffic in or near Marine Protected Areas (MPAs) through stringent legislation and appropriate zoning tools, such as ICZM and MSP, for assessment and identification of sensitive hotspots for marine biodiversity. Other instruments such as speed reduction or cetacean detection could be used to mitigate collision, water and noise pollution;
 - (ii) identify, regulate and enforce Particularly Sensitive Sea Areas (PSSAs) protecting natural areas of high ecological or biological value, particularly vulnerable to cruise/shipping environmental impacts such as noise or waste pollution, through management measures based on areas to be avoided, compulsory pilotage or discharge prohibition. Currently, only 16 PSSAs have been approved in few marine regions. It should be extended to other sensitive areas within each world marine regions through a transparent, efficient and science-based mechanism;
- (c) monitor, manage and regulate passengers and cruise flows to
 - (i) redistribute cruises disembarkation away from the city centers and dense areas in order to provide appropriate low-carbon public transportation for passengers between terminals and touristic spots. It will contribute to the reduction of exposure of local

population to air emissions as well as help to redistribute the passengers in larger areas outside the overcrowded tourist sites, usually in the city center;

- (ii) develop a comprehensive database and planning of passengers and cruise flows to anticipate and, if needed, redistribute vessels disembarkation in advance, through sharing data between local governments, ports authorities and cruise operators. Temporal and spatial concentration of vessels and passengers should be avoided to reduce overcrowding and saturation of public spaces. The adjustment of port/passenger fees can be used to create financial (dis-)incentives for cruise operators.
- (d) promote environmental conception, construction, operation and dismantling of cruise vessels to
- (i) implement eco-design tools such as Life Cycle Assessment (LCA) when designing and building new ships, to reduce the ecological footprint of the vessels, prioritize low-carbon materials and guarantee recycling of all vulnerable materials, in particular harmful components and devices when dismantling old ships. LCA software and similar tools should be adapted to the need of the cruise industry with the support of regulators, governments and industry players;
 - (ii) invest in resources-efficient technologies and environmental practices such as low-carbon engines, waste collection and recycling schemes, waste-water reuse, energy efficient lightings, heating and cooling systems. A multi-stakeholders platform integrating academia, NGOs, regulations, technology providers, shipyard, financiers and cruise operators could be promoted to enhance innovation and market delivery of green solutions;

(4) The Blue Tourism Plan shall include the following elements and criteria in relation to ecotourism:

- (a) develop integrated monitoring and planning, ecotourism strategies and networking platforms to
 - (i) put in place integrated monitoring and planning tools to assess the impact of ecotourism activities and flows in natural ecosystems (MPAs, Carrying Capacity etc.), taking into account both the protected area and its surroundings, including areas under different authorities or management. This could involve creating buffer zones around sensitive natural areas, integrating environmental, social or economic hotspots;
 - (ii) design medium and long-term ecotourism development strategies to support its growth, consolidation and sustainability at local, national and regional levels, based on the need of the local communities, through participative workshops, capacity-building activities and inclusive processes;
 - (iii) create national and regional networks of ecotourism destinations to exchange best practices as well to disseminate innovative products and services. This would help to identify, scale-up and mainstream good practices between and within marine regions. It will also contribute to market visibility, communication and attractiveness of ecotourism industry and destinations;
- (b) maximize economic and social benefits for and by local communities to
 - (i) support community-based businesses by setting up networks of local producers and promoting green and social entrepreneurships in the community through the development of sustainable goods and services meeting the needs of visitors while putting in value in the natural, social or cultural heritage of the destination;

- (ii) develop strategic economic sectors of the local community interlinked with the tourism sector, such as production of food specialties, cultural services and handicrafts and promote local purchasing of good and services through sustainable procurement schemes in the whole value chain, including public and private sector;
 - (iii) reinvest generated revenues by ecotourism activities in the production of the region's natural ecosystem and local biodiversity through eco-tax or equivalent revenue schemes. This should be undertaken in a transparent, reliable and consistent way, by involving all relevant stakeholders, including local communities, NGOs, industry and authorities;
- (c) Disseminate sustainable practices and environmental initiatives to
 - (i) enhance sustainability certifications and ecolabels for ecotourism facilities related to noise, water and waste management as well as the involvement of local community and protection of natural ecosystems. It could be based on existing environmental schemes or specific labels;
 - (ii) educate, prepare and empower ecotourism staff, visitors and local population about the value of historical, cultural and natural heritage; the need to preserve them over the long term; as well as sharing a better understanding and knowledge of in nature conservation and interpretation of ecosystem services and local culture;
- (d) monitor ecotourism through data collection and participatory science to
 - (i) develop and implement integrated indicators to measure ecotourism development, such as level of conservation of natural resources and biodiversity; satisfaction of local populations;

participation of local communities; preservation of heritage and diversity; load capacity; site disturbance; ecological interest etc.;

- (ii) promote scientific research on local ecosystems to better identify and protect endangered habitats and species, through innovative schemes such as participatory science education or research programs.

(5) The Pro-Blue Tourism Plan may also include the following additional elements to ensure the plan meets all of its objectives:

- (a) highlight the importance of natural gas sources, mineral, employment opportunities and foreign currency;
- (b) create adequate infrastructural development initiatives;
- (c) encourage the development of partnerships between tourism operators and local commerce;
- (d) ensure coastal and maritime tourism respect and benefits local communities;
- (e) implement strategies/measures to lessen pollution of sea/ocean water and other environmental degradation; and
- (f) promote the standards and procedures in port destinations for cruises.

PART X

OFFENCES AND PENALTIES

Assaulting, obstructing Director etc.

150. A person who assaults or obstructs the Director, other staff or coastal zone inspector in the execution of his duty is guilty of an offence.

Restricted or prohibited area

151. A person who

- (a) enters, uses or is found in a restricted area contrary to the terms of that restricted area; or
- (b) is not authorised to enter a prohibited area who enters or who is found in prohibited area

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Removal of material from the beach

152.(1) A person who removes, or aids in or assists in removing, any vegetation, sand, stones, shingle or gravel from any part of the beach, coast, coastal marine area, [special] marine area or other prohibited area without a permit is guilty of an offence.

(2) Subsection (1) does not apply where the material to which subsection (1) refers,

- (a) is removed by or on behalf of the Director for the purpose of carrying out coastal protection, stabilization and scientific research; or
- (b) is removed by the owner or occupier of land with the written permission from the Director, from a beach or coastal location in a coastal marine area, in a [special] marine area or other prohibited area in which the owner or occupier lives for his own domestic purpose and the amount of the material does not exceed 5 kilograms.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Prohibition on harvesting coral

153.(1) A person who

- (a) harvests any coral in Barbados, its territorial waters or its exclusive economic zone without a permit; or
- (b) for the purposes of trade, imports into Barbados or exports from Barbados any coral or any item manufactured in whole or in part from coral without a permit

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

(2) A person who sells or otherwise trades in any coral or any item manufactured in whole or in part from coral without a permit is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Fouling of beach prohibited

154. A person who

- (a) fouls on any part of the beach or foreshore by the deposit of offal, garbage or other waste;
- (b) deposits offal;
- (c) deposits or leaves garbage or any other waste,

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Damage to coral

155.(1) A person who

- (a) uses any explosive, poison or other noxious substance for the purpose of harvesting coral or catching, taking or harvesting fish or fauna;

- (b) permits any explosive, poison or other noxious substance to be used for that purpose;
- (c) carries, or has in his possession or control, or is found on any boat carrying, any explosive, poison or other noxious substances in circumstances indicating any intention of using such explosive, poison or other noxious substance for the purpose of harvesting coral or catching, taking or harvesting fish or fauna;
- (d) releases or causes to be released any pollutant into the environment;
- (e) except in a case emergency, casts or drags any anchor in such a way as to damage any coral reef;
- (f) causes physical damage to any coral reef, fish, fauna or other coastal resource;
- (g) performs any form of construction on any area of coral reef without a permit or physical development permission; or
- (h) removes any area of coral reef or coral rubber habitat,

is guilty of an offence and is liable on summary conviction to a fine of \$1600 per square metre of coral or to imprisonment to a term of 5 years or to both.

(2) Any explosive, poison or other noxious substance found on board any boat is presumed, unless the contrary is proved, to be intended for the purpose of harvesting coral or catching, taking or harvesting fish.

(3) A boat or any dynamite or other explosive substance or poison or noxious material found in the possession of a person who is arrested for the commission of an offence under this Part may be seized by the person making the arrest.

(4) For the purpose of this section, a certificate as to the cause and manner of death or injury to any coral reef

- (a) caused by a noxious substance, poison or chemical, shall be signed by the Director of Analytical Services or by the Director of the Coastal Zone Management Unit; or

(b) caused by explosives, anchors, dredging, filling operations or other activities that damage coral or coral reefs shall be signed by the Director, or such other person as the Director may designate in writing, and shall be admitted as prima facie evidence in court without proof of signature of the person purporting to have signed the certificate.

(5) For the purpose of subsection (4), the defendant to proceedings brought under this section is entitled to 14 days notice in writing of the intention of the prosecution to produce the certificate in evidence.

(6) Where a boat seized under subsection (3) is owned by a person convicted under subsection (1), a magistrate may order that the boat be forfeited.

Forfeiture of coral

156.(1) The court shall, in addition to imposing a penalty specified in section 47 on a person who has been convicted, order that the coral that was the subject matter of the offence be forfeited to the State.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Forfeiture of vehicles

157.(1) Where any vehicle, boat or other means of conveyance is used by any person in the removal of vegetation, sand, stones, shingle or gravel from the beach or from any prohibited area, a coastal zone inspector or a police officer with or without a warrant

(a) may seize or detain the vehicle, boat or other means of conveyance; and

(b) may lay an information in relation thereto before the magistrate of the district.

(2) The magistrate may, on due proof that the vehicle, boat or other means of conveyance has been used by its owner in the commission of an offence of which the owner has been convicted, order that the vehicle, boat or other means of conveyance be forfeited.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

PART XI

MISCELLANEOUS

Measurement of high water mark

158. Any observations or measurements to determine the high water mark shall be made at the time of the highest run up of waves, which is defined by the limit of the wave run up of the high tide nearest to the first or last quarter of the lunar month occurring on the third or fourth day before or after the day of a full moon.

Position of high water mark

159.(1) Where the high-water mark moves inland of the boundary line of a land unit due to the erosion of the coast, sea-level rise or other causes and remains inland of that boundary line for a period of 3 years, the owner of that land unit

- (a) loses ownership of any portion of that land that is situated below the high water mark; and
- (b) is not entitled to compensation from the State for that loss of ownership, unless the movement of high-water mark was caused by an intentional or negligent act by an organ of state and was a reasonably foreseeable consequence of that act or omission.

(2) If accretion occurs, whether as a result of natural processes or human activities, land which formed part of the seashore when this Act took effect and which subsequently becomes situated inland of the high water mark as a result of a change in the position of the high water mark remains coastal public property and does not become part of any adjoining property unless the property is bounded by the high water mark or extends to a stated distance from the high water mark.

Measures affecting erosion and accretion

160.(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.

(2) No person may construct, maintain or extend any structure or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act.

Power to institute proceedings

161. Where an offence is created by this Act, the Director, an inspector, or a member of the Police Force may, in respect of that offence, institute proceedings in a court.

Coastal zone related research

162.(1) Subject to subsection (2), no person shall undertake research or survey operations in the waters of Barbados except with the prior written permission of the Minister.

(2) Subsection (1) does not apply to research or survey operations undertaken

(a) in the waters of Barbados by an approved local research institution; or

- (b) in the exclusive economic zone of Barbados by an international organisation or agency of which Barbados is a member under and in accordance with a detailed international project to which the Government of Barbados has given its formal approval.
- (3) An application to undertake research or survey operations in the waters of Barbados shall be made to the Minister in the prescribed form and shall be supported by a detailed plan of the research or survey operations to be undertaken.
- (4) The Minister may on the advice of the Director grant permission for any vessel, organisation or person to undertake research and survey operations in the waters of Barbados and may exempt such vessel, organisation or person from any provisions of this Act or regulations.
- (5) Any permission or exemption granted under this section shall
 - (a) be in writing;
 - (b) be for such period as the Minister determines; and
 - (c) be subject to the following conditions
 - (i) such scientific observers or other personnel as the Minister may designate shall be allowed on board the research or survey vessel and shall be allowed to participate fully in the research or survey project both on board the vessel and on shore;
 - (ii) copies of any raw data generated by the research or survey operations shall be submitted to the Director at the end of the operations or during the course of such operations as the Director may require;
 - (iii) the results and conclusions of the research or survey operations shall be submitted in the form of research reports to the Director as soon as practicable following the completion of the operations and in any case no later than the time specified for the

submissions of the results and conclusions in the written permission given by the Minister, and

- (iv) copies of any publications arising out of the research or survey operations shall be submitted to the Director.

(6) The Minister may on the advice of the Director attach such other conditions to or rescind any permission granted under subsection (1) as he considers necessary.

(7) Where any of the conditions referred to in subsection (5) or (6) have been breached or permission cancelled, no further permission for research or survey operations shall be granted to the person concerned until such time as the corrective action has been taken to the satisfaction of the Minister.

(8) Any person or organisation that undertakes or assists in any research in the waters of Barbados

- (a) without permission under subsection (1); or
- (b) in contravention of any condition attached to the permission under subsection (4) is guilty of an offence and liable on conviction on indictment to a fine of \$500 000 or a term of imprisonment of 10 years or to both.

Approved local research institution

163.(1) The Minister may designate in writing, any local scientific or academic institution as an approved local research institution for the purposes of this Act if the Minister is satisfied that the research will not have a negative impact on the coastal processes and the resources of the coastal zone management area

(2) It shall be a condition of the designation of an institution under subsection (1), that the institution shall

- (a) submit to the Director at least 3 months before the intended commencement of the research project, such detailed information on the research project, as the Director may require;

- (b) submit to the Director a list of research projects previously undertaken, as well as a summary of the results and conclusions of any such projects completed during that period, where required to do so;
 - (c) give the Director access to the result of any completed research project and any data generated by or during the course of the project;
 - (d) submit to the Director, at least once a year a list, of research projects to be undertaken in the coming year;
 - (e) submit to the Director such other information regarding research projects as he may require; and
 - (f) comply with such other conditions as the Director may require in relation to the proper management of the coastal zone, and the observance of the international obligations of Barbados.
- (3) It shall be a condition of the designation of an institution under subsection (1), that the status as an approved local research institution may be reviewed and rescinded at any time by the Minister.
- (4) An approved local institution designated under subsection (1) shall be registered in a database maintained by the Unit.
- (5) Research projects submitted to the Director pursuant to subsection (2)(c) shall be lodged in the Unit's library.

Orders relating to accretion, avulsion and alluvial

164. The Director may, after consultation with stakeholders, and with the approval of the Minister, specify in an order other coastal area protection requirements in respect of land adjoining coastal areas that have undergone

- (a) accretion;
- (b) avulsion; or
- (c) alluvion.

Protection from personal liability

165. No liability shall lie personally against

(a) any member, officer or employee of the Coastal Zone Management Unit, Marine Managed Areas Unit or Marine Spatial Planning Unit; or

(b) a law enforcement officer,

performing duties under this Act.

Sharing of information

166. The Coastal Zone Management Unit, Marine Managed Areas Unit or Marine Spatial Planning Unit may disclose information which it receives to

(a) an authorized official; or

(b) a duly authorized representative of the government of another country,

in connection with the enforcement of this Act.

Prohibition of publication or disclosure of information of unauthorized persons

167. No person shall, without the consent in writing given by or on behalf of the

(a) Coastal Zone Management Unit;

(b) Marine Managed Areas Unit;

(c) Marine Spatial Planning Unit

publish or disclose any information other than in the course of his duties.

General penalties

168.(1) A person who is guilty of an offence under this Act for which no other penalty is provided is liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years or to both.

(2) Where subsidiary legislation made under this Act creates an offence, the subsidiary legislation may provide for such offences to be tried summarily or on indictment and the subsidiary legislation may prescribe the following penalties:

- (a) in the case of an offence triable summarily, a fine not exceeding \$5 000 or imprisonment for a term of 2 years or both;
- (b) in the case of an offence triable on indictment, a fine not exceeding \$25 000 or imprisonment for a term of 5 years or both.

Regulations

169. The Minister may make regulations generally for the purpose of giving effect to this Act and in particular make regulations for

- (a) the care, control and management of the special marine areas or any coastal zone management area;
- (b) the protection of coral reefs, flora or fauna in any special marine area or any coastal zone management area and for the specific protection of such flora and fauna in the event of a disaster;
- (c) prohibiting or regulating any of the following in any special marine area or any coastal zone management area
 - (i) diving
 - (ii) fishing;
 - (iii) navigation and anchoring of vessels or any class thereof;
 - (iv) watersports; and
 - (v) ports, jetties, wharfs, piers, slips or docks.
- (d) the protection of wrecks in the special marine areas or any coastal zone management area;
- (e) the use of any special marine area or any coastal zone management area including such areas which are designated as restricted areas or prohibited areas;

- (f) fees to be prescribed for the use of or services provided in a special marine area and any coastal zone management area;
- (g) procedure for the seizure and confiscation of any flora, fauna, wreck or any part thereof taken in contravention of the regulations and the procedure for the seizure of any vehicle, vessel or other means of conveyance whatsoever upon which the same may be found;
- (h) the safety of navigation and the regulation of marine traffic;
- (i) the conservation of the resources in coastal zones and marine areas;
- (j) the preservation of the marine environment of Barbados and the prevention and control of pollution thereto;
- (k) the interactive viewing of marine fauna such as turtles, whales, dolphins and rays;
- (l) the provision of haul out points in special marine areas;
- (m) the grant of permits for the use of special marine areas, coastal zone management areas or marine areas and the conditions to be attached thereto;
- (n) fees or forms for application for and the granting of permits for the use of special marine areas, coastal zone management areas or marine areas, and the conditions to be attached thereto;
- (o) the suspension or revocation of permits for the use of special marine areas, coastal zone management areas or marine areas, and the conditions to be attached thereto;
- (p) the implementation and enforcement of the integrated coastal zone management plan;
- (q) the sustainable use of coastal resources; and
- (r) coastal public property including regulations concerning
 - (i) public access to coastal public property;

- (ii) the rehabilitation of coastal public property;
- (iii) research conducted within, or in respect of, coastal public property.

Amendment of Schedules

170. The Minister may by order amend the *First, Second, Third and Fourth Schedules*.

Prohibited and restricted areas

171.(1) The Minister, may by order designate an area to be a prohibited area or a restricted area.

(2) No person other than the Unit or a person given written authorization to do so by the Unit may enter a prohibited area.

(3) The use or access to a restricted area by the public or persons authorised by the Unit shall only be in the manner specified by the Unit.

Transitional provision

172. Notwithstanding the commencement of this Act, a permit issued under section 23 of the former Act shall remain valid for the period stated in the permit.

Savings

173.(1) The statutory instruments saved under the *Coastal Zone Management Act*, Cap. 394 shall be deemed to be saved hereunder.

(2) The statutory instruments saved under subsection (1) are:

- (a) *Beach Protection (Prohibited Area) Order, 1958* (L.N. 1958 No. 80);
- (b) *Clinketts Bay Beach Protection (Prohibited Area)(No. 2) Order, 1963* (L.N. 1963 No. 84)
- (c) *Foul Bay Beach Protection (Prohibited Area) Order, 1964* (L.N. 1964 No. 64);

- (d) *Marine Area (Preservation and Enhancement)(Designation of Restricted Areas Order, 1981 (S.I. 1981 No. 30); and*
- (e) *Marine Areas (Preservation and Enhancement)(Barbados Marine Reserve) Regulations, 1981 (S.I. 1981 No. 28).*

(3) The enactments specified in this section shall continue in force and be construed with such exceptions and modifications to give effect to the provisions of this Act until revoked by statutory instruments made under this Act.

Repeal of Cap. 394

174. The *Coastal Zone Management Act*, Cap. 394 is repealed.

FIRST SCHEDULE

(Sections 8, 14, 15, 18 and 19)

Public Consultation Procedure

1. The Minister shall have a public consultation with the relevant stakeholders and the members of the public when considering
 - (a) the implementation of a coastal management plan; or
 - (b) delimiting a coastal zone management area or special marine area.
2. The Minister shall by instrument in writing appoint a person or persons to conduct the public consultations required by paragraph (1).
3. A person appointed to conduct a public consultation may have the power to
 - (a) publish or send such information to the public as the Minister approves;
 - (b) to arrange for the use of the such venue as the Minister approves,
 - (c) have such stakeholder consultations or public consultations as the circumstances may require; and
 - (d) have such persons as are considered suitable to make presentations to the stakeholder or the public on the subject matter of the public consultation.
4. The name of every person appointed by Minister to hold a public consultation under this Act shall be published in the *Official Gazette*.
5. Notice of the date appointed by the Minister for the public consultation shall be published in the *Official Gazette* and in a daily newspaper circulated in Barbados or by other electronic media f with the first such notice being not less than 2 weeks before the date so appointed for the public consultation, and the

notice shall be repeated once every 4 days until the period for the public consultation is closed.

6. Notice of the matter to be considered at the public consultation and the place where the information can be collected or accessed electronically shall be published in the *Official Gazette* and in a daily newspaper circulated in Barbados with the first such notice being not less than 2 weeks before the date so appointed.

7. A notice published under paragraph 6 shall carry the following disclaimer "*The Minister shall not be bound to accept, apply or use the content of an oral or written submission made by a person at a public consultation but shall act in the public interest.*"

8. A public consultation may be held over a period of days but shall be no longer than 28 days.

9. Each person at a public consultation will be given an opportunity to make an oral submission or a written submission.

10. Notwithstanding paragraph 9, the person in charge of the public consultation shall regulate the proceedings of the consultation and fix the dates, place and time therefor.

11. Any person who is unable to appear in person at a public consultation, may do so electronically.

12. The Director shall attend or may be represented at a public consultation convened in accordance with this Act.

SECOND SCHEDULE*(section 35)**Coastal Zone Protection Notice*

Serial No. (of notice.....)

COASTAL ZONE PROTECTION NOTICE TO PAY FIXED PENALTY**PART I**

Name (in block capitals)

Address (in block capitals)

Permit No.(in block capitals)

(Insert Name of person) was seen at by
 doing actions or activities which amount to an infringement of section 35. (Name of person) is
 required to pay to the Clerk of District
 Magistrate's Court by the day of
 20

Details or particulars of infringement :

(1)

(2)

(3)

Name of Director.....

Signature.....

Date.....

PART II

Serial No. (of notice) (.....)

To (insert name and address of Director of Coastal Management Unit)

I (Name of Person) hereby confirm that I have paid the sum of \$ as payment of the fixed
 penalty for the infringement in Part I of this notice. I further exhibit as proof of payment the
 attached receipt, which was issued to me at the time of the payment.

Name.....

Address (in block capitals).....

 Signature.....
 Date.....

PART III

Serial No. (of notice) (.....)

To: (insert name and address of Director of Coastal Management Unit)

I (Name of Person) hereby give notice of my objection to the allegation of my infringement, as state in PART I of this notice. Accordingly I have not paid the required sum. I am taking this matter to the magistrate's court. I further exhibit as proof hereof the attached documentation file with the magistrate's court.

Name.....
 Address (in block capitals).....

 Signature.....
 Date.....

THIRD SCHEDULE

(Section 92)



Integrated Coastal and Marine Management Act, 2025
(Act 2025-)

Financing Mechanisms for Marine Spatial Planning

Financing Mechanism	Revenue Source
<i>Government Revenue Allocations</i>	
Direct allocations from government budgets	Government budget revenues; taxpayers
Government bonds and taxes earmarked for MSP	Taxpayers; bond-purchasing investors
<i>Grants and Donations</i>	
Bilateral and multilateral donors	Donor agencies
Foundations	Individuals, corporations
Non-Governmental Organizations (NGOs)	NGO members and supporters
Private sector	Investors
Conservation trust funds	Multi-source

Third Schedule - (Cont'd)

Financing Mechanism	Revenue Source
<i>Tourism Revenues</i>	
Sustainability-related fees (imposed on resident marine users, tourists and non-residents)	Locals and tourists
Diving fees	Divers
Yachting fees	Yachting industry
Tourism-related operations of protected area agencies	Tourism operators; tourists
Voluntary contributions by tourists or tourism operators	Tourism operators; tourists
<i>Energy Revenues</i>	
Royalties and fees from offshore oil/gas, offshore energy farms, offshore energy parks	Energy companies
Right-of-way fees for oil/gas pipelines	Energy companies
Oil spill fines and funds	Energy companies
Voluntary contributions by energy companies	Energy companies
<i>Mining Revenues</i>	
Royalties and fees from offshore mining companies	Mining companies
Voluntary contributions by offshore mining companies	Mining companies

Third Schedule - (Concl'd)

Financing Mechanism	Revenue Source
<i>Fishing Revenues</i>	
Tradeable fishing quotas	Commercial fishers
Fish-catch and service levies	Commercial fishers
Eco-labelling and product certification	Seafood producers, wholesalers, retailers and end-use purchasers
Fishing access payments	Governments; associations of and/or individual fishers
Recreational fishing license fees and excise taxes	Recreational fishers
Aquaculture and mariculture permit and license fees	Aquaculture and mariculture industry
<i>Marine Transportation Revenues</i>	
Oil spill fines and funds	Marine transportation industry
Voluntary contributions by merchant shipping industry	Marine transportation industry
Voluntary contributions by seaports	Seaport community
Voluntary contributions by marinas	Marina community

FOURTH SCHEDULE

(Sections 93, 94 and 100)



Integrated Coastal Marine Management Act, 2025
(Act 2025-)

PART I

Marine Spatial Plan Compliance Certificate

Issued under the authority of the Government of Barbados, pursuant to section [] of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-).

Particulars:

Description of marine use or activity: _____

Details of person(s)/organization engaged in such marine use or activity:

Fourth Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the marine use or activity has been inspected in accordance with the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-).
2. That the inspection shows that the marine use or activity is compliant with an in-force marine spatial plan for Barbados.

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

Issued at: _____
(Place of issue)

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

This Certificate is valid for 5 years from the date it was issued.

Signature of General Manager, Marine Spatial Planning Unit: _____
(Signature)

Fourth Schedule - (Cont'd)



Integrated Coastal Marine Management Act, 2025
(Act 2025-)

PART II

Marine Spatial Plan Compatibility Certificate

Issued under the authority of the Government of Barbados, pursuant to section [] of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-).

Particulars:

Description of marine use or activity: _____

Details of person(s)/organization engaged in such marine use or activity:

Fourth Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the marine use or activity has been inspected in accordance with the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-).
2. That the inspection shows that the marine use or activity is compatible with an in-force marine spatial plan for Barbados.

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

Issued at: _____
(Place of issue)

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

This Certificate is valid for 5 years from the date it was issued.

Signature of General Manager, Marine Spatial Planning Unit: _____
(Signature)

Fourth Schedule - (Concl'd)



Integrated Coastal Marine Management Act, 2025
(Act 2025-)

PART III

*Endorsements on Marine Spatial Plan Compliance/
Compatibility Certificate*

Issued pursuant to section [] of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025-).

This endorsement is granted following an annual inspection in respect of a _____

_____, and following that annual
(specify type of marine use or activity)
inspection, it was determined that the use or activity remains compliant/compatible with the marine spatial plan.

This endorsement subsists until the next annual inspection.

Issuing officer: _____
(Name)

Signature: _____
(Signature)

(dd/mm/yyyy)

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
, 2025.

President

