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BARBADOS

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MERCHANT SHIPPING (OIL POLLUTION PREVENTION) REGULATIONS, 2025

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(Act 2024–28)

MERCHANT SHIPPING (OIL POLLUTION PREVENTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Oil Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act " means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"amidships" in relation to a ship, means at the middle of the length of the ship;

"anniversary date" in relation to an International Oil Pollution Prevention Certificate, means the day and month in each year corresponding to the day and month of expiry of the Certificate;

"approved" means approved by the Administration or by a certifying authority;

"area" in relation to a ship, means the area calculated to moulded lines;

"Barbados excepted ship" means an excepted ship that is a Barbados ship;

"Barbados ship" has the same meaning as in the Act:

"Barbados waters" has the same meaning as in the Act;

"breadth" means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material, measured in metres;

"centre tank" means a tank inboard of a longitudinal bulkhead;

"certifying authority" means the Administration or a person authorized by the Administration;

"chemical tanker" means a ship constructed or adapted for the carriage in bulk of a liquid product listed in chapter 17 of the International Bulk Chemical Code:

"clean ballast" means the ballast in a tank that, since oil was last carried in it, has been so cleaned that the effluent from it, if it were discharged from a stationary ship into clean calm water on a clear day, would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines;

"combination carrier" means a ship designed to carry oil or solid cargoes in bulk;

"convention" means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, Annex I and appendices thereto, as amended by the Protocol of 1978 to that Convention, and includes amendments adopted by the Organization's Marine Environment Protection Committee;

"Convention country" means a country that is a party to the Convention;

"crude oil" means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes

(a) crude oil from which certain distillate fractions have been removed; and

(b) crude oil to which certain distillate fractions have been added;

"crude oil tanker" means an oil tanker engaged in the trade of carrying crude oil;

"deadweight" means the difference in metric tons between the displacement of a ship in water of a relative density of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship;

"discharge" in relation to harmful substances or effluents containing such substances, means a release, however caused, from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying but does not include

(a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13th November, 1972;

(b) the release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(c) the release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

"excepted ship" means a hydrofoil boat, air-cushion vehicle, submersible floating craft or other category of ship specified as excepted for the purposes of these Regulations in a merchant shipping notice, but does not include a structure that is a fixed or floating platform;

"existing oil tanker" means an oil tanker that is not new, within the meaning of regulation 24(1);

"existing ship" other than in Part IV, means a ship that is not a new ship;

"filtering equipment" means filters or any combination of separators and filters that are designed to produce effluent containing not more than 15 ppm of oil;

"flag state" means the state whose flag a ship is entitled to fly;

"foreign excepted ship" means an excepted ship that is not a Barbados excepted ship;

"government ship" has the same meaning as in section 12(5) of the Act;

"GT" means gross registered tonnage;

"guidelines and specifications" in relation to oil discharge monitoring and control systems for oil tankers, means Resolution A496 (XII), or the revised guidelines and specifications for oil discharge control and monitoring systems for oil tankers, adopted by the International Maritime Organization by Resolution A.586(14), the revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers adopted by that Organization by Resolution MEPC.108(49), or any other relevant guidelines or specifications adopted by that Organization;

"harbour master" includes a dock master, pier master and any other person designated as such by the Head of Marine and Ports Services for the purpose of enforcing these Regulations;

"harmful substance" means a substance that, if introduced into the sea, could create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes any substance subject to control by the Convention;

"instantaneous rate of discharge" in relation to oil content, means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

"International Oil Pollution Prevention Certificate" means an International Oil Pollution Prevention Certificate issued in accordance with the Convention;

"International Bulk Chemical Code" means the International Code for Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk;

"lightweight" in relation to a ship, means the displacement of the ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, or passengers and crew and their effects;

"major conversion" means a conversion of an existing ship

(a) that substantially alters the dimensions or carrying capacity of the ship;

(b) that changes the type of the ship;

(c) the intent of which, in the opinion of the Administration, is substantially to prolong its life; or

(d) that otherwise alters the ship to the extent that, if it were a new ship, it would become subject to provisions of the Protocol not applicable to it as an existing ship;

but does not include the conversion of an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of regulation 25 or of an existing oil tanker to meet the requirements of regulation 38;

"merchant shipping notice" means a notice described as such and issued in accordance with the Act, as amended from time to time;

"mile" means an international nautical mile;

"new" in relation to a ship referred to other than in Part IV, means a ship

(a) for which the building contract was placed after 31st December, 1975;

(b) in the absence of a building contract, the keel of which was laid or that was at a similar stage of construction after 30th June, 1976;

(c) the delivery of which is to be or was after 31st December, 1979; or

(d) that has undergone a major conversion

(i) for which the contract was placed after 31st December, 1975;

(ii) in the absence of a contract, the construction work of which began after 30th June, 1976; or

(iii) that was completed after 31st December, 1979;

"offshore installation" means a mobile or fixed drilling or production platform or other platform used in connection with the exploration, exploitation or associated offshore processing of sea bed mineral resources;

"oil" means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products, other than petrochemicals that are subject to Annex II of the Convention, and includes the substances listed in Appendix I of Annex I of the Convention;

"oil fuel" means oil used as fuel in connection with the propulsion and auxiliary machinery of a ship in which the oil is carried;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in her cargo spaces, and includes

(a) a combination carrier or a noxious liquid substances tanker defined in Annex II of the Convention; and

(b) a gas carrier defined in regulation 3.20 of chapter II-1 of the International Convention for the Safety of Life at Sea 74, as amended, when it is carrying a cargo or part cargo of oil in bulk;

"oily mixture" means a mixture with any oil content;

"permeability" in relation to a space, means the ratio of the volume within that space that is assumed to be occupied by water to the total volume of that space;

"product carrier" means an oil tanker engaged in the trade of carrying oil other than crude oil;

"proper officer" has the same meaning as in the Act;

"Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters" means

(a) Resolution A393(X), or the guidelines and specifications for pollution prevention equipment for machinery space bilges of ships, adopted by the Marine Environment Protection Committee by resolution MEPC. 60(33); or

(b) the revised guidelines and specifications for pollution prevention equipment for machinery space bilges of ships adopted by the Marine Environment Protection Committee by resolution MEPC.107 (49);

"sea" includes an estuary or arm of the sea;

"segregated ballast" means ballast water introduced into a tank that is completely separated from the cargo oil and oil fuel system and that is permanently allocated to the carriage of ballast or cargoes other than oil or noxious liquid substances;

"separating equipment" means separators or filters, or any combination of them, that are approved in accordance with the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters;

"ship" means a vessel of any type operating in the marine environment, including waters navigable by sea-going vessels, and includes submersible craft, floating craft and a structure that is a fixed or floating platform but, except in relation to regulations 13 to 23, excludes hovercraft;

"slop tank" means a tank specifically designed for the collection of tank drainings, tank washings and other oily mixtures;

"short international voyage" means

(a) a voyage from a port in one country to which the Convention applies to a port in another country; or

(b) a voyage that does not exceed 1,000 miles in distance between the last port of call in the country in which the voyage begins and the last port

of call in the scheduled voyage before beginning a return voyage, and that on the return voyage does not exceed 1,000 miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began;

"special area" means a sea area where, for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil is required, and includes the areas listed in Annex I of the Convention;

"Specifications for Oil Tankers with Dedicated Clean Ballast Tanks" means the International Maritime Organization's Resolution Number A495 (XII);

"Specifications for Oil/Water Interface Detectors" means the International Maritime Organization's Resolution Number MEPC 5(XIII);

"Specifications for the Design, Operation and Control of Crude Oil Washing Systems" means the International Maritime Organization's Resolution Number A446 (XI), as amended by Resolutions A.497(XII) and A.897(21);

"surveyor" means a surveyor appointed by a certifying authority;

"tank" means an enclosed space formed by the permanent structure of a ship that is designed for the carriage of liquid in bulk; and

"wing tank" means a tank adjacent to the side shell plating.

(2) For the purpose of the definition "clean ballast", if ballast is discharged through an approved oil discharge monitoring and control system, evidence based on such a system that the oil content of the effluent did not exceed 15 ppm shall be determinative that the ballast was clean, notwithstanding the presence of visible traces of oil.

(3) The gross registered tonnage of a ship having alternative gross registered tonnages shall be taken to be the larger of those tonnages.

(4) The length of a vessel shall be calculated as the greater of

(a) 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel; and

(b) the length from the foreside of the stem to the axis of the rudder stock on that waterline.

(5) In ships designed with a rake of keel, the waterline on which length under paragraph (4) is measured shall be parallel to the designed waterline.

(6) Length shall be measured in metres.

(7) Measurement of distance from the nearest land shall be measured,

(a) in relation to the part of the north-eastern coast of Australia that lies between the points 11°00’S, 142°08’E and 24°42’S, 153°15’E, from the nearest of the straight lines joining consecutively the following points:

(i) 11°00’S, 142°08’E; 10°35’S, 141°55’E;

(ii) 10°00’S, 142°00’E; 9°10’S, 143°52’E;

(iii) 9°00’S, 144°30’E; 13°00’S, 144°00’E; 15°00’S, 146°00’E; and

(iv) 18°00’S, 147°00’E; 21°00’S, 153°00’E and 24°42’S, 153°15’E; and

(b) in any other case, in accordance with Regulation 1, Annex I of the International Convention for the Safety of Life at Sea, from the nearest base-line from which the territorial sea of a territory is established in accordance with the United Nations Convention on the Law of the Sea.

(8) For the purpose of the definition "new" in paragraph (1), a ship is considered to have been delivered after 31st December, 1979 if

(a) the building contract for the ship was placed after 31st December, 1975;

(b) in the absence of a building contract, the keel of the ship was laid or was at a similar stage of construction after 30th June, 1976;

(c) the delivery of the ship was or is to be after 31st December, 1979; or

(d) the ship has undergone a major conversion

(i) for which the contract was placed after 31st December, 1975;

(ii) in the absence of a contract, the construction work of which began after 30th June, 1976; or

(iii) that was completed after 31st December, 1979.

(9) For the purposes of the definition "short international voyage", no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that the master, the owner or charterer of the ship could not have prevented or forestalled.

(10) The volume of a ship shall be calculated in all cases to moulded lines.

Purpose

3. The purpose of these Regulations is to prevent, control and reduce marine pollution by oil from ships.

Application

4.(1) Unless expressly provided otherwise, these Regulations apply to

(a) Barbados ships;

(b) other ships while they are within Barbados or its territorial waters; and

(c) government ships registered in Barbados.

(2) These Regulations do not apply to a warship, naval auxiliary or other ship owned or operated by a state that is being used only on government non-commercial service.

(3) The Administration may exempt a ship of a new type whose constructional features are such as to render the application of regulations 12 to 39 relating to construction and equipment unreasonable or impracticable on the advice of a marine surveyor, if the construction and equipment of that ship provide

equivalent protection against pollution by oil, having regard to the service for which it is intended.

(4) Particulars of an exemption granted by the Administration under paragraph (3) shall be indicated in an International Oil Pollution Prevention Certificate.

(5) In ships, other than oil tankers, that are fitted with cargo spaces and are constructed and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 12, 17, 18, 20(1), (2) and (3), 23, 31, 33 and 35(4) for oil tankers also apply to the construction and operation of these spaces, except that, where that aggregate capacity of the space is less than 1,000 cubic metres, it shall be sufficient to comply with the requirements of regulation 20(4) *in lieu* of those of regulations 20(1), (2) and (3).

(6) The Administration may grant exemptions from all or any of the provisions of these Regulations specified in the exemption, for classes of ships or individual ships, on such terms as it may specify and may, subject to giving notice, alter or cancel any such exemption.

Equivalents

5. The Administration may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by these Regulations, if the fitting, material, appliance or apparatus is at least as effective as that required by the Regulations, but shall not permit the substitution of operational methods to control the discharge of oil for the design and construction features that are prescribed by these Regulations.

PART II

SURVEYS, CERTIFICATES AND OIL RECORD BOOK

Surveys

6.(1) A Barbados oil tanker of 150 GT and above and every other Barbados ship of 400 GT and above shall obtain the following surveys:

(a) before the ship is put in service, or before an International Oil Pollution Prevention Certificate is first issued in relation to the ship, an initial survey as set out in regulation 4(1)*(a)* of Annex I of the Convention;

(b) within 5 years of the first issuance of an International Oil Pollution Prevention Certificate, and subsequently at intervals of, subject to regulations 9(3) and 10(3) to (6), no more than 5 years, a renewal survey set out in regulation 4(1)*(b)* of Annex I of the Convention; and

(c) after a repair resulting from investigations required under regulation 7(4), or whenever any emergency repairs or renewals are made, an additional survey set out in regulation 4(1)*(e)* of Annex I of the Convention.

(2) A Barbados oil tanker of 150 GT and above and every other Barbados ship of 400 GT and above shall also obtain the following surveys:

(a) within 3 months before or after the second or third anniversary date of an International Oil Pollution Prevention Certificate being issued, an intermediate survey set out in regulation 4(1)*(c)* of Annex I of the Convention; and

(b) within 3 months before or after each anniversary date of the issuance of the ship's International Oil Pollution Prevention Certificate, other than when an intermediate survey is required to be carried out within that period, an annual survey as set out in regulation 4(1)*(d)* of Annex I of the Convention.

Responsibilities of owner and master

7.(1) The owner and master of every ship shall ensure that the condition of the ship and her equipment is maintained to conform

(a) in the case of a Barbados ship or any ship surveyed pursuant to these Regulations, with these Regulations;

(b) in the case of any other ship, with the requirements of Annex I of the Convention.

(2) The owner and master of every ship shall ensure that, after a survey of the ship required by these Regulations or by Annex I of the Convention has been completed, no change, except by direct replacement, is made in the structure, equipment, systems, fittings, arrangements or material covered by the survey without the approval of the appropriate certifying authority, or of the administration of the state that carried out the survey for that ship.

(3) The owner and master of every ship shall ensure that whenever an accident occurs to a ship, or a defect is discovered, that substantially affects the integrity of the ship or the efficiency or completeness of her equipment

(a) if the ship is a Barbados ship, it is reported at the earliest opportunity to the Administration and to any other appropriate certifying authority;

(b) if the ship is a Barbados ship in a port outside Barbados, it is also reported to the proper officer and to the appropriate authorities of the country in which the port is situated; and

(c) if the ship is a foreign-registered ship in a port in Barbados, it is reported at the earliest opportunity to the Administration.

(4) Whenever an accident or defect is reported

(a) to the Administration or a certifying authority under paragraph (3)*(a)*; or

(b) to the proper officer under paragraph (3)*(b)*;

the Administration, certifying authority or proper officer shall cause an investigation to be initiated to determine whether a survey by a surveyor is necessary and, if a survey is found to be necessary, require that survey to be carried out.

Issuance and endorsement of certificates

8.(1) Where a certifying authority is satisfied, after the completion of an initial or renewal survey carried out in accordance with regulation 6(1)*(a)* or *(b)*, that the requirements of Annex I of the Convention are being complied with, the certifying authority shall issue an International Oil Pollution Prevention Certificate to an oil tanker of 150 GT and above and to any other ship of 400 GT and above engaged in international voyages.

(2) Where a certifying authority is satisfied after the completion of an intermediate or annual survey in accordance with regulation 6(2)*(a)* or *(b)* that the requirements of Annex I of the Convention are being complied with, the certifying authority shall so endorse the International Oil Pollution Prevention Certificate issued to the ship.

(3) If an oil tanker of 150 GT and above and any other ship of 400 GT and above that was previously under the flag of another state becomes a Barbados-registered ship engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to the Convention, a certifying authority shall issue an International Oil Pollution Prevention Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4) *(a)* and 4(4)*(b)* of Annex I of the Convention.

(4) If an oil tanker of 150 GT and above and any other ship of 400 GT and above that was previously under the flag of another state becomes a Barbados-registered ship not engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to the Convention, a certifying authority shall issue an International Oil Pollution Prevention Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4) *(a)* and 4(4)*(b)* of Annex I of the Convention.

(5) The Administration may, through a proper officer or otherwise, request the administration of a state that is a party to the Convention to carry out a survey of a Barbados-registered ship and, if it is satisfied that the requirements of Annex I of the Convention are complied with,

(a) to issue or authorize the issuance of an International Oil Pollution Prevention Certificate to the ship, or to endorse or authorize the endorsement of such a Certificate in accordance with the requirements of that Annex;

(b) to include in the Certificate a statement to the effect that it has been issued or endorsed at the request of the Administration; and

(c) to transmit a copy of the survey report and the Certificate to the Administration as soon as possible.

(6) A Certificate issued or endorsed in accordance with paragraph (5) has the same force and shall receive the same recognition as a Certificate issued or endorsed in accordance with paragraphs (1) to (3).

(7) The Administration may, at the request of the administration of a state that is a party to the Convention, carry out a survey of a ship registered in that state and, if it is satisfied that the requirements of Annex I of the Convention are complied with, issue an International Oil Pollution Prevention Certificate to the ship or endorse such a Certificate in accordance with the requirements of that Annex.

(8) The Administration shall include in any Certificate issued or endorsed in accordance with paragraph (7) a statement to the effect that it has been issued or endorsed at the request of that Administration and shall transmit a copy of the survey report and the Certificate to that Administration as soon as possible.

(9) A Certificate issued or endorsed in accordance with paragraph (7) has effect as if it was issued or endorsed by the administration of the state that requested the survey of the ship to be carried out.

(10) An International Oil Pollution Prevention Certificate issued or endorsed in accordance with this regulation shall be drawn up in a form corresponding to the model set out in Appendix II to Annex I of the Convention.

Duration and validity of certificates

9.(1) Subject to paragraphs (2) to (5), an International Oil Pollution Prevention Certificate

(a) shall be issued on the date of completion of the relevant survey; and

(b) is valid from the date of its issuance for a period not exceeding 5 years.

(2) Where a renewal survey required under regulation 6(1)*(b)* has been completed within a period of 3 months before the date of expiry of an International Oil Pollution Prevention Certificate, the new Certificate shall be issued to be valid from the date of expiry of the existing Certificate.

(3) Subject to regulation 10(6), where a renewal survey required under regulation 6(l)*(b)* has been completed after the expiry of an International Oil Pollution Prevention Certificate, the new Certificate shall be issued as being valid from the date of expiry of the expired Certificate.

(4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 6(2),

(a) the anniversary date shown on the International Oil Pollution Prevention Certificate shall be amended by endorsement to a date not more than 3 months later than the date on which the survey was completed;

(b) subsequent annual or intermediate surveys required under regulation 6(2) shall be completed at the intervals prescribed by that regulation using the new anniversary date; and

(c) the expiry date may remain unchanged if one or more annual or intermediate surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 6(2) are not exceeded.

(5) An International Oil Pollution Prevention Certificate shall cease to be valid

(a) if its period of validity has been exceeded and the Certificate has not been extended by the appropriate certifying authority in accordance with regulation 10 or the period of any such extension has expired;

(b) if the relevant surveys have not been completed within the periods specified in regulation 6 and the Certificate endorsed in accordance with regulation 11; or

(c) upon transfer of the ship to the flag of another state.

Extension of validity of certificates

10.(1) Where an International Oil Pollution Prevention Certificate has been issued for a period of validity of less than 5 years and the intermediate and annual surveys required under regulation 6(2) have been completed, the appropriate certifying authority may extend the validity of that Certificate so that the Certificate is valid for a maximum period of 5 years.

(2) Where a renewal survey required under regulation 6(1)*(b)* has been completed before the expiry of an International Oil Pollution Prevention Certificate but the new Certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate, the appropriate certifying authority may endorse the existing Certificate as valid for a period not exceeding 5 months from the expiry date of the existing Certificate.

(3) Where a renewal survey required under regulation 6(1)*(b)* has not been completed before the expiry of an International Oil Pollution Prevention Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the appropriate certifying authority may extend the validity of the Certificate for a period of not more than 3 months, solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) Where no other extension has been granted, the appropriate certifying authority may extend the validity of the International Oil Pollution Prevention

Certificate of a ship used solely on short international voyages for a period of not more than one month.

(5) An extension of validity under paragraph (3) or (4) shall be disregarded for the purposes of determining the date of expiry of an existing International Oil Pollution Prevention Certificate under regulation 9(2) or (3).

(6) In circumstances prescribed by the Administration in a merchant shipping notice, where a renewal survey required under regulation 6(1)*(b)*

(a) has been completed after the expiry of the International Oil Pollution Prevention Certificate;

(b) has been completed during the period for which the validity of the International Oil Pollution Prevention Certificate has been extended in accordance with paragraph (3); or

(c) has been completed during the period for which the validity of the International Oil Pollution Prevention Certificate has been extended in accordance with paragraph (4);

the new Certificate may be issued to be valid from the date of the completion of the renewal survey.

When corrective action is necessary

11.(1) Where a certifying authority determines that the condition of a Barbados ship or her equipment does not correspond with the particulars of the International Oil Pollution Prevention Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the certifying authority shall advise the owner or master of the corrective action that in its opinion is required, and shall give notice of it to the Administration.

(2) If such corrective action is not taken within a reasonable period specified by the certifying authority, the certifying authority shall immediately notify the Administration.

(3) The Administration may, on receipt of a notification under paragraph (2), suspend the validity of the International Oil Pollution Prevention Certificate issued to the ship and give notice of the suspension to the owner and to the certifying authority.

(4) On receipt of notice of such a suspension, the master shall, on demand, deliver up the Certificate to the certifying authority.

(5) Where the ship is in a port of a Convention country other than Barbados and corrective action in accordance with paragraph (1) has not been taken, the certifying authority shall immediately notify the appropriate authorities of the country in which the port is situated.

(6) If a ship of a Convention country other than Barbados is in a Barbados port and the surveyor or the certifying authority responsible for issuing the International Oil Pollution Prevention Certificate to the ship determines that it is necessary to withdraw the Certificate, the master of the ship shall report the withdrawal to the Administration, unless a report has already been made by the surveyor or certifying authority.

(7) On receipt of a report under paragraph (6), the Administration may take steps to ensure that the ship does not sail until she can proceed to sea or leave the port for the purposes of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

Oil record book

12.(1) Every ship of 400 GT and above, other than an oil tanker, and every oil tanker of 150 GT and above shall maintain an Oil Record Book, Part I (Machinery Space Operations).

(2) Every oil tanker of 150 GT and above shall also maintain an Oil Record Book, Part II (Cargo/Ballast Operations), in the form prescribed in the Convention.

(3) An oil record book shall be completed on each occasion, on a tank-by-tank basis if appropriate, whenever any of the following operations take place in the ship:

(a) for machinery space operations in the ship,

(i) ballasting or cleaning of oil fuel tanks;

(ii) discharging ballast or cleaning water from oil fuel tanks;

(iii) disposing of oily residues or sludge; or

(iv) discharging overboard bilge water that has accumulated in machinery spaces; and

(b) for cargo or ballast operations of oil tankers,

(i) loading oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) unloading oil cargo;

(iv) ballasting cargo tanks and dedicated clean ballast tanks;

(v) cleaning cargo tanks, including crude oil washing;

(vi) discharging ballast, except from segregated ballast tanks;

(vii) discharging water from slop tanks;

(viii) closing, after the discharge of the contents of the slop tanks, all valves or similar devices opened to permit such operations;

(ix) closing valves necessary for the isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and

(x) disposing of residues.

(4) In the event of a discharge of oil or an oily mixture referred to in regulations 13 to 15, or in the event of an accidental or operational discharge of oil not

excepted by those regulations, a statement shall be made in an oil record book of the circumstances of, and the reasons for, the discharge.

(5) Each operation described in paragraph (2) shall be fully recorded without delay in an oil record book so that all entries in the book appropriate to that operation are completed.

(6) Each completed operation shall be signed by the officer in charge of the operations concerned and each completed page shall be signed by the master.

(7) An oil record book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board.

(8) An oil record book shall be preserved for a period of 3 years after the last entry has been made.

(9) The Administration or a person authorized by the certifying authority may inspect an oil record book on board while the ship is in a port or offshore terminal, may make a copy of any entry in the book and may require the master of the ship to certify that the copy is a true copy of such an entry.

(10) Such a copy shall be admissible in any judicial proceedings as evidence of the facts stated in the entry.

(11) The inspection of an oil record book, and the taking of a certified copy by the Administration or by a person authorized by the Administration, under this regulation shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

PART III

OPERATIONAL POLLUTION CONTROL AND CONTROL OF OIL DISCHARGE

General exceptions

13. Regulations 17, 18 and 23 do not apply to

(a) a discharge into the sea of oil or an oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;

(b) a discharge, other than a discharge from an excepted ship, into the sea of oil or an oily mixture that results from damage to a ship or her equipment if

(i) all reasonable precautions were taken after the damage, or the discovery of the discharge, to prevent or minimize the discharge; and

(ii) the owner or the master did not act with intent to cause damage, or recklessly with knowledge that damage would probably result; or

(c) an approved discharge into the sea of substances containing oil, for the purpose of combating specific pollution incidents in order to minimize the damage from pollution, done with the approval of the government in whose jurisdiction it is contemplated the discharge will be made.

Exceptions for damage to a ship or her equipment in internal or territorial waters

14. Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from an excepted ship into a part of the sea within Barbados or its territorial waters that results from damage to a ship or her equipment if

(a) the damage was not caused by a person connected with the excepted ship's business, acting with intent, recklessly or with serious negligence;

(b) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimize the discharge; and

(c) neither the owner nor the master of the excepted ship acted

(i) with intent to cause damage; or

(ii) recklessly and with knowledge that damage would probably result.

Exceptions for damage to a ship or her equipment in other waters

15.(1) Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from a Barbados excepted ship into a part of the sea, other than in Barbados or its territorial waters, that results from damage to a ship or her equipment if

(a) the damage was not caused by a person connected with the Barbados excepted ship's business, acting with intent, recklessly or with serious negligence;

(b) all reasonable precautions were taken after the damage or discovery of the discharge, to prevent or minimize the discharge; and

(c) neither the owner nor the master of the Barbados excepted ship acted

(i) with intent to cause damage; or

(ii) recklessly and with knowledge that damage would probably result.

(2) Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from a foreign excepted ship into a part of the sea other than Barbados or its territorial waters that results from damage to a ship or her equipment if

(a) all reasonable precautions were taken after the damage or discovery of the discharge to prevent or minimize the discharge; and

(b) neither the owner nor the master of the foreign excepted ship acted

(i) with intent to cause damage; or

(ii) recklessly and with knowledge that damage would probably result.

Definitions

16. In regulations 13 to 15, a reference to a person connected with a ship's business includes

(a) a seafarer on the ship;

(b) the master;

(c) the owner;

(d) an owner of cargo carried on the ship; and

(e) a classification society that has issued a class certificate showing that the ship conforms to the class standards stipulated by that society.

Ships other than oil tankers and machinery space bilges of oil tankers

17.(1) This regulation applies

(a) subject to regulations 13 to 15, to

(i) Barbados ships other than oil tankers; and

(ii) Barbados oil tankers in relation to discharges from their machinery space bilges that are not mixed with oil cargo residue, other than cargo pump room bilges; and

(b) subject to regulations 13 to 15 and 46, to

(i) other ships, other than oil tankers; and

(ii) other oil tankers, in relation to discharges from their machinery space bilges, unless mixed with oil cargo residue, but excluding cargo pump room bilges.

(2) Subject to paragraph (3), a ship referred to in paragraph (1) shall not discharge oil or an oily mixture into any part of the sea unless

(a) the ship is proceeding on a voyage;

(b) the ship is not within a special area;

(c) the oil content of the effluent does not exceed 15 ppm; and

(d) the ship has in operation the filtering equipment and the oil discharge and monitoring and control system required by regulation 22.

(3) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations that are hazardous to the marine environment or contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge prescribed by this regulation.

(4) Oil or an oily mixture that has not been unloaded as cargo and not discharged into the sea in compliance with paragraph (2) or (3) shall be retained on board and discharged into reception facilities.

(5) Subject to paragraph (6), this regulation does not apply to discharges that occur landward of the line that is the baseline for measuring the breadth of the territorial waters of Barbados.

(6) Paragraphs (2) and (3) do not apply to a discharge from an offshore installation that occurs landward of the line that is the baseline for measuring the breadth of the territorial waters of Barbados.

Oil tankers

18.(1) Subject to regulations 13 to 15, this regulation applies to

(a) every Barbados oil tanker; and

(b) subject to regulation 46, every other oil tanker.

(2) Subject to paragraph (3), an oil tanker referred to in paragraph (1) shall not discharge oil or an oily mixture, other than in accordance with regulation 17, into any part of the sea unless

(a) the tanker is proceeding on a voyage;

(b) the tanker is not within a special area;

(c) the tanker is more than 50 miles from the nearest land;

(d) the instantaneous rate of discharge of oil content does not exceed 30 litres per mile;

(e) the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo of which the residue formed a part or, in the case of existing tankers, the total quantity of oil discharged does not exceed 1/15,000 of the total quantity of the cargo of which the residue formed a part; and

(f) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 20.

(3) Paragraph (2) does not apply to the discharge of clean or segregated ballast or an unprocessed oily mixture that without dilution has an oil content not exceeding 15 ppm, that does not originate from cargo pump room bilges and is not mixed with oil cargo residues.

(4) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations that are hazardous to the marine environment or contain chemicals or other substances introduced for the purposes of circumventing the conditions of discharge prescribed by this regulation.

(5) Oil or an oily mixture that has not been unloaded as cargo and not discharged into the sea in compliance with paragraph (2) shall be retained on board and shall be discharged into reception facilities.

Oil filtering equipment and oil discharge monitoring and control system

19.(1) Subject to paragraph (3), every ship of 400 GT and above but less than 10,000 GT shall be fitted with oil filtering equipment that complies with paragraph (5).

(2) Any such ship that carries ballast water in its bunker fuel tanks

(a) shall

(i) be provided with an alarm device and the means for automatically stopping the discharge of an oily mixture, that complies with the specifications referred to in paragraph (7), when the oil content in the effluent exceeds 15 ppm and not discharge such ballast water into the sea unless using that equipment; and

(ii) make a record of any such discharge in an oil record book; or

(b) shall discharge the ballast water to reception facilities.

(3) Subject to paragraphs (4) and (7), every ship of 10,000 GT and above shall be equipped with

(a) oil filtering equipment that complies with paragraph (6); and

(b) oil content measuring equipment fitted with a 15 ppm alarm device and with arrangements for automatically stopping any discharge of an oily mixture, that complies with the specifications referred to in paragraph (7), when the oil content in the effluent exceeds 15 ppm.

(4) The Administration may waive the requirements in paragraphs (1) to (3) if a ship is engaged exclusively on voyages within special areas and

(a) it is fitted with a holding tank having a volume adequate for the retention on board of all oily bilge water;

(b) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(c) adequate reception facilities are available to receive the oily bilge water in a sufficient number of ports or terminals at which the ship calls;

(d) the ship's International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on voyages within special areas; and

(e) the relevant entries are recorded in an oil record book.

(5) Every ship of less than 400 GT shall, so far as reasonably practicable, be constructed to ensure that oil or oily mixtures are retained on board and discharged to reception facilities or, if oil or oily mixtures are to be discharged into the sea, are discharged in accordance with the requirements of regulation 17(2).

(6) Oil filtering equipment shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters.

(7) Oil content measuring equipment and alarm devices shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters, and the arrangements for automatically stopping any discharge shall be of a design approved under those Recommendations.

Retention of oil on board

20.(1) For each oil tanker of 150 GT and above,

(a) adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residues and tank washings from the cargo tanks into a slop tank or, in an existing oil tanker, to a cargo tank designated as a slop tank;

(b) arrangements shall be provided to transfer the oil waste into a slop tank or combination of slop tanks in such a way that any effluent discharges into the sea will comply with regulation 18;

(c) the slop tank or combination of slop tanks provided shall have a sufficient capacity to retain the slops generated by tank washings, oil residues and dirty ballast residues of not less than 3 per cent of the cargo oil carrying capacity of the ship, unless

(i) segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with regulation 25 or a cargo tank cleaning system using crude oil washing is provided in accordance with regulation 28, in which case the total capacity of the slop tank or tanks may be reduced to 2 per cent of the oil carrying capacity of the ship;

(ii) in the case of a combination carrier, the oil cargo is carried in tanks with smooth walls, in which case the total capacity may be reduced to 1 per cent of the oil carrying capacity of the ship;

(d) slop tanks shall be designed, particularly as regards the position of inlets, outlets, baffles or weirs, where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with water; and

(e) where the oil tanker is a new oil tanker of 70,000 tons deadweight and above, it shall be provided with at least 2 slop tanks.

(2) If the tank washing arrangements are such that, once the slop tank or tanks are charged with washing water, the water is sufficient for the tank washing and, where applicable, for providing the driving fluid for the pumps, including eductors, without the introduction of additional water into the system, the capacity of 3 per cent in paragraph (1)*(c)*, of 2 per cent in paragraph (1)*(c)*(i) and 1 per cent in paragraph (1)*(c)*(ii) are reduced to 2 per cent, 1.5 per cent and 0.8 per cent, respectively.

(3) An oil tanker of 150 GT and above shall be fitted with

(a) an oil discharge monitoring and control system of a design approved in accordance with the guidelines and specification for oil discharge and control systems for oil tankers, designed and installed in accordance with the guidelines and specification for oil discharge and control systems for oil tankers; and

(b) a recording device to provide, unless otherwise required by the guidelines and specifications, a continuous record of the discharge of oil in litres per mile and the total quantity of oil discharged or the oil content and rate of discharge of the effluent.

(4) A record referred to in paragraph (3)*(b)* shall be identifiable as to the time and date and be kept for at least 3 years.

(5) A system referred to in paragraph (3) shall be brought into operation when there is a discharge of effluent into the sea and shall be such as to ensure that any discharge of an oily mixture is, unless otherwise permitted by the guidelines and specifications referred to in paragraph (3)*(a)*, automatically stopped when the instantaneous rate of discharge of oil exceeds 30 litres per mile.

(6) On any failure of the system, the discharge shall be stopped and the failure noted in the oil record book.

(7) A manually operated alternative system shall be provided and may be used in the event of such a failure, but the defective unit shall be made operable as soon as possible.

(8) If a tanker with a defective unit is within Barbados or its territorial waters, the Administration may allow the tanker to undertake one ballast voyage before proceeding to a repair port.

(9) Effective oil/water interface detectors, of a design approved in accordance with the Specifications for Oil/Water Interface Detectors, shall be provided for the rapid and accurate determination of the oil/water interface in slop tanks and in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent directly to the sea.

(10) Approved instruction manuals on the operation and maintenance of the various components constituting the oil discharge monitoring and control system shall be provided, and shall contain information on manual as well as automatic operation, to ensure that at no time will oil be discharged except in compliance with the conditions specified in regulation 18.

Retention of oil and contaminated washings on board

21.(1) Oil tankers of less than 150 GT shall retain oil and all contaminated washings on board for subsequent discharge to reception facilities.

(2) The total quantity of oil and water used for washing and returned to a storage or slop tank in such tankers shall be recorded in the oil record book.

(3) This quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent that is discharged into the sea is effectively monitored to ensure that regulation 18 is complied with.

Exception

22.(1) Regulation 20 does not apply to an oil tanker that is engaged exclusively on voyages of 72 hours or less in duration and within 50 miles of the nearest land, if

(a) the oil tanker is engaged exclusively in trade between ports or terminals within Barbados;

(b) the oil tanker retains on board all oily mixtures for subsequent discharge to reception facilities; and

(c) the Administration has determined that adequate facilities are available to receive such oily mixtures.

(2) Regulations 20(1) to (3) do not apply to an oil tanker if

(a) the tanker is an existing oil tanker of 40,000 deadweight tons or above, engaged in specific trades, in accordance with regulation 29(1) and complies with the conditions specified in regulation 29(2); and

(b) subject to paragraph (3), the tanker is engaged exclusively on voyages

(i) within special areas;

(ii) within 50 miles from the nearest land outside special areas and is trading between ports and terminals within Barbados; or

(iii) on restricted voyages of 72 hours or less in duration.

(3) A tanker to which paragraph (2)*(b)* applies shall comply with the following requirements:

(a) all oily mixtures shall be retained on board for subsequent discharge to reception facilities;

(b) for voyages referred to in paragraph (2)*(b)*, adequate reception facilities shall be available to receive those oily mixtures in those oil loading ports or terminals the tanker calls at;

(c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages referred to in paragraphs (2)*(b)*(i) and (2)*(b)*(ii); and

(d) the relevant entries are recorded in an oil record book.

(4) Except as otherwise provided in these Regulations or in a merchant shipping notice, regulation 20 does not apply to oil tankers carrying asphalt or

other products that, through their physical properties, inhibit effective product/water separation and monitoring, in which case regulation 18 is satisfied by the retention of residues on board and the discharge of all contaminated washings to reception facilities.

Prevention of oil pollution from ships operating in special areas

23.(1) Subject to regulations 13 to 15 and paragraph (3), no person shall

(a) in the Antarctic area, discharge into the sea oil or an oily mixture from a Barbados ship; and

(b) in a special area other than the Antarctic area,

(i) discharge into the sea oil or an oily mixture from a Barbados oil tanker or from a Barbados ship of 400 GT or above, other than an oil tanker; and

(ii) discharge into the sea oil or an oily mixture from a Barbados ship of less than 400 GT other than an oil tanker, except when the oil content of the effluent without dilution does not exceed 15 ppm;

(c) after July 1st, 2024, in the Arctic Area, discharge oil or an oily mixture into the sea from a Barbados ship.

(2) Paragraph (1) does not apply to the discharge of clean or segregated ballast.

(3) Paragraphs (1)*(a)* and *(b)*(i) do not apply to the discharge of processed bilge water from machinery spaces if

(a) the bilge water does not originate from cargo pump room bilges;

(b) the bilge water is not mixed with cargo oil residues;

(c) the ship is proceeding on a voyage;

(d) the oil content of the effluent, without dilution, does not exceed 15 ppm of mixture;

(e) the ship has in operation an oil filtering system complying with regulation 19(6) and equipment complying with regulation 19(7); and

(f) the oil filtering system is equipped with a stopping device that will ensure that the discharge is automatically stopped if the oil content of the effluent exceeds 15 ppm.

(4) In Antarctica, the Arctic and any other special area,

(a) no discharge into the sea shall contain chemicals or other substances in quantities or concentrations that are hazardous to the marine environment or contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation; and

(b) where residues of oil or an oily mixture are not to be discharged into the sea in compliance with paragraph (1) or (2), they shall be retained on board and shall be discharged only into reception facilities.

(5) Nothing in this regulation prohibits a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with regulations 17 and 18.

(6) A Barbados ship shall not enter the Antarctic or the Arctic unless

(a) it is fitted with tanks of sufficient capacity for the retention on board of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area; and

(b) arrangements have been made in respect of the ship to have such oily residues and mixtures discharged into a reception facility after it has left the area.

(7) Subject to regulation 46, this regulation, other than paragraph (6), applies to ships that are not Barbados ships in the same manner as it applies to Barbados ships.

PART IV

REQUIREMENTS FOR CARGO SEGREGATION

Interpretation

24.(1) For the purposes of this Part other than regulation 25(1), "new", in relation to an oil tanker, means an oil tanker

(a) for which the building contract was placed after 1st June, 1979;

(b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction after 1st January, 1980;

(c) the delivery of which was or is to be after 1st June, 1982; or

(d) that has undergone a major conversion

(i) for which the contract was placed after 1st June, 1979;

(ii) in the absence of a contract, the construction work of which began after 1st January, 1980; or

(iii) that was completed after 1st June, 1982.

(2) For the purpose of paragraph (1)*(c)*, an oil tanker is considered to have been delivered after 1st June, 1982 if

(a) the building contract for the tanker was placed after 1st June, 1979;

(b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction after 1st January, 1980;

(c) delivery of the tanker was or is to be after 1st June, 1982; or

(d) the tanker has undergone a major conversion

(i) for which the contract was or is to be placed after 1st June, 1979;

(ii) in the absence of a contract, the construction work of which began after 1st January, 1980; or

(iii) that was completed after 1st June, 1982.

New tankers of 20,000 tonnes deadweight and above

25.(1) Every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2) to (7).

(2) The capacity of the segregated ballast tanks shall be sufficient for the ship to operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast, except as provided for in paragraph (5) or (6).

(3) The capacity of the segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including the condition consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements, where "L" is the length of the ship:

(a) the moulded draught amidships in metres, without taking into account any ship's deformation, shall not be less than 2.0+0.02L;

(b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships as specified in subparagraph *(a)*, in association with the trim by the stern of not greater than 0.015L; and

(c) in any case, the draught at the after perpendicular shall not be less than that necessary to obtain full immersion of the propeller.

(4) For the purpose of paragraph (3)*(b)*, forward and after perpendiculars shall be taken at the forward and after ends of the length, and the forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(5) Ballast water shall not be carried in cargo tanks, except

(a) on voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship; or

(b) where the character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity that may be carried in segregated ballast tanks under paragraph (2), if the Administration has approved that method of operation;

and any such additional ballast water shall be processed and discharged in accordance with the requirements of regulations 18 and 20 and an entry of the discharge shall be made in an oil record book.

(6) In a new crude oil tanker, the additional ballast permitted by paragraph (3) shall be carried only in cargo tanks that have been crude oil washed in accordance with regulation 28 before departure from an oil unloading port or terminal.

(7) Notwithstanding paragraph (2), the capacity of the segregated ballast tanks for new oil tankers less than 150 metres in length shall be as determined by the Administration.

(8) Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted, within one year after the tanker is first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later, with a cargo tank cleaning system using crude oil washing that complies with regulation 28, unless the oil tanker carries crude oil that is not suitable for crude oil washing, in which case it shall operate the system in accordance with regulation 28.

(9) Subject to paragraphs (10) and (11) and regulations 29 and 30, every existing crude oil tanker of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) to (5).

(10) Subject to regulations 29 and 30, existing crude oil tankers of 40,000 tons deadweight and above may, *in lieu* of being provided with segregated ballast tanks, operate with a cargo tank cleaning procedure using crude oil washing in accordance with regulation 28, unless the crude oil tanker is intended to carry crude oil that is not suitable for crude oil washing.

(11) Subject to regulation 29, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2) and (3) or operate with dedicated clean ballast tanks in accordance with regulation 27.

(12) An oil tanker that is not required to be provided with segregated ballast tanks in accordance with paragraphs (1), (9) or (11) may be described in an International Oil Pollution Prevention Certificate as a segregated ballast tanker if it complies with the requirements of paragraphs (2) to (5) or paragraph (7).

Protective location of segregated ballast spaces

26. Subject to regulation 37(3), in every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above, the segregated ballast tanks required to provide the capacity to comply with regulation 25 that are located within the cargo tank length shall be arranged in a manner to provide a measure of protection against oil outflow in the event of grounding or a collision.

Oil tankers with dedicated clean ballast tanks

27.(1) An oil tanker operating with dedicated clean ballast tanks in accordance with regulation 25(9) shall have adequate tank capacity dedicated solely to the carriage of clean ballast to meet the requirements of regulations 25(2) and (3), in the same manner as those regulations apply to segregated ballast tanks.

(2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements of Specifications for Oil Tankers with Dedicated Clean Ballast Tanks.

(3) An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter approved in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content

Meters, so as to permit supervision of the oil content in the ballast water being discharged.

(4) Every oil tanker operating with dedicated clean ballast tanks shall be provided with a dedicated clean ballast tank operation manual, detailing the system and specifying operational procedures, that is approved by the Administration and that contains all the information set out in the specifications referred to in paragraph (2).

(5) If an alteration affecting the dedicated clean ballast tank system is made, the operation manual shall be revised and the revision shall be approved by the Administration.

Crude oil washing

28.(1) A crude oil washing system required to be provided in accordance with regulation 25(6) and (8) shall comply with this regulation.

(2) The crude oil washing installation and associated equipment and arrangements, including the qualification of personnel, shall comply with the requirements and specifications set out in Specifications for the Design, Operation and Control of Crude Oil Washing Systems.

(3) Sufficient cargo tanks shall be crude oil washed prior to each ballast voyage to ensure that, taking into account the tanker's trading pattern and expected weather conditions, ballast water will be put only into cargo tanks that have been crude oil washed.

(4) Every oil tanker operating with a crude oil washing system shall be provided with an operations and equipment manual, describing the system and equipment in detail and specifying the operational procedures to be followed, that is approved by the certifying authority and that contains all the information set out in the specifications referred to in paragraph (2).

(5) If any alteration is made affecting the crude oil washing system, the operations and equipment manual shall be revised, and the revision shall be approved by the certifying authority.

Existing oil tankers engaged in specific trades

29.(1) Subject to paragraph (2), regulations 25(9) to (11) do not apply to an existing oil tanker engaged solely in specific trades between

(a) ports or terminals within a Convention country; or

(b) ports or terminals between two or more Convention countries, where

(i) the voyage is entirely within a special area described in regulation 23(1); or

(ii) the voyage is entirely within other limits designated by the Administration.

(2) Paragraph (1) applies only if the ports or terminals where the cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and if

(a) subject to regulations 13 to 15, all ballast water, including clean ballast water, and tank washing residues are be retained on board until they are transferred to those reception facilities, and the entry relating to the transfer in an oil record book is endorsed by a competent authority appointed by the Convention country;

(b) an agreement has been reached between the Administration and the government of a Convention country referred to in paragraph (1)*(a)* or *(b)* on the use of an existing oil tanker for such a trade;

(c) the reception facilities at the ports or terminals comply with any regulations relating to reception facilities and are approved by the governments of the Convention countries within which those ports or terminals are situated; and

(d) the International Oil Pollution Prevention Certificate has been endorsed to the effect that the oil tanker is solely engaged in that specific trade.

Existing oil tankers having special ballast arrangements

30.(1) Where an existing oil tanker of 40,000 deadweight tons and above is constructed or operates in a manner that complies with the draught and trim requirements set out in regulation 25(2) without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in regulation 25(7) if

(a) the operational procedures and ballast arrangements have been approved;

(b) when the draught and trim requirements are achieved through an operational procedure, agreement as to the use of that procedure has been reached between the Administration and the governments of the Convention countries concerned; and

(c) the International Oil Pollution Prevention Certificate has been endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) Ballast shall not be carried in cargo oil tanks except on voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship, in which case the additional ballast water shall be discharged in compliance with regulations 18 and 20 to 22 and the discharge of that water shall be entered in an oil record book.

Segregation of oil and water ballast and carriage of oil in forepeak tanks

31.(1) Subject to paragraph (3), in new ships of 4,000 GT and above other than oil tankers, and in new oil tankers of 150 GT and above, no ballast water shall be carried in any oil fuel tank.

(2) All other ships shall comply with paragraph (1) so far as it is reasonable and practicable to do so.

(3) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary for ships referred to in paragraph (1) to carry ballast water that is not clean ballast water in a oil fuel tank, the ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 17 using the equipment specified in regulation 19(3), and the discharge shall be entered in an oil record book.

(4) In a ship of 400 GT and above for which the building contract was or is to be placed after 1st January, 1982 or, in the absence of a building contract, the keel of which was or is to be laid or is at a similar stage of construction after 1st July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(5) All other ships shall comply with paragraph (4) so far as it is reasonable and practicable to do so.

Tanks for oil residue or sludge

32.(1) Every ship of 400 GT and above shall be provided with tanks of adequate capacity, having regard to the type of machinery installed and length of its voyage, to receive any oily residues or sludge that cannot be dealt with in accordance with the requirements of these Regulations, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities.

(3) Existing ships shall comply with paragraph (2) so far as it is reasonable and practicable to do so.

(4) Ships referred to in paragraphs (1) and (2) shall be provided with piping to enable residues from machinery spaces and machinery space bilges to be pumped to a reception facility.

(5) Piping referred to in paragraph (4) shall be led to the open deck and there fitted with a flange.

(6) The dimensions for the flange may be specified in a merchant shipping notice.

(7) Piping to and from sludge tanks shall have no direct connection overboard other than the discharge connection required by paragraph (4).

Pumping, piping and discharge arrangements of oil tankers

33.(1) In every oil tanker, a discharge manifold for the discharge of dirty ballast water or oil contaminated water to reception facilities shall be located on the open deck on both sides of the ship.

(2) Subject to paragraph (3), in every oil tanker, pipelines for a discharge to the sea of ballast or oil contaminated water from cargo tank areas permitted under regulations 17, 18 or 23 shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition or, subject to the approval of the Administration, below the waterline, to enable discharges below the waterline permitted by paragraph (8) to be made.

(3) A discharge outlet may be located above the departure ballast waterline but not above the waterline in the deepest ballast condition, if it was so located before 1st January, 1981.

(4) In new oil tankers, a means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than discharges below the waterline permitted under paragraph (8), from a position on the upper deck or above, and located so that the manifold referred to in paragraph (1) and the discharge to the sea from the pipelines referred to in paragraph (2) may be visually observed.

(5) The means for stopping the discharge referred to in paragraph (4) may be situated elsewhere than at the observation position if an effective communication system, such as a telephone or radio system, is provided between the observation position and the discharge control position.

(6) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall

(a) be equipped with oil piping designed and installed so that oil retention in the lines is minimized;

(b) be provided with a means to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary, by a connection to a stripping device, designed so that the line and pump drainings are capable of being discharged both ashore and to a cargo tank or a slop tank; and

(c) for discharge ashore, be provided with a special small diameter line connected outboard of the deck manifold valves, both port and starboard.

(7) Every existing crude oil tanker required to be provided with segregated ballast tanks, to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks shall comply with paragraph (6)*(b)*.

(8) Ballast water or oil contaminated water from the cargo tank areas of an oil tanker shall be discharged only above the waterline, except that

(a) segregated ballast and clean ballast may be discharged below the waterline

(i) in ports or at offshore terminals; or

(ii) at sea by gravity, if the surface of the ballast water is examined immediately before the discharge to ensure that no contamination with oil has taken place;

(b) existing oil tankers that are not capable without modification of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, if the surface of the ballast water is examined immediately before the discharge to ensure that no contamination with oil has taken place;

(c) existing oil tankers operating with dedicated clean ballast tanks that without modification are not capable of discharging ballast water from the dedicated clean ballast tanks above the waterline may discharge this ballast below the waterline, if the discharge of the ballast water is supervised with the aid of an oil content meter as provided for in regulation 27(3);

(d) dirty ballast water or oil-contaminated water from tanks in the cargo area of an oil tanker at sea, other than slop tanks, may be discharged by gravity below the waterline if sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water is examined immediately before the discharge with an oil/water interface detector of the kind referred to in regulation 20(3)*(e)*, in order to ensure that the height of the interface is such that the discharge does not involve any increased harm to the marine environment; and

(e) dirty ballast water or oil-contaminated water from cargo tank areas of an existing oil tanker may be discharged below the waterline, subsequent to or *in lieu* of discharge by the method referred to in subparagraph *(d)*, if

(i) a part of the flow of the water is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation; and

(ii) the part flow arrangements comply with applicable international standards for such arrangements.

PART V

MINIMIZING OIL POLLUTION FROM OIL TANKERS DUE TO SIDE AND BOTTOM DAMAGE

Interpretation

34. For the purposes of determining the permissible size and arrangements of cargo tanks and for assessing the standard of subdivision of oil tankers, the meaning of "side and bottom damage" and "hypothetical outflow of oil" shall be determined by reference to International Association for Classification Society Rules and any applicable International Organization for Standardization standards shall be considered.

Limitation of size and arrangement of cargo tanks

35.(1) Every new oil tanker shall comply with this regulation.

(2) Every existing oil tanker shall comply with this regulation if

(a) it was delivered to its first owner after 1st January, 1977; or

(b) it was delivered to its first owner on or before

(i) 1st January, 1977; and

(ii) the building contract for the tanker was placed after 1st January, 1974 or, where there was no building contract, the keel was laid or the tanker was at a similar stage of construction after 30th June, 1974.

(3) Cargo tanks of an oil tanker shall be of such a size and arrangement that the hypothetical outflow Oc or Os, anywhere in the length of the ship, does not exceed 30,000 cubic metres or 400 3v DW, whichever is the greater, but subject to a maximum of 40,000 cubic metres.

(4) The volume of any one wing cargo oil tank of an oil tanker shall not exceed 75 per cent of the limits of the hypothetical outflow Oc or Os referred to in paragraph (3).

(5) Subject to paragraph (6), the volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres.

(6) In segregated ballast oil tankers referred to in regulation 25, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each of which exceeds longitudinal extent in length, may be increased to the maximum limit of hypothetical oil outflow, if the width of the wing tanks exceeds transverse extent.

(7) The length of each cargo tank shall not exceed 10 metres or the greater of the following values:

(a) where no longitudinal bulkhead is provided inside the cargo tanks, the lesser of

(i) (0.5 bi/B +0.1)L; and

(ii) 0.2L;

(b) where a centre-line longitudinal bulkhead is provided inside the cargo tanks, (0.25 bi/B +0.15)L; and

(c) where two or more longitudinal bulkheads are provided inside the cargo tanks,

(i) for wing cargo tanks, 0.2L;

(ii) for centre cargo tanks,

(A) if bi/B is equal to or greater than one fifth, 0.2L;

(B) if bi/B is less than one fifth and no centre-line longitudinal bulkhead is provided, (0.5 bi/B +0.1)L; and

(C) if bi/B is less than one fifth and a centre-line longitudinal bulkhead is provided, (0.25 bi/B +0.15)L.

(8) In paragraph (7),

(a) "bi" means the minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question, measured inboard at right angles to the centre-line at the level corresponding to the assigned summer freeboard; and

(b) "L" means the length of the ship.

(9) In order not to exceed the volume limits established by paragraphs (3) to (5) and irrespective of the type of cargo transfer system installed, when such a system interconnects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other and shall be closed when the tanker is at sea.

(10) Lines of piping that run through cargo tanks in a position less than transverse extent from the ship's side or less than vertical extent from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank, and shall be kept closed at sea at any time when the tanks contain cargo oil, other than for cargo transfer needed for the purpose of trimming of the ship.

Subdivision and stability

36.(1) Every oil tanker referred to in paragraph (3) shall comply with the subdivision and damage stability criteria specified in the International Convention for the Safety of Life at Sea and the Intact Stability Code.

(2) The master of every oil tanker referred to in paragraph (3) and the person in charge of a non-self-propelled oil tanker referred to in paragraph (3) shall be supplied, in an approved form, by the owner with

(a) information relating to loading and distribution of cargo necessary to ensure compliance with this regulation; and

(b) data on the ability of the ship to comply with the damage stability criteria prescribed by this regulation, including the effect of any lesser requirements that may have been imposed by the Administration.

(3) This regulation applies to every oil tanker of 5,000 tons deadweight and above

(a) for which the building contract was placed on or after 1st February, 1999;

(b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction on or after 1st August, 1999;

(c) the delivery of which was on or after 1st February, 2002; or

(d) that has undergone a major conversion

(i) for which the contract was placed after 1st February, 1999;

(ii) in the absence of a contract, the construction work of which began after 1st August, 1999; or

(iii) that was completed after 1st February, 2002.

(4) For the purpose of paragraph (3)*(c)*, an oil tanker is considered to have been delivered on or after 1st February, 2002 if

(a) the building contract for the tanker was placed on or after 1st February, 1999;

(b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction on or after 1st August, 1999;

(c) the delivery of the tanker was or is to be on or after 1st February, 2002; or

(d) the tanker has undergone a major conversion

(i) for which the contract was placed on or after 1st February, 1999;

(ii) in the absence of a contract, the construction work of which began on or after 1st August, 1999; or

(iii) that was completed on or after 1st February, 2002.

PART VI

DESIGN AND CONSTRUCTION OF OIL TANKERS AGAINST OIL POLLUTION IN THE EVENT OF COLLISION OR STRANDING

New oil tankers

37.(1) This Regulation applies to oil tankers of 600 tons deadweight and above

(a) for which the building contract was or is to be placed on or after 6thJuly, 1993;

(b) in the absence of a building contract, the keel of which was or is to be laid or was or is at a similar stage of construction on or after 6th January, 1994;

(c) the delivery of which was or is to be on or after 6th July, 1996; or

(d) that has undergone a major conversion

(i) for which the contract was placed after 6thJuly, 1993;

(ii) in the absence of a contract, the construction work of which began after 6th January, 1994; or

(iii) that was completed after 6th July, 1996.

(2) For the purpose of paragraph (1)*(c)*, and oil tanker is considered to have been delivered on or after 6th July, 1996 if

(a) building contract for the tanker was placed on or after 6th July, 1993;

(b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction on or after 6th January, 1994;

(c) the delivery of the tanker was or is to be on or after 6th July, 1996; or

(d) the tanker has undergone a major conversion

(i) for which the contract was placed on or after 6th July, 1993;

(ii) in the absence of a contract, the construction work of which began on or after 6th January, 1994; or

(iii) that was completed on or after 6th July, 1996.

(3) Regulation 26 does not apply to an oil tanker of 5,000 tons deadweight and above.

(4) Subject to paragraphs (6) and (7), in an oil tanker of 5,000 tons deadweight and above, the entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks.

(5) Double bottom tanks or spaces required by paragraph (4) may be dispensed with if the design of the tanker meets the conditions set out in the International Convention for the Safety of Life at Sea or any relevant International Association of Classification Societies Rules.

(6) Notwithstanding paragraphs (3) and (4), an oil tanker referred to in paragraph (4) may conform to other methods of design and construction, if such methods

(a) ensure at least the same level of protection against oil pollution in the event of a collision or stranding; and

(b) have the approval of the Administration based on guidelines developed by the International Maritime Organization.

(7) Oil shall not be carried in an oil tanker in any space extending forward of a collision bulkhead provided in accordance with Regulation 11 of Chapter II-1 of the International Convention for the Safety of Life at Sea.

(8) An oil tanker that is not required to have a collision bulkhead in accordance with regulation 13 shall not carry oil in any space extending forward of the transverse plane perpendicular to the centre-line that is located as if it were a collision bulkhead provided in accordance with that regulation.

(9) In approving the design and construction of an oil tanker, the certifying authority shall have due regard to general safety considerations, including the

need for the maintenance and inspections of wing and double bottom tanks or spaces.

Existing oil tankers

38.(1) In this regulation,

"category 1 oil tanker" means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, or an oil tanker of 30,000 tons deadweight and above carrying oil, that does not comply with the requirements for new oil tankers as defined in Regulation 1 (26) of Annex I of the consolidated 2002 edition of the Convention;

"category 2 oil tanker" means

(a) an oil tanker of 20,000 tons deadweight and above that carries as cargo crude oil, fuel oil, heavy diesel oil or lubricating oil; or

(b) an oil tanker of 30,000 tons deadweight and above that carries as cargo oil other than oil mentioned in subparagraph *(a)*;

that complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I, of the consolidated 2002 edition of the Convention and is provided with segregated ballast tanks protectively located;

"category 3 oil tanker" means an oil tanker of 5,000 tons deadweight and above other than a category 1 or category 2 oil tanker;

"double hull oil tanker" means

(a) in relation to an oil tanker of 5,000 tons deadweight and above, an oil tanker that complies with

(i) the double hull or equivalent design requirements of Regulation 13F of Annex I of the consolidated 2002 edition of the Convention; or

(ii) paragraph 1*(c)* of regulation 13G of Annex I of the consolidated 2002 edition of the Convention; and

(b) in relation to an oil tanker of 600 tons deadweight and above but less than 5,000 tons deadweight, an oil tanker that

(i) is fitted with double bottom tanks or spaces complying with regulation 13F(7)*(a)* of Annex I of the consolidated 2002 edition of the Convention;

(ii) is fitted with wing tanks or spaces arranged in accordance with regulation 13F(3)*(a)* of Annex I of the consolidated 2002 edition of the Convention; and

(iii) complies with the requirement for distance referred to in regulation 13F(7)*(b)* of Annex I of the consolidated 2002 edition of the Convention;

"fuel oil" means heavy distillates or residues from crude oil, or blends of such materials, intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the International Maritime Organization;

"heavy diesel oil" means marine diesel oil, other than distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the International Maritime Organization;

"heavy grades of oil" means

(a) crude oils having a density at 15°C that is higher than 900 kg/m^3, corresponding to an API grade of less than 25.7;

(b) fuel oils having a density at 15°C that is higher than 900 kg/m^3 or a linematic viscosity at 50°C that is higher than 180 mm^2/s, corresponding to a kinematic viscosity of over 189 cSt; or

(c) bitumen and tar and their emulsions;

"L" has the meaning given in regulation 13E (2) of Annex I, of the consolidated 2002 edition of the Convention; and

"new oil tanker" means a new oil tanker as defined in regulation 1 (26) of Annex I, of the consolidated 2002 edition of the Convention.

(2) Subject to paragraph (5), this regulation applies to an oil tanker of 5,000 tons deadweight and above

(a) for which the building contract was placed before 6th July, 1993;

(b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction before 6th January, 1994;

(c) the delivery of which was before 6th July, 1996; or

(d) that underwent a major conversion

(i) for which the contract was placed before 6th July, 1993;

(ii) in the absence of a contract, the construction work of which began on or before 6th January, 1994; or

(iii) that was completed on or before 6th July, 1996.

(3) For the purpose of paragraph (2)*(c)*, an oil tanker is considered to have been delivered before 6th July, 1996 if

(a) he building contract for the tanker was placed before 6th July, 1993;

(b) in the absence of a building contract, the keel of the tanker was is laid or was at a similar stage of construction before 6_{th} January, 1994; or

(c) the delivery of the tanker was before 6th July, 1996; or

(d) the tanker has undergone a major conversion

(i) for which the contract was placed before 6th July, 1993;

(ii) in the absence of a contract, the construction work of which began before 6th January, 1994; or

(iii) that was completed before 6th July, 1996.

(4) This regulation does not apply to an oil tanker that conforms to other methods of design and construction that ensure at least the same level of protection against oil pollution in the event of a collision or stranding and have the approval of the Administration based on guidelines developed by the International Maritime Organization.

(5) For the purposes of paragraphs (6) and (7), an oil tanker that does not meet in all respects the requirements of paragraph (3) regarding minimum distances between the cargo tank boundaries of the ship side and bottom plating shall be treated as meeting those requirements if

(a) the side protection distance is nowhere less than 760 mm from the shell plating; and

(b) the bottom protection distance is not less than the lesser of B/15 or 2 metres.

(6) A category 1 oil tanker that is a Barbados-registered oil tanker shall not operate.

(7) A category 1 oil tanker that is a not Barbados-registered oil tanker shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Barbados.

(8) A category 2 or 3 oil tanker that is a Barbados-registered oil tanker shall not operate.

(9) A category 2 or 3 oil tanker that is not a Barbados-registered oil tanker shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of

(10) Paragraphs (8) and (9) do not apply to a category 2 or 3 oil tanker

(a) if, on or before 4th August, 2005, the ship was subject to a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery;

(b) in any other case, from the date on which the ship first has a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery; and

(c) if it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27th April, 2001 of the Marine Environment Protection Committee of the International Maritime Organization and amended by Resolution 99(48) of 11th October, 2002 and Resolution 112(50) of 4th December, 2003 of that Committee.

(11) No oil tanker of 600 tons deadweight and above carrying heavy grades of oil shall enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Barbados unless

(a) it is a double hull oil tanker; or

(b) it is an oil tanker operating exclusively in ports and inland navigation and duly certified under the inland waterway legislation applicable to the ship.

(12) The Administration may grant an exemption from any of paragraphs (6) to (11) under regulation 4(5) only if that exemption

(a) allows an oil tanker to enter a port or offshore terminal under the jurisdiction of Barbados; and

(b) is granted because the oil tanker is in difficulty and in search of a place of refuge, or is unloaded and proceeding to a port of repair.

PART VII

OFFSHORE INSTALLATIONS

Requirements for offshore installations

39.(1) Offshore installations, when engaged in the exploration, exploitation and associated offshore processing of sea bed mineral resources, shall comply

with the requirements of these Regulations applicable to ships of 400 GT and above that are not oil tankers, notwithstanding that the installations are not proceeding on a voyage, except that

(a) they shall be equipped, as far as practicable, with the systems and tanks required by regulations 19 and 32(1) and (2); and

(b) they shall keep a record, in an approved form, of all operations involving oil or oily mixture discharges.

(2) An offshore installation when so engaged shall not discharge into the sea oil or an oily mixture with an oil content of 15 ppm or more, unless the discharge is one specified in regulation 13.

(3) In this regulation, a reference to oil or an oily mixture in relation to a discharge associated with machinery space drainage, does not include a production or displacement water discharge.

PART VIII

POWERS TO INSPECT, DENY ENTRY OR DETAIN AND PENALTIES

Power to inspect

40.(1) A ship in a Barbados port or at an offshore terminal shall be subject to inspections by persons appointed by the Administration.

(2) Any such inspection shall be limited to verifying that there is on board a valid International Oil Pollution Prevention Certificate in the form prescribed by the Convention, unless there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of that Certificate.

(3) If there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of its

International Oil Pollution Prevention Certificate, or if the ship does not carry a valid Certificate, an inspector shall take such steps as he may consider necessary to ensure that the ship does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment, in which case the Administration may permit the ship to leave the port or offshore terminal for the purposes of proceeding to the nearest appropriate repair yard.

(4) Notwithstanding paragraph (2), and without prejudice to any control over operational procedures provided for in these Regulations, an inspector may investigate any operation regulated by these Regulations if there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures for preventing pollution by oil.

(5) If an inspection reveals deficiencies, the inspector shall ensure that the ship does not sail until the situation has been rectified in accordance with the requirements of these Regulations.

(6) Upon receiving evidence that a ship has discharged oil or an oily mixture contrary to these Regulations, the Administration shall cause the matter to be investigated and shall inform the state that has reported the contravention, as well as the International Maritime Organization, of the action taken.

(7) For the purposes of this Regulation, a person appointed as an inspector may exercise the powers of an inspector set out under Part XXXI of the Act.

Power to deny entry or detain

41.(1) If a harbour master has reason to believe that a ship that does not comply with the requirements of these Regulations proposes to enter or leave the harbour, he shall immediately report the matter to the Administration.

(2) If the Administration is satisfied that the ship presents an unreasonable threat of harm to the marine environment, it may deny the entry or exit of the ship to or from Barbados ports or offshore terminals.

(3) A ship may be detained in accordance with the Act if

(a) the ship does not comply with the requirements of these Regulations;

(b) the steps to be taken by an inspector under regulation 40(2) or (3) involve detention of the ship;

(c) an accident occurs to a foreign-registered ship, or a defect is discovered in a foreign-registered ship, that substantially affects the integrity of the ship or the efficiency or completeness of her equipment, and a full and proper report of that accident or defect has not been made to the appropriate authority for that ship; or

(d) within 30 days of a report being made of an accident to, or defect in, a foreign-registered ship, the Administration is not satisfied that the action taken is sufficient to restore the integrity of the ship or the efficiency or completeness of her equipment.

(4) Where a ship other than a Barbados ship is

(a) denied entry pursuant to paragraph (2);

(b) detained pursuant to paragraph (3); or

(c) detained pursuant to regulation 45(3);

the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

Powers of harbour masters

42.(1) Where a ship is liable to be detained under regulation 41(3) in relation to a suspected contravention occurring in the waters over which a harbour master exercises jurisdiction, the harbour master may also detain that ship.

(2) In such a case sections 1057(1) to (5) and (8) of the Act apply in relation to that ship as if the reference to a competent authority in section 1057(1) includes a reference to the harbour authority, the harbour master and any person acting on behalf of the harbour master.

(3) Where a ship, other than a Barbados ship, is detained under paragraph (1), the harbour master shall immediately notify the Administration.

(4) On receipt of a notification under paragraph (3), the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly, or the appropriate maritime authorities of that state.

(5) Regulations 45(3) to (10) apply in relation to a detention under paragraph (1), as if for "the Administration", wherever it occurs, there were substituted "the harbour master".

Penalties

43.(1) If a ship fails to comply with a requirement of these Regulations other than regulations 17, 18 and 23, the owner and the master of the ship each commit an offence and are liable on summary conviction to a fine of $20 000 or, on conviction on indictment, to a fine of $70 000.

(2) It is a defence for a person charged under paragraph (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this regulation is committed, or would have been committed save for the operation of paragraph (2), by a person due to the act or default of another person, that other person commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Penalties for contravening regulations 17, 18 and 23

44.(1) Subject to paragraph (3), if a ship fails to comply with a requirement of regulation 17, 18 or 23,

(a) Division 2 of Part XXV of the Act applies in the same manner as it applies to an offence under that Division; and

(b) the owner and the master of the ship each commit an offence and are liable on summary conviction to a fine of $500 000 or, on conviction on indictment, to a fine of $775 000.

(2) Subject to paragraph (3), if oil or an oily mixture is discharged from a ship in contravention of regulation 17, 18 or 23,

(a) Division 2 of Part XXV of the Act applies in the same manner as it applies to an offence under that Division; and

(b) a person who causes or contributes to that discharge commits an offence is liable on summary conviction to a fine of $500 000 or, on conviction on indictment, to a fine of $1 000 000.

(3) Where a Barbados excepted ship fails to comply with a requirement of regulation 17, 18 or 23 because of a discharge into a part of the sea other than Barbados or its territorial waters of oil or an oily mixture that results from damage to a ship or her equipment, the owner, the master or a crew member acting under the master's responsibility do not commit an offence under this regulation in respect of that failure if

(a) all reasonable precautions were taken after the damage or discovery of the discharge to prevent or minimize the discharge; and

(b) neither the owner nor the master acted

(i) with intent to cause damage; or

(ii) recklessly and with knowledge that damage would probably result.

Enforcement and application of fines

45.(1) A document required or authorized, by virtue of any statutory provision, to be served on a foreign company for the institution of, or otherwise in connection with, proceedings for an offence of contravening regulation 17, 18 or 23 that is alleged to have been committed by the company as the owner of a ship shall be treated as duly served on that company if the document is served on the master of the ship.

(2) A person authorized to serve a document for the institution of, or otherwise in connection with, proceedings for an offence under these Regulations may go on board the ship in question for that purpose.

(3) In paragraph (1), "foreign company" means a company or body that is not registered in Barbados.

(4) A person exercising a power of detention conferred by regulation 41(3) *(a)* in respect of an alleged contravention of regulation 17, 18 or 23 shall immediately release the ship if

(a) no proceedings for the offence are instituted within 7 days after the day on which the vessel was detained;

(b) proceedings that were instituted within that period are concluded without the defendant being convicted;

(c) either

(i) the sum of $500 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than $500 000 is given to the Administration;

(d) the defendant is convicted of the offence, and any costs or expenses ordered to be paid by him and any fine imposed on him have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by the court or tribunal is posted.

(5) The Administration shall repay any sum paid under paragraph (4)*(c)* or release any security given

(a) if no proceedings for the offence are instituted within 7 days after the day on which the sum is paid; or

(b) if proceedings that have been instituted within that period are concluded without the defendant being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)*(c)* and the defendant is convicted of the offence in question, the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the defendant;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

(7) For the purposes of this regulation in its application to Barbados

(a) proceedings for an offence are instituted

(i) when a Magistrate issues a summons or warrant in respect of the offence;

(ii) when a person is charged with the offence after being taken into custody without a warrant; or

(iii) when a bill of indictment is preferred,

and where the application of this paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times; and

(b) proceedings for an offence are concluded without the defendant being convicted on the occurrence of one of the following events:

(i) the discontinuance of the proceedings;

(ii) the acquittal of the defendant;

(iii) the quashing of the defendant’s conviction for the offence; or

(iv) the grant of Her Majesty’s pardon in respect of the defendant’s conviction for the offence.

(8) Where a fine imposed by a court in proceedings against the defendant of a ship for an offence under regulation 17, 18 or 23 is not paid or any costs or expenses ordered to be paid by him are not paid at the time ordered by the court, the court may, in addition to any other powers for enforcing payment, direct the amount remaining unpaid to be levied by distress or arrestment and sale of the ship and her tackle, furniture and apparel.

(9) Where a person is convicted of an offence under regulation 17, 18 or 23, and the court imposes a fine in respect of the offence, if it appears to the court that any other person has incurred, or will incur, expenses in removing any pollution, or making good any damage, that is attributable to the offence, the court may order the whole or part of the fine to be paid to the other person for, or towards defraying, those expenses.

PART IX

PROCEEDINGS FOR POLLUTION OFFENCES COMMITTED OUTSIDE BARBADOS WATERS

Jurisdiction over offences outside Barbados limits

46.(1) No proceedings for an offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship and that relates to a discharge in the internal waters, territorial waters or exclusive economic zone of another state shall be instituted unless

(a) that state, the flag state or a state damaged or threatened by the discharge requests that proceedings be taken; or

(b) the discharge has caused, or is likely to cause, pollution in Barbados' waters.

(2) Where proceedings for an offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship that relate to a discharge in the internal waters, territorial sea or exclusive economic zone of another state have been

instituted but not concluded, and that state requests a suspension of the proceedings,

(a) the proceedings shall be suspended; and

(b) the Administration shall transmit all the evidence and court records and documents relating to the case, together with any sum paid or security given pursuant to regulation 45(4)*(c)*, to that state.

(3) It shall be a defence to a person charged with contravening regulation 17, 18 or 23 for the defendant to show that

(a) the ship is not a Barbados ship;

(b) the discharge took place outside Barbados waters; and

(c) the ship was in a port in Barbados at the time of institution of proceedings by reason only of stress of weather or another reason beyond the control of the master or owner or charterer.

Suspension of proceedings at flag state request

47.(1) This regulation applies to an alleged offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship, in relation to a discharge outside Barbados or its territorial waters.

(2) Any proceedings in respect of an alleged offence referred to in paragraph (1) shall be stayed if the court is satisfied that the flag state has instituted proceedings corresponding to the proceedings in Barbados in respect of the discharge within 6 months of the institution of proceedings in Barbados.

(3) Paragraph (2) does not apply

(a) where the discharge resulted in major damage to Barbados; or

(b) the Administration certifies that the flag state has repeatedly disregarded its obligation to effectively enforce the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state referred to in paragraph (2) have been brought to a conclusion, the suspended proceedings shall be terminated.

(5) Where the costs of the Administration incurred in respect of proceedings suspended under paragraph (2) have been paid, any money paid or security given under regulation 45(4)*(c)* shall be released.

Supplementary

48. For the purposes of regulations 46 and 47, proceedings for an offence are to be treated as being instituted in Barbados in the circumstances set out in regulations 45(7), (8) and (9).

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 23

MERCHANT SHIPPING (CHEMICAL POLLUTION PREVENTION) REGULATIONS, 2025

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(Act 2024–28)

MERCHANT SHIPPING (CHEMICAL POLLUTION PREVENTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Chemical Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Antarctic area" means the sea area south of latitude 60 degrees south;

"anniversary date" means the day and month of each year that correspond to the date of expiry of a relevant noxious liquid substances certificate;

"annual survey period" means the period of 6 months beginning 3 months before each anniversary date;

"approved" in relation to a procedures and arrangements manual or marine pollution plan, means

(a) in the case of a Barbados-registered ship, approved by the Administration; and

(b) in the case of a foreign-registered ship, approved by or on behalf of the government of the contracting state in which the ship is registered;

"Arctic waters" has the meaning given in Regulation 21.2 of Annex II to the Convention;

"Barbados ship" has the same meaning as in the Act;

"Barbados waters" has the same meaning as in the Act;

"cargo record book" means a book in the form specified in Appendix 2 to Annex II to the Convention;

"certifying authority" means the Administration or a person authorized by the Administration in consultation with the Minister;

"chemical tanker" means a cargo ship constructed or adapted for the carriage in bulk of a liquid substance listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, but does not include an offshore support vessel or a gas carrier;

"Code for Recognized Organizations" means the latest edition of that Code adopted on 17th May 2013 by International Maritime Organization Resolution MEPC.237(65);

"Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" means the code of that name published by the International Maritime Organization, and amended by International Maritime Organization Resolutions MEPC.249 (66) and MSC.376 (93);

"constructed" in relation to a ship, has the same meaning as in paragraph 14 of Regulation 1 of Annex II to the Convention;

"contracting state" means a state that has consented to be bound by the Convention;

"Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended;

"direct replacement" means the direct replacement of equipment and fittings with equipment and fittings that conform with the requirements that apply to that ship;

"discharge" in relation to noxious liquid substances, means any release, however caused, from a ship, and includes an escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include a release of noxious liquid substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources, or the release of such substances for purposes of legitimate scientific research into pollution abatement or control;

"emergency plan" means

(a) in the case of a Barbados noxious liquid substances ship, a plan approved by a certifying authority as respects to that ship; and

(b) in the case of any other noxious liquid substances ship, a plan approved by or on behalf of the government of the contracting state in which the ship is registered;

"endorsement" in relation to a relevant noxious liquid substances certificate, means an endorsement drawn up in English that

(a) is issued in connection with a certificate described in any of subparagraphs *(a)* to *(e)* of the definition "noxious liquid substances certificate"; and

(b) satisfies the requirements specified in the code, regulation, appendix or guidelines applicable to that certificate;

"gas carrier" means a cargo ship

(a) for which a certificate certifying compliance with the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk is in force;

(b) that is constructed or adapted for the carriage in bulk of a substance listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and identified in that list by an asterisk; and

(c) that is not intended for, or engaged in, the carriage of any other noxious liquid substance in bulk;

"gross tonnage" means gross tonnage determined in accordance with the *Merchant Shipping (Tonnage) Regulations, 2025* (S. I. 2025 No. 29);

"Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels" means the guidelines of that name published by the International Maritime Organization;

" harbour master" includes a dock master, pier master and any person designated as such by the Port Chief Executive Officer, for the purpose of enforcing these Regulations;

"in bulk" means directly and without any intermediate form of containment in a tank forming an integral part of, or permanently located in, or on a ship;

"International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" means the latest edition of that Code published by the International Maritime Organization;

"International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk" means the latest edition of that Code published by the International Maritime Organization;

"intermediate survey period" in relation to a noxious liquid substances certificate, means a period of 6 months beginning 3 months before its second or third anniversary date;

"marine pollution emergency plan" means a plan described in regulation 33;

"merchant shipping notice" means a notice described as such and issued in accordance with the Act, and includes an amendment to that notice or a notice replacing that notice;

"nautical mile" means an international nautical mile of 1,852 metres;

"noxious liquid substances ship" means a ship intended for, or engaged in, the carriage of noxious liquid substances in bulk;

"noxious liquid substance" means

(a) a substance that has been categorized in accordance with Regulation 6 of Annex II to the Convention and that is indicated in the Pollution Category column of chapter 17 or 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as falling within category X, Y or Z;

(b) a mixture containing a substance referred to in subparagraph *(a)*;

(c) a substance that has been provisionally assessed as falling within category X, Y or Z in accordance with Regulation 6.3 of Annex II to the Convention, and that is

(i) listed in MEPC.2/Circ. on the Provisional Categorization of Liquid Substances in Accordance with Annex II to the Convention and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, issued on 1st December each year; or

(ii) in the case of an substance provisionally assessed after the publication of MEPC.2/Circ. in any given year but in advance of the publication of the next MEPC.2/Circ., publicized by the International Maritime Organization as such; or

(d) a mixture containing a substance referred to in subparagraph *(c)*;

"noxious liquid substances certificate" means a certificate drawn up in English that is

(a) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July, 1986, a certificate in the form set out in the Appendix to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk that is issued and endorsed for a specified period, in accordance with the requirements of that Code;

(b) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July, 1986, a certificate in the form set out in the Appendix to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk that is issued and endorsed for a specified period, in accordance with the requirements of that Code;

(c) as respects a noxious liquid substances ship that is a gas carrier, a certificate in the form set out in Appendix 3 to Annex II to the Convention that satisfies the requirements of regulations 12 and 12.1 of that Annex;

(d) as respects a noxious liquid substances ship that is an offshore support vessel to which the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels apply, a Certificate of Fitness, as set out in Appendix 2 to those Guidelines, issued and endorsed for a specified period in accordance with the requirements of those Guidelines, together with a certificate described in subparagraph *(c)*; or

(e) as respects any other noxious liquid substances ship, a certificate described in subparagraph *(c)*;

"offshore installation" means a fixed or floating platform, and includes a drilling rig and a floating production, storage and offloading facility used for the offshore production and storage of oil or noxious liquid substances and a floating storage unit used for the offshore storage of produced oil;

"offshore support vessel" means

(a) a vessel that is engaged primarily in the transport of stores, materials and equipment to and from mobile offshore drilling units, fixed or floating platforms or other similar offshore installations; or

(b) a vessel that is engaged primarily in supporting the work of offshore installations, and includes a well-stimulation vessel, but does not include a mobile offshore drilling unit, derrick barge, pipe laying barge or floating accommodation unit;

"Polar Code" means the latest edition of the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B as adopted by International Maritime Organization Resolutions MSC.385 (94) and MEPC.264 (68);

"polar waters" means the Antarctic area and Arctic waters;

"procedures and arrangements manual" means a manual described in regulation 31;

"sea" includes an estuary or arm of the sea;

"ship" has the same meaning as in the Act;

"shipboard marine pollution emergency plan" means a plan described in regulation 33(4);

"survey" means a survey, carried out by a surveyor, in respect of a noxious liquid substances ship described in any of subparagraphs *(a)* to *(e)* of the definition "noxious liquid substances certificate" that is relevant to that ship; and

"surveyor" means a surveyor of ships, or any other person appointed by a certifying authority other than the Administration to be a surveyor.

(2) In these Regulations, a reference to an initial, renewal, annual, intermediate or additional survey is to be read as a reference to such a survey carried out

(a) in the case of an noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July 1986, in accordance with section 1.6 of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(b) in the case of a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July 1986, in accordance with section 1.5.2 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(c) in the case of a noxious liquid substances ship that is a gas carrier, in accordance with Regulation 8.1 of Annex II to the Convention;

(d) in the case of a noxious liquid substances ship that is an offshore support vessel, in accordance with Regulation 8.1 of Annex II to the Convention and section 1.5 of the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and

(e) in the case of any other noxious liquid substances ship, in accordance with Regulation 8.1 of Annex II to the Convention.

(3) A reference in these Regulations to the date of construction of a ship is to be read as a reference to the date on which the keel of the ship is laid or the date on which the ship is at a stage of construction at which

(a) construction identifiable with a specific ship has begun; and

(b) assembly of the ship has commenced and the assembled portion constitutes at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

Purpose

3. The purpose of these Regulations is to prevent, control and reduce marine pollution by chemicals from ships.

Approvals, exemptions, directions or notices

4. An approval, exemption, direction or notice given by the Administration pursuant to these Regulations,

(a) shall be given in writing;

(b) may be communicated by electronic mail, facsimile or any similar means that is capable of producing a document containing text;

(c) may be given subject to such conditions and limitations as the Administration may specify; and

(d) may be altered or cancelled by a notice given in writing by the Administration.

Certifying authorities

5. A person authorized by the Administration as a certifying authority shall be authorized in accordance with

(a) the Convention;

(b) Parts 1 and 2 of the Code for Recognized Organizations; and

(c) Part 3 of the Code for Recognized Organizations.

References to Chemical-related Codes

6. In any provision of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Annex II to the Convention, the Polar Code, the Code

for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels that is applied by these Regulations,

(a) references to the Port Administration are, in relation to a ship in the territorial waters of Barbados, to be read as references to the Administration; and

(b) references to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Annex II to the Convention, the Polar Code, the Code for Recognized Organizations and the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels are to be read as references to those instruments as defined in these Regulations.

Ambulatory references

7.(1) A reference in these Regulations to a provision in Annex II to the Convention, the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, the Polar Code, the Code for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels is to be construed as

(a) a reference to the provision in that instrument as modified from time to time; and

(b) a reference, if the instrument is replaced by another instrument, to the equivalent provision in that other instrument.

(2) For the purposes of paragraph (1), the Convention is modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention.

(3) For the purposes of paragraph (1), the Polar Code is modified if

(a) amendments to the Introduction and Chapter 2 of part II-A of that Code are adopted, brought into force and take effect in accordance with Article 16 of the Convention, as it applies to amendments to an Annex to that Convention; and

(b) amendments to part II-B of that Code are adopted by a Resolution of the Marine Environment Protection Committee in accordance with the rules of procedure of that Committee.

(4) For the purposes of paragraph (1),

(a) Parts 1 and 2 of the Code for Recognized Organizations are modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention;

(b) Part 3 of the Code for Recognized Organizations is modified if omissions, additions or other alterations to the text are adopted by a Resolution of the Marine Environment Protection Committee, in accordance with the rules of procedure that apply to that Committee; and

(c) modifications referred to in subparagraph *(a)* or *(b)* adopted by a Resolution of the Maritime Safety Committee and the Marine Environment Protection Committee shall come into force, or take effect, at the same time.

(5) A modification to, or replacement of,

(a) the Convention by virtue of paragraph (2);

(b) the Polar Code by virtue of paragraph (3)*(a)*; or

(c) the Code for Recognized Organizations by virtue of paragraph (4)*(a)*,

has effect at the time that the modification or replacement comes into force in accordance with Article 16(8) of the Convention.

(6) For the purposes of paragraph (1), the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels are modified if omissions, additions or other alterations to the text take effect in accordance with a Resolution of either the Marine Environment Protection Committee or the Maritime Safety Committee of the International Maritime Organization.

(7) A modification of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, the Polar Code, the Code for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels has effect at the time specified in a Resolution described in paragraph (3)*(b)*, (4)*(c)* or (6).

(8) No modification or replacement of a reference to an instrument by virtue of paragraph (1) affects any rights or liabilities arising before the date on which the modification or replacement has effect.

Application

8.(1) Subject to paragraphs (2) to (5), these Regulations apply to

(a) a Barbados noxious liquid substances ship wherever it may be; and

(b) any other noxious liquid substances ship while it is within Barbados waters.

(2) Subject to paragraph (5), regulations 23(1) and (2) apply to a ship that

(a) is not a Barbados ship;

(b) is engaged in voyages to ports or offshore installations under the jurisdiction of a contracting state other than Barbados; and

(c) is

(i) in a port in Barbados; or

(ii) at an offshore installation in Barbados waters, other than a floating platform that is in transit.

(3) Subject to paragraph (5), regulation 27 applies to the discharge into the sea from a ship that has caused, or is likely to cause, pollution within Barbados waters.

(4) Subject to paragraph (5), regulation 29 applies to any ship that, having been enabled to proceed contrary to the requirements of that regulation, has caused, or is likely to cause, pollution within Barbados waters.

(5) These Regulations do not apply to

(a) a warship;

(b) a naval auxiliary ship; or

(c) any other ship, owned or operated by a state while used on government, non-commercial service.

Exemptions

9.(1) Subject to paragraph (3), the Administration may exempt a ship or any other vessel from a provision of these Regulations.

(2) An exemption by the Administration

(a) shall be given in writing;

(b) may be given subject to such conditions and limitations as the Administration may specify; and

(c) may be altered or cancelled by a notice given in writing, by the Administration.

(3) An exemption under paragraph (1), may be granted only if the exemption is permitted under Annex II to the Convention.

Equivalents

10. A fitting, material, appliance or apparatus may be fitted in a noxious liquid substances ship as an alternative to one that complies with these Regulations if it has been approved by the Administration and

(a) the owner or master of the ship has made an application to the Administration for permission to fit the fitting, material, appliance or apparatus, to the ship;

(b) a surveyor

(i) is satisfied that the fitting, material, appliance or apparatus is at least as effective as that required by these Regulations; and

(ii) has endorsed the application to the Administration to that effect; and

(c) the fitting, material, appliance or apparatus is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations.

PART II

SURVEY AND CERTIFICATION OF NOXIOUS LIQUID SUBSTANCES SHIPS

Relevant requirements

11.(1) In this Part, the relevant requirements in respect of a noxious liquid substances ship are

(a) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July, 1986, the requirements set out in

(i) Regulation 12.1, 12.5 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters II and III of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(b) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July, 1986 and before 1st January, 2007, the requirements set out in

(i) Regulation 12.2, 12.5 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(c) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st January, 2007, the requirements set out in

(i) Regulation 12.3, 12.5, 12.6 and 12.8 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(d) as respects a noxious liquid substances ship that is a gas carrier, the requirements set out in Regulation 5.3 of Annex II to the Convention;

(e) as respects an noxious liquid substances ship that is an offshore support vessel to which the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels apply, the requirements set out in

(i) Regulation 12.1 of Annex II to the Convention, if the vessel is constructed or adapted before 1st July, 1986;

(ii) Regulation 12.2 of Annex II to the Convention, if the vessel is constructed or adapted on or after 1st July, 1986 and before 1st January, 2007;

(iii) Regulation 12.3 of Annex II to the Convention, if the vessel is constructed or adapted on or after 1st January, 2007;

(iv) Appendix 5 to Annex II to the Convention; and

(v) Chapters 2, 3, 4, 5 and 7 of the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and

(f) as respects any other noxious liquid substances ship, the requirements set out in

(i) Regulation 12.1 of Annex II to the Convention, if the ship is constructed or adapted before 1st July, 1986;

(ii) Regulation 12.2 of Annex II to the Convention, if the ship is constructed or adapted on or after 1st July, 1986 and before 1st January, 2007;

(iii) Regulation 12.3 of Annex II to the Convention, if the ship is constructed or adapted on or after 1st January, 2007; and

(iv) Appendix 5 to Annex II to the Convention.

(2) For the purposes of these Regulations, a fitting, material, appliance or apparatus fitted to a noxious liquid substances ship as an alternative to any of the requirements listed in paragraph (1) meets the relevant requirements if it has been approved in accordance with the procedure specified in regulation 10.

Initial surveys of Barbados NLS ships

12. A Barbados noxious liquid substances ship shall not be put into service or, if she is already in service, continue in service, unless

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

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship, an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved, marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) a noxious liquid substances certificate has been issued in respect of the ship and is still valid.

Renewal surveys of Barbados NLS ships

13. A Barbados noxious liquid substances ship shall not proceed to sea or, if she is already at sea, remain at sea, after the date of expiry of a noxious liquid substances certificate issued in respect of that ship, unless

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

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) a new noxious liquid substances certificate was issued in respect of the ship following the renewal survey and is still valid.

Annual surveys of Barbados NLS ships

14. A Barbados noxious liquid substances ship shall not proceed to sea or, if she is already at sea remain at sea, after the end of an annual survey period for that ship, unless

(a) an annual survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials, comply with the relevant requirements;

(ii) there is on board the ship an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) the surveyor has endorsed the noxious liquid substances certificate in respect of the ship.

Intermediate surveys of Barbados NLS ships

15. A Barbados noxious liquid substances ship shall not proceed to sea, or, if she is already at sea, remain at sea, after the third anniversary date of a noxious liquid substances certificate in respect of that ship, unless

(a) an intermediate survey has been carried out in respect of the ship during the intermediate survey period;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship, an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) the surveyor has endorsed the noxious liquid substances certificate in respect of the ship.

Responsibilities of owner and master of an NLS ship

16.(1) The owner and the master of a noxious liquid substances ship shall ensure that the condition of the ship and her equipment are maintained so as to conform with the relevant requirements that apply to the ship, to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, including to waters within the seaward limits of the territorial waters of Barbados.

(2) The owner and the master of a noxious liquid substances ship shall ensure that, after any survey of the ship required by these Regulations has been completed, no change, except by way of direct replacement, is made to the

structure, equipment, systems, fittings, arrangements and materials of the ship covered by the survey without the approval of

(a) the certifying authority who appointed the surveyor to carry out the survey; or

(b) the Administration, where the survey was carried out and the noxious liquid substances certificate was issued by a contracting state other than Barbados following a request made by the Administration pursuant to regulation 19.

(3) If an accident occurs on a noxious liquid substances ship or a defect is discovered in a noxious liquid substances ship that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and the master of the ship shall

(a) report the accident or defect, at the earliest opportunity, to the certifying authority that issued the noxious liquid substances certificate in respect of the ship; and

(b) where the ship is in a port outside Barbados, immediately report the accident or the defect to the appropriate maritime authorities in the country in which the port is situated.

(4) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)*, the certifying authority

(a) shall cause an investigation to be initiated to determine whether an additional survey and any repair is necessary; and

(b) shall, if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.

(5) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)* and the ship in question is in a port outside Barbados, the certifying authority shall ascertain that the requirement in paragraph (3)*(b)* has been complied with.

Additional surveys of Barbados NLS ships

17.(1) This regulation applies to a Barbados noxious liquid substances ship where

(a) a repair resulting from an investigation referred to in regulation 16(5) has been made to the ship; or

(b) an important repair or renewal has been made to the ship.

(2) A ship referred to in paragraph (1) shall not proceed to sea or, if she is already at sea, remain at sea, unless

(a) an additional survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the repair or renewal has been made effectively;

(ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and

(iii) the ship complies in all respects with the requirements of these Regulations; and

(c) the surveyor has issued a report to that effect.

(3) For the purposes of paragraph (1)*(b)*, an important repair or renewal is a repair or renewal that is required in order to

(a) address a defect that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or

(b) ensure compliance with the requirements of Annex II to the Convention.

(4) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of paragraph (1)*(b)*, the owner or master of a ship may serve a written request upon the Administration, seeking advice.

(5) After receipt of a request under paragraph (4), a repair or renewal is to be regarded as not being an important repair or renewal for those purposes, unless the Administration advises to the contrary within 21 days of receipt of the request.

Certification of Barbados NLS ships by Barbados authorities

18.(1) A certifying authority shall issue a noxious liquid substances certificate in respect of a Barbados noxious liquid substances ship where

(a) the certifying authority has been notified by a surveyor that the surveyor has carried out an initial or renewal survey;

(b) the notification includes confirmation that, at the date of that survey, the surveyor is satisfied that the ship complies with the relevant requirements that apply to that ship; and

(c) any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S.I. 2025 No. 38) has been paid to that authority.

(2) A certifying authority shall issue a noxious liquid substances certificate in respect of a ship that becomes a Barbados noxious liquid substances ship on the transfer from the flag of another contracting state, where

(a) a certificate that satisfies the requirements of Annex II to the Convention has been issued by the contracting state in respect of the ship;

(b) the certificate was valid immediately before the transfer;

(c) the certifying authority has caused a survey to be carried out in respect of the ship; and

(d) the certifying authority is satisfied that

(i) the condition of the ship and its structure, equipment, systems, fittings, arrangements and materials is such that it is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

(ii) no change, other than the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements, has been made to the structure of the ship or her equipment, systems, fittings, arrangements or materials covered by the last survey carried out in accordance with the requirements of Annex II to the Convention without the approval of the contracting state.

Survey and certification of Barbados NLS ships by other contracting states

19.(1) The Administration may request a contracting state other than Barbados to carry out a survey of a Barbados noxious liquid substances ship.

(2) If a contracting state that has received a request under paragraph (1) is satisfied that the relevant requirements, as notified by the Administration, have been complied with in respect of that ship, that state shall

(a) issue or authorize the issuance of a noxious liquid substances certificate in respect of that ship; or

(b) endorse, or authorize the endorsement of, an existing relevant certificate.

(3) Where a relevant noxious liquid substances certificate is issued or endorsed in accordance with paragraph (2),

(a) the Administration is to be treated as the certifying authority in relation to that noxious liquid substances certificate; and

(b) any reference in these Regulations to the certifying authority that issued a certificate is be treated as a reference to the Administration.

Survey and certification of non-Barbados NLS ships by the Administration

20.(1) The Administration, when requested to do so by a contracting state other than Barbados, may cause a survey to be carried out in respect of a noxious liquid substances ship that is not a Barbados ship.

(2) If a survey described in paragraph (1) has been carried out and the Administration is satisfied that the relevant requirements are complied with, the Administration shall, subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38)

(a) in the case of a ship for which there is no noxious liquid substances certificate, issue a new certificate; or

(b) in the case of a ship for which there is an existing noxious liquid substances certificate, endorse that certificate.

(3) A certificate issued or endorsed under paragraph (2)

(a) shall be in the form appropriate to that ship as prescribed in Annex II to the Convention;

(b) shall contain a statement that it has been so issued or endorsed; and

(c) has the same effect as if it had been issued or endorsed by the contracting state that made the request referred to in paragraph (1).

(4) The Administration shall, as soon as possible after completion of a survey carried out under paragraph (1), send to the contracting state that made the request a copy of

(a) the report of that survey; and

(b) any certificate issued or endorsed under paragraph (2).

(5) The Administration shall not issue or endorse a certificate in respect of a ship that

(a) is registered in a country that is not a contracting state; or

(b) is not so registered, but is entitled to fly the flag of a country that is not a contracting state.

Duration and validity of NLS certificates

21.(1) Subject to paragraphs (2) to (5), and to regulations 23(3) and 26(1), a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship is valid for the period specified in the certificate, not exceeding 5 years from the date of completion of the initial or renewal survey that preceded the issuance of the certificate.

(2) Subject to paragraph (3) and regulation 22(9), where a noxious liquid substances renewal survey of a Barbados noxious liquid substances ship is completed

(a) within the 3-month period ending on the date of expiry of the certificate in question; or

(b) after the expiry of the latest noxious liquid substances certificate;

a new noxious liquid substances renewal certificate issued following completion of a noxious liquid substances renewal survey is valid for the period specified in that certificate, beginning on the date of the completion of the noxious liquid substances renewal survey and ending on a date not exceeding 5 years from the date of expiry of the previous noxious liquid substances certificate.

(3) A noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship ceases to be valid

(a) if the ship is transferred to the flag of another state;

(b) if the ship proceeds to sea when

(i) an important repair or renewal has been made to the ship; or

(ii) the requirements of regulation 17(3) have not been complied with;

(c) if a survey required under regulation 12, 13, 14 or 15 is not completed in accordance with the requirements of these Regulations;

(d) if a noxious liquid substances certificate is not endorsed in accordance with the requirements of these Regulations;

(e) upon a new noxious liquid substances certificate being issued in respect of that ship; or

(f) upon the date of expiry of the certificate.

(4) Where a Barbados noxious liquid substances ship is transferred to the flag of another contracting state and, within 3 months after the date of transfer, the government of that state so requests, the Administration shall send to that government a copy of

(a) any noxious liquid substances certificate issued in respect of that ship; and

(b) any current survey report, if available, in respect of that ship.

(5) In this regulation, any dispute as to whether a repair or renewal is an important repair or renewal is subject to the procedure prescribed in regulation 17(5) and (6).

(6) In this regulation, "important repair or renewal" has the meaning given in regulation 17(3).

Extension of period of validity of NLS certificate

22.(1) Where the period of validity of a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship is less than 5 years, the certifying authority that issued the certificate may extend its period of validity to a maximum period of 5 years if a survey required under regulation 14 or 15 has been carried out.

(2) Where

(a) a renewal survey has been completed by a surveyor; or

(b) a new noxious liquid substances certificate in respect of that renewal survey cannot be issued or placed on board the ship before the date on which the existing noxious liquid substances certificate is due to expire;

the surveyor may endorse the existing noxious liquid substances certificate.

(3) Where a noxious liquid substances certificate has been endorsed under paragraph (2), the certificate is valid for a further period specified in the certificate that does not exceed 5 months from the original date of expiry of the certificate.

(4) Where

(a) a survey in respect of a Barbados noxious liquid substances ship has not been completed before the date on which a noxious liquid substances certificate expires; and

(b) at the date of expiry, the ship is not in the port in which the survey is to be carried out;

the certifying authority that issued the noxious liquid substances certificate may extend the period of validity of that certificate for a period not exceeding 3 months, solely for the purpose of enabling the ship to proceed to the port in which the survey is to be carried out.

(5) Where the period of validity of a noxious liquid substances certificate has been extended under paragraph (4), the ship in question shall not leave the port of survey until a new noxious liquid substances certificate has been issued in respect of that ship.

(6) Subject to paragraph (7), the certifying authority that issued a noxious liquid substances certificate in respect of a Barbados noxious liquid substances ship that is engaged solely on short voyages may extend the period of validity of that certificate for a period not exceeding one month.

(7) A certifying authority shall not extend the period of validity of a noxious liquid substances certificate under paragraph (6) if the period of validity of that certificate has already been extended under paragraph (1), (3), (4) or (6).

(8) Subject to paragraph (9) and to regulations 23(3) and 26(1), where a renewal survey has been completed and a new noxious liquid substances certificate has been issued in respect of a ship referred to in paragraph (4) or (6), the new noxious liquid substances certificate is valid for the period specified in the certificate, not exceeding 5 years from the original date of expiry of the previous noxious liquid substances certificate.

(9) In the circumstances described in paragraph (10), the period of validity of a new noxious liquid substances certificate that is

(a) issued in respect of a ship referred to in paragraph (4) or (6); or

(b) issued in respect of a ship referred to in regulation 21(2)*(b)* after the date of expiry of a noxious liquid substances certificate;

is the period specified in the new certificate, not exceeding 5 years from the date of the completion of the renewal survey in question.

(10) Paragraph (9) applies where the owner of the ship

(a) submits a request to the certifying authority for the new period of certification to begin on the date of the completion of a renewal survey;

(b) satisfies the certifying authority that the owner is justified in making such a request; and

(c) complies with any reasonable additional survey requirements that the certifying authority may impose.

(11) Where the period of validity of a noxious liquid substances certificate is extended under paragraph (1), (4) or (6), or an endorsement is to be made pursuant to paragraph (2), the certifying authority in question shall endorse the noxious liquid substances certificate.

(12) Where

(a) an annual survey is completed under regulation 14 before the beginning of the annual survey period; or

(b) an intermediate survey is completed under regulation 15 before the beginning of the intermediate survey period;

the anniversary date shown on the noxious liquid substances certificate shall be amended by an endorsement on the certificate, by the surveyor undertaking the survey, to a date that is not more than 3 months later than the date on which the survey referred to in subparagraph *(a)* or *(b)* was completed.

(13) Where the anniversary date on a noxious liquid substances certificate is amended in accordance with paragraph (12), any subsequent annual or intermediate survey shall be completed, at the intervals prescribed by these Regulations, using the new anniversary date.

(14) Where

(a) an annual survey is completed under regulation 14 before the beginning of the annual survey period; or

(b) an intermediate survey is completed under regulation 15 before the beginning of the intermediate survey period;

the date of expiry of the noxious liquid substances certificate may remain unchanged if any surveys required by regulation 14 or 15 are carried out, and endorsed on the certificate by the surveyor, so that the maximum intervals between the surveys required by these Regulations are not exceeded.

(15) In this regulation,

"original date of expiry" means the date on which a noxious liquid substances certificate would have expired but for an extension of its period of validity; and

"short voyage" means a voyage that

(a) does not exceed 1,000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and

(b) on a return voyage, does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began.

(16) For the purposes of the definition "short voyage", no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that the master, owner or any charterer of the ship could not have prevented or forestalled.

Procedure to be adopted when ship is deficient

23.(1) This regulation applies to a noxious liquid substances ship in respect of which a surveyor determines that

(a) the condition of the ship or her equipment does not correspond substantially with the particulars of a noxious liquid substances certificate issued in respect of the ship; or

(b) the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) In the circumstances described in paragraph (1), the surveyor shall

(a) immediately advise the owner or master of the corrective action that, in the opinion of the surveyor, is required; and

(b) where the ship has a valid noxious liquid substances certificate, notify the certifying authority that issued the certificate for the ship that the owner or master has been so advised.

(3) A certifying authority shall suspend the validity of a noxious liquid substances certificate if the corrective action advised in accordance with paragraph (2)*(a)* is not taken within the time specified by the surveyor.

(4) Where a certifying authority suspends the validity of a noxious liquid substances certificate issued in respect of a ship, it shall immediately give notice of such suspension

(a) to the owner of the ship; and

(b) where the ship is in a port outside Barbados, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of a ship is given notice of a suspension, the owner shall notify the master of the ship of the suspension.

Prohibition on non-Barbados NLS ships proceeding to sea

24. A noxious liquid substances ship other than a Barbados noxious liquid substances ship shall not proceed to sea from a port in Barbados unless

(a) a contracting state has issued and, where appropriate, endorsed a noxious liquid substances certificate in respect of that ship and that certificate and endorsement is still valid;

(b) the government of a state that is not a contracting state has issued and, where appropriate, endorsed a certificate in respect of that ship that is considered by the certifying authority to have the same force as a certificate issued in accordance with the requirements of Annex II to the Convention, and that certificate and endorsement is still valid;

(c) a surveyor of ships

(i) has carried out a survey of the ship as if regulation 13 applied to that ship; and

(ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or

(d) a person having the power to detain the ship

(i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available, without presenting an unreasonable threat of harm to the marine environment; and

(ii) has permitted the ship to so proceed.

Arbitration

25.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a Barbados noxious liquid substances ship, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the applicant and the responsible person.

(3) In default of an agreement between the applicant and the responsible person, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch) or a recognized maritime-industry-specific body or association at the request of

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate to act as

(i) a master or chief mate on a seagoing ship of 3,000 gross tonnage or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(ii) a chief engineer officer or second engineer officer on a seagoing ship, powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(iii) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(iv) a naval architect;

(v) a person who is qualified to be appointed to a high judicial office in Barbados;

(vi) a person with special experience of shipping matters or of activities carried on in ports; or

(vii) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a merchant shipping notice apply, unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations; and

"responsible person" means

(a) the certifying authority responsible under regulation 18 or 19 for the issuance of the noxious liquid substances certificate in connection with which a survey required by these Regulations is carried out; or

(b) in the case of a dispute relating to an additional survey required by regulation 17, the certifying authority that issued the noxious liquid substances certificate in respect of the ship.

(8) A reference to a Regulation in a numbered Chapter of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be read as a reference to a Regulation contained

in the numbered Chapter in Attachment 1 to the Final Act of the 2010 Manila Conference of Parties to the that Convention.

Miscellaneous provisions relating to NLS certificates

26.(1) The Administration may cancel a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship, if the Administration has reason to believe that

(a) the certificate was issued on false or erroneous information; or

(b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Administration may require the surrender of a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship that has expired or been cancelled.

(3) No person shall

(a) intentionally alter a relevant noxious liquid substances certificate;

(b) intentionally make a false relevant noxious liquid substances certificate;

(c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;

(d) with intent to deceive, use, lend, or allow to be used by another, a noxious liquid substances certificate;

(e) fail to surrender a noxious liquid substances certificate, where required to do so under paragraph (2); or

(f) forge a noxious liquid substances certificate.

(4) The owner and the master of a Barbados noxious liquid substances ship in respect of which a noxious liquid substances certificate has been issued shall

ensure that the certificate is readily available on board the ship for inspection at all times.

PART III

OPERATIONAL REQUIREMENTS

Control of discharges of noxious liquid substances from ships

27.(1) Subject to paragraphs (2) to (7), no person shall discharge into the sea from any ship

(a) a noxious liquid substance; or

(b) ballast water, tank washings or any other mixture containing a noxious liquid substance.

(2) Subject to paragraph (3), a noxious liquid substance may be discharged into the sea from a certificated noxious liquid substances ship if

(a) the ship is proceeding en route at a speed of at least

(i) 7 knots, in the case of a ship that is self-propelled; or

(ii) 4 knots, in the case of a ship that is not self-propelled

(b) the discharge is made below the waterline through one or more underwater discharge outlets at a rate not exceeding the maximum for which the outlet is designed;

(c) the discharge is made

(i) at a distance of not less than 12 nautical miles from the nearest land; and

(ii) in a depth of water of not less than 25 metres; and

(d) the discharge complies with the conditions and limitations prescribed in Regulation 13, paragraphs 1.2 and 4 to 7, of Annex II to the Convention.

(3) Notwithstanding paragraph (2), a discharge of a noxious liquid substance, or mixture containing such substances, into the sea in polar waters is prohibited.

(4) In the case of a certificated noxious liquid substances ship constructed before 1st January 2007, paragraph (2)*(b)* does not apply to the discharge into the sea of a Category Z substance.

(5) Any ventilation procedures used to remove cargo residues from a tank shall be carried out in accordance with Appendix 7 of Annex II to the Convention.

(6) Following the use of ventilation procedures in accordance with paragraph (5), any water subsequently introduced into the tank is not to be treated as a noxious liquid substance.

(7) Paragraphs (1) and (3) do not apply to the discharge of noxious liquid substances, or ballast water, tank washings or other mixtures containing noxious liquid substances, from a certificated noxious liquid substances ship into the sea, if the discharge

(a) is necessary to secure the safety of the ship or for saving life;

(b) results from damage to the ship or her equipment and

(i) all reasonable precautions have been taken by the master and owner, after the occurrence of the damage or discovery of the discharge, to prevent or minimize the discharge; and

(ii) the owner or master did not act with intent to cause damage or act recklessly and with knowledge that damage would probably result; or

(c) has been approved by the Administration for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

(8) In this regulation,

"category Z substance" means

(a) a substance that has been categorized in accordance with Regulation 6 of Annex II to the Convention and that is indicated in the Pollution Category column of chapter 18 or 19 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as falling within category Z;

(b) a mixture containing a substance referred to in subparagraph *(a)*;

(c) a substance that has been provisionally assessed as falling within category Z, in accordance with Regulation 6.3 of Annex II to the Convention and that is either

(i) listed in MEPC.2/Circ. on the Provisional Categorization of Liquid Substances in Accordance with Annex II to the Convention and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, issued on 1st December each year; or

(ii) in the case of a substance provisionally assessed after the publication of MEPC.2/Circ. in any given year, but in advance of the publication of the next MEPC.2/Circ., publicized by the International Maritime Organization as such; or

(d) a mixture containing a substance referred to in subparagraph *(c)*; and

"certificated noxious liquid substances ship" means

(a) a Barbados noxious liquid substances ship that has a valid noxious liquid substances certificate; or

(b) a noxious liquid substances ship, other than a Barbados noxious liquid substances ship, that has a certificate that

(i) was issued, and where appropriate endorsed, in accordance with the requirements of Annex II to the Convention; and

(ii) is still valid in accordance with those requirements.

Unloading arrangements

28. Where noxious liquid substances are unloaded from a noxious liquid substances ship to a cargo unloading terminal, the master shall ensure that any noxious liquid substance in cargo hoses and piping systems of that terminal is not drained back to the ship.

Carriage and discharge of unassessed liquid substances

29.(1) The master of a ship shall not permit that ship to

(a) proceed to sea; or

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

if she is carrying in bulk a liquid substance that has not been categorized, provisionally assessed or evaluated in accordance with Regulation 6 of Annex II to the Convention.

(2) No person shall discharge into the sea from a ship a liquid substance that has not been categorized, provisionally assessed or evaluated in accordance with Regulation 6 of Annex II to the Convention.

Loading and carriage in bulk of noxious liquid substances

30.(1) The master of a ship shall not permit that ship to be loaded with, or to carry, any noxious liquid substance in bulk that is subject to a tripartite agreement, unless

(a) there is in force, in respect of that ship and any substance that is to be loaded or carried, a noxious liquid substances certificate issued and endorsed in accordance with these Regulations; and

(b) the loading and carriage of that substance is in accordance with the terms of that certificate.

(2) In this regulation, "tripartite agreement" means an agreement between

(a) the country that produced and provisionally assessed the substance, in accordance with Regulation 6.3 of Annex II to the Convention;

(b) the administration of the flag state of the country that is to receive the substance; and

(c) the administration of the flag state of the vessel that is to load and carry the substance.

Procedures and arrangements manual

31.(1) Every noxious liquid substances ship shall carry on board an approved procedures and arrangements manual.

(2) A procedures and arrangements manual shall be in the format specified in Appendix 4 to Annex II to the Convention.

(3) A procedures and arrangements manual shall

(a) in the case of a Barbados noxious liquid substances ship, be written in English; and

(b) in the case of any other noxious liquid substances ship, be written in or translated into English, French or Spanish.

Cargo record book

32.(1) Every noxious liquid substances ship shall be provided with a cargo record book in the form specified in Appendix 2 to Annex II to the Convention.

(2) Following completion of an operation specified in Appendix 2 to Annex II to the Convention, that operation shall be recorded promptly in the cargo record book.

(3) In the event of

(a) an accidental discharge of a noxious liquid substance, or of a mixture containing such a substance, from a ship; or

(b) a discharge made under Regulation 3 of Annex II to the Convention;

an entry shall be made in the cargo record book stating the circumstances of, and the reason for, the discharge.

(4) Each entry in the cargo record book shall be signed by the officer or officers in charge of the operation.

(5) Each page of the cargo record book shall be signed by the master of the ship.

(6) In the case of a Barbados noxious liquid substances ship, the cargo record book shall be written in English and, in the case of any other noxious liquid substances ship, it shall be written in or translated into English, French or Spanish.

(7) Where an entry has been written in the national language of the state whose flag the ship is entitled to fly, as well as in English, French or Spanish, in the case of any dispute or discrepancy, the entry made in that national language prevails.

(8) The cargo record book shall be kept in a place that is readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship to which it relates.

(9) A cargo record book shall be retained for a period of 3 years after the last entry has been made.

Marine pollution emergency plan

33.(1) A noxious liquid substances ship of 150 gross tonnage or more shall carry on board a marine pollution emergency plan that is in a form approved by the administration of the contracting state in which the ship is registered.

(2) The marine pollution emergency plan shall

(a) be developed in accordance with the Guidelines for the Development of Shipboard marine pollution emergency plans for Oil and/or Noxious

Liquid Substances, published by the International Maritime Organization as Resolution MEPC.85 (44), as adopted on 13th March, 2000, and any amendment or replacement of those Guidelines that is considered by the Administration to be relevant and that is specified in a merchant shipping notice;

(b) be written in a working language or languages understood by the master and officers on board the ship; and

(c) contain, as a minimum, the information specified in Regulation 17.2.1 to 17.2.4 of Annex II to the Convention.

(3) In the case of a noxious liquid substances ship to which Regulation 37 of Annex I of the Convention also applies, an approved marine pollution emergency plan may be combined with the approved shipboard oil pollution emergency plan required by regulation 40 of the *Merchant Shipping (Oil Pollution Prevention) Regulations, 2025* (S. I. 2025 No. 22).

(4) A plan combined under paragraph (3) shall be known as a shipboard marine pollution emergency plan.

PART IV

POLAR CODE

Application of Polar Code to NLS Ships

34.(1) The owner or master of a Barbados noxious liquid substances ship operating in polar waters shall ensure that the construction and operation of the ship complies with

(a) the environment-related provisions of the Introduction to the environmental-related provisions of the Polar Code; and

(b) Chapter 2 of Part II-A of the Polar Code.

(2) In ensuring compliance with paragraph (1)*(b)*, consideration shall be given to the guidance in Part II-B of the Polar Code.

PART V

ENFORCEMENT

Inspection of ships

35.(1) Sections 1057 and 1058 of the Act apply to a ship referred to in regulation 8 subject to paragraphs (2) to (6).

(2) The power in those sections to inspect a ship and her equipment, any part of the ship, any articles on board and any documentation carried in the ship is limited to

(a) verifying whether a noxious liquid substances certificate has been issued in respect of the ship and is still valid;

(b) verifying whether documentation referred to in regulation 24 has been issued in respect of the ship and is still valid;

(c) investigating an operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by noxious liquid substances;

(d) verifying whether the ship has discharged a noxious liquid substance in violation of these Regulations;

(e) inspecting the ship's procedures and arrangements manual;

(f) inspecting the ship's cargo record book; or

(g) inspecting the ship's marine pollution emergency plan,

except where there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of the

certificate or other documentation referred to in subparagraphs *(a)*, *(b)*, *(e)*, *(f)* or *(g)*.

(3) The power in sections 1057 and 1058 of the Act to go on board a ship may be exercised only if the ship in question is

(a) in a port in Barbados; or

(b) at an offshore installation in Barbados waters.

(4) Where a ship that is not a Barbados ship is inspected for the purposes of paragraph (2)*(d)*, the person exercising the powers of inspection shall ensure that the report of the inspection is sent to

(a) the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state; and

(b) any other contracting state that requested the inspection.

(5) Where cargo record book entries are inspected under paragraph (2)*(f)*, the person exercising the power of inspection may

(a) make a copy of any entry in that book; and

(b) require the master of the ship to certify that the copy is a true copy of the original.

(6) A copy certified in accordance with paragraph (5) is admissible in any judicial proceeding as evidence of the facts stated in it.

Investigation of alleged violations by Barbados ships

36. Upon receiving evidence that a noxious liquid substance has been discharged from a Barbados ship in violation of these Regulations, the Administration shall

(a) cause the matter to be investigated;

(b) inform the International Maritime Organization of the action taken; and

(c) where another state has reported the violation, inform that state of the action taken.

Detention of Ships

37.(1) Subject to paragraph (2), where a determination referred to in regulation 23(1) is made in relation to a ship, or a surveyor of ships has clear grounds for believing that

(a) a noxious liquid substances certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(b) documentation referred to in regulation 24 is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(c) the condition of a ship or its equipment does not correspond substantially with the particulars of any noxious liquid substances certificate or other documentation;

(d) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of pollution by noxious liquid substances; or

(e) an offence listed in regulation 41 is being committed in respect of a ship;

the ship may be detained by a port state control officer or other authorized official until a surveyor of ships is satisfied that it can proceed to sea without presenting any unreasonable threat of harm to the marine environment.

(2) A person who has the power to detain a ship may permit a ship that is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a surveyor of ships has clear grounds for believing that an offence under regulation 27 or 29(2) has been committed in respect of a ship, the ship may be detained by a port state control officer or other authorized official.

(4) The power under this Regulation to detain a ship may be exercised only if the ship in question is

(a) in a port in Barbados; or

(b) at an offshore installation in Barbados waters.

(5) Section 1221 of the Act applies where a ship may be detained under any of paragraphs (1) to (4) as if

(a) references to detention of a ship under the Act were references to detention of the ship in question under paragraphs (1) to (4); and

(b) section 1221 of the Act were omitted.

(6) Where a ship is to be detained under any of paragraphs (1) to (4), the person detaining the ship shall serve on the master of the ship, a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person mentioned in section 1221 of the Act.

(7) Where a ship other than a Barbados ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

(8) Where a ship is detained under paragraph (3), a person who has the power to detain the ship shall, at the request of the owner, master, demise charterer or manager, immediately release the ship

(a) if no proceedings for an offence under regulation 27 or 29(2) are instituted within 7 days from the day on which the ship is detained;

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master being convicted;

(c) if either

(i) the sum of $50 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and in an amount not less than $50 000 is given to the Administration by or on behalf of the owner, manager, demise charterer or master;

(d) if the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 29(2) and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) if the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by that court or tribunal is posted.

(9) The Administration shall repay any sum paid under paragraph (8)*(c)*, or release any security given,

(a) if no proceedings for an offence under regulation 27 or 29(2) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager or demise charterer or master being convicted.

(10) Where a sum has been paid, or security has been given, by a person under paragraph (8)*(c)* and the owner, manager, demise charterer or master is convicted

of an offence under regulation 27 or 29(2), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Harbour master's power to detain

38.(1) Where the harbour master of a harbour in Barbados has clear grounds for believing that an offence under regulation 27 or 28(2) has been committed in respect of a ship, the harbour master may detain the ship.

(2) Sections 1070(2) and (3) of the Act apply to a detention under paragraph (1) in the same manner as it applies to a detention under section 1070(1) of the Act.

(3) Where a ship is to be detained under this Regulation, the harbour master detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by the harbour authority.

(4) Where a ship is detained under this regulation, the harbour master shall immediately release the ship

(a) if no proceedings for an offence under regulation 27 or 28(2) are instituted within 7 days from the day on which the ship is detained;

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master, being convicted;

(c) if either

(i) the sum of $50 000 is paid to the harbour authority by way of security; or

(ii) security that, in the opinion of the harbour authority, is satisfactory and in an amount not less than $50 000 is given to the harbour authority, by or on behalf of the owner, manager, demise charterer or master;

(d) where the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 28(2), if any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) if the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by that court or tribunal is posted.

(5) A harbour authority shall repay any sum paid under paragraph (4)*(c)*, or release any security given,

(a) if no proceedings for an offence under regulation 27 or 28(2) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)*(c)* and the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 28(2), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) any balance in repayment to the person who paid the sum or gave the security.

Harbour master's duty to report deficient ships

39. If the harbour master of a harbour in Barbados has reason to believe that a ship that does not comply with the requirements of these Regulations is about to enter or leave the harbour, the harbour master shall immediately report the matter to the Administration.

Right of appeal and compensation

40. Paragraphs 16 and 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to the exercise of powers of detention under these Regulations in the same manner as they apply in relation to the exercise of those powers under those Regulations, subject to

(a) references to "inspector", are to be read as references to the authority detaining the ship, or to the harbour master, as the case may be;

(b) those Regulations are to be read without reference to

(i) issuance of a refusal of access notice;

(ii) a refusal of access;

(iii) a refusal of access notice; and

(iv) service of a refusal of access notice; and

(c) regulation 17(2) of those Regulations does not apply where the ship is detained by a harbour master and any compensation awarded is payable by the harbour authority.

Offences

41.(1) A contravention of

(a) regulation 12 to 15, 16(1), (2) or (3), 17, 24 or 26(2) or (4) constitutes an offence by the owner and by the master of the ship in question;

(b) regulation 22(5), 27, 31, 30,33, 32, 33 or 34 constitutes an offence by the owner, manager, demise charterer and master of the ship in question;

(c) regulation 23(5) constitutes an offence by the owner of the ship in question;

(d) regulation 26(3) constitutes an offence by the person in question; and

(e) regulation 28 constitutes an offence by the master of the ship in question.

(2) A failure by a master to comply with a requirement under regulation 35(5) *(b)* constitutes an offence.

(3) A person who commits an offence under paragraph (1) or (2) is liable on summary conviction to a fine of $10 000 and, on conviction on indictment, to a fine of $20 000.

Service of documents

42. Section 1232 of the Act applies to proceedings for an offence under these Regulations in the same manner as it applies to proceedings for an offence relating to discharge from a ship into Barbados waters under Divisions 2, 3, 5 and 6 of Part XXV of the Act and as if

(a) a reference to the discharge from a ship into Barbados waters under those Divisions were to these Regulations; and

(b) a reference to the owner were to the owner, manager or demise charterer.

Enforcement and application of fines

43. Section 1211 of the Act applies to any fine for an offence for the contravention of regulation 27, 28, 31, 30, 32, 33 or 34 in the same manner as if

(a) in section 1211(1), a reference to proceedings against the owner or master of a ship for an offence under Division 2 of Part XXV of the

Act were a reference to proceedings against the owner, manager, demise charterer or master for an offence of a contravention of regulation 27, 28, 31, 30, 32, 33 or 34; and

(b) in section 1211(2) of the Act, the reference to an offence under Part XXV of the Act were a reference to an offence of a contravention of regulation 27 or 28(2).

Restriction on jurisdiction over offences outside Barbados' limits

44.(1) In the case of a contravention of regulation 27 or 28(2) in respect of a ship that is not a Barbados ship and that is in the internal waters, territorial sea or exclusive economic zone of a foreign state, proceedings in respect of the offence shall not be instituted in Barbados, unless

(a) the foreign state, the flag state of the ship in question or a state polluted or threatened with pollution as a result of the offence requests that proceedings be taken; or

(b) the offence has caused, or is likely to cause, pollution in Barbados waters.

(2) Where such proceedings have been instituted but not concluded, they shall be suspended upon the request of the foreign state in question, in which case the Administration shall send all the evidence, court records and documents relating to the case, together with any sum paid or security given, to the foreign state.

(3) In this regulation,

"exclusive economic zone", in relation to a foreign state, means the area beyond and adjacent to the territorial sea of that state, but not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; and

"foreign state" means a state other than Barbados.

Suspension of proceedings at flag state request

45.(1) This regulation applies to proceedings instituted but not concluded in Barbados in respect of a contravention of regulation 27 or 28(2) that was committed outside Barbados waters by a ship that is not a Barbados ship.

(2) Subject to paragraph (3), any proceedings shall be suspended if the court is satisfied that the flag state of the ship in question has instituted proceedings corresponding to the proceedings in Barbados in respect of the contravention of that provision, within 6 months of the institution of the proceedings by Barbados.

(3) Paragraph (2) does not apply where

(a) the contravention of regulation 27 or 28(2) resulted in serious pollution to Barbados; or

(b) the Administration certifies that the flag state in question has repeatedly disregarded its obligation to effectively enforce the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings in Barbados shall be terminated.

Defences

46.(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that person took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

(2) Without prejudice to paragraph (1), in any proceedings for an offence for a contravention of regulation 27 or 28(2), it is a defence for the person charged to prove that

(a) the ship was not a Barbados ship;

(b) the discharge took place in waters that were not in Barbados waters; and

(c) the ship was in a port in Barbados at the time of the institution of proceedings by reason only of stress of weather or another reason beyond the control of the master or owner or any charterer or manager.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 24

MERCHANT SHIPPING (SEWAGE AND GARBAGE POLLUTION PREVENTION) REGULATIONS, 2025

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(Act 2024–28)

MERCHANT SHIPPING (SEWAGE AND GARBAGE POLLUTION PREVENTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Sewage and Garbage Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"additional survey" means a survey conducted in accordance with regulation 10;

"Antarctic area" means the sea area south of latitude 60°S;

"Barbados Maritime Transport Administration" has the same meaning as in the Act;

"Barbados ship" has the same meaning as in the Act;

"certifying authority" means the Administration or a person authorized by the Administration in accordance with paragraph (2);

"contracting government" means the government of a state that has consented to be bound by the Convention, and for which Annex IV to the Convention is in force;

"Convention" means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, annexes and appendices, as amended by the Protocols of 1978 and 1997, and includes

(a) all the amendments to the Convention adopted by the Marine Environment Protection Committee of the International Maritime Organization before the date on which these Regulations are made; and

(b) any subsequent amendment to that Convention by the International Maritime Organization;

"date of expiry" in relation to a sewage certificate, means the last day of the period specified in the sewage certificate as the period for which that certificate is valid;

"discharge" in relation to sewage, means any release from a ship however caused, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include

(a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13th November, 1972, as amended by the 1996 Protocol; or

(b) the release of sewage for the purpose of legitimate scientific research into pollution abatement or control;

"exclusive economic zone" in relation to a foreign state, means the area beyond and adjacent to the territorial sea of that state, but not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

"flag state" in relation to a ship, means the state whose flag the ship is entitled to fly;

"foreign ship" means a ship that is not a Barbados ship;

"foreign state" means a country other than Barbados;

"garbage" means all kinds of victual, domestic and operational wastes generated during the normal operation of a ship and liable to be disposed of continuously or periodically, but does not include fresh fish and parts of it, sewage or any other substance the disposal of which is prohibited or otherwise controlled under an Annex to the Convention other than Annex V;

"ground or comminuted to the required standard" in relation to garbage or food wastes, means ground or comminuted sufficiently finely so as to be capable of passing through a screen with openings no greater than 25 millimetres;

"GT" means the gross tonnage determined in accordance with the *Merchant Shipping (Tonnage) Regulations, 2025* (S.I. 2025 No. 29);

"harbour master" has the same meaning as in the Act;

"holding tank" means a tank used for the collection and storage of sewage;

"infrastructure" in relation to a ship, means the structure, equipment, systems, fittings, arrangements and material of that ship that are the subject of requirements in Annex IV of the Convention;

"initial survey" means a survey carried out in accordance with regulation 7;

"International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978" means the Convention of that name as amended in 1995 by resolution 1 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers Conference convened at the International Maritime Organization's headquarters from 26th June to 7th July, 1995, and as amended from time to time;

"international voyage" means a voyage from a country to which the Convention applies to a port outside that country, or the converse;

"master" has the same meaning as in the Act;

"merchant shipping notice" means a merchant shipping notice issued in accordance with the Act, and any reference to a particular merchant shipping notice includes a reference to a merchant shipping notice amending or replacing that notice;

"nautical mile" means an international nautical mile of 1,852 metres;

"offshore terminal" means an installation situated away from the shore, where bulk, fluid or gas cargo is

(a) transferred between ships;

(b) loaded onto a ship after having been transported from the shoreline; or

(c) unloaded from a ship for transporting to the shoreline;

"old ship" means a ship whose date of construction is before 2nd October, 1983;

"operational wastes" means all maintenance wastes, cargo associated wastes and cargo residues, other than residues or wastes from

(a) oil or oily mixtures;

(b) noxious liquid substances;

(c) non-polluting liquid substances; or

(d) harmful substances in packaged form;

"plastics" includes synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products that may contain toxic or heavy metal residues;

"platform" means a fixed or floating platform that is used in connection with the exploration, exploitation or associated offshore processing of seabed mineral resources;

"renewal survey" means a survey carried out in accordance with regulation 8;

"sea" includes an estuary or arm of the sea;

"sewage" means

(a) drainage and other wastes from toilets and urinals;

(b) drainage from medical premises, including a dispensary or sick bay, via wash basins, wash tubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other waste waters that are mixed with drainage referred to in subparagraph *(a)*, *(b)* or *(c)*;

"sewage certificate" means an International Sewage Pollution Prevention Certificate referred to in Regulation 5 of Annex IV of the Convention;

"ship" has the same meaning as in the Act;

"ship in dedicated trades" means a ship that is on a scheduled service on a regular route;

"short international voyage" means an international voyage that

(a) does not exceed 1,000 nautical miles on the voyage between the last port of call and before beginning any return voyage; and

(b) on any return voyage does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began;

"special area" means a sea area where, for recognized technical reasons in relation to its oceanographical and ecological condition and to the character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by garbage is required, and includes the areas listed in Annex V of the Convention;

"survey" means a survey carried out by a surveyor;

"surveyor" means a surveyor of ships or any other person appointed to be a surveyor by a certifying authority other than the Administration; and

"Wider Caribbean Region" means the insular and coastal states and territories with coasts on the Caribbean Sea and Gulf of Mexico, and the waters of the Atlantic Ocean adjacent to those states and territories.

(2) A person may be authorized by the Administration as a certifying authority in accordance with

(a) the Convention;

(b) Parts 1 and 2 of the Code for Recognized Organizations; and

(c) Part 3 of the Code for Recognized Organizations.

(3) For the purposes of these Regulations,

(a) a reference to Annex IV to the Convention is to be read as a reference to that Annex as adopted by the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC. 115(51) on 1st April, 2004, including

(i) all the amendments to that Annex adopted by that Committee before the date on which these Regulations are made; and

(ii) any subsequent amendment to that Annex that is considered by the Administration to be relevant from time to time and published in a notice to the industry;

(b) a reference to Annex IV to the Convention is to be read as a reference to the Annex constituting part of attachment 1 to the final act of the International Conference on Maritime Pollution signed in London on 2nd November, 1973, including

(i) all the amendments to that Annex adopted by the Marine Environment Protection Committee of the International Maritime Organization before the date on which these Regulations are made; and

(ii) any subsequent amendment to that Annex that is considered by the Administration to be relevant from time to time and published in a notice to the industry.

(4) In the application of these Regulations to

(a) an air-cushion vehicle, a reference to the master of a ship includes a reference to the captain of that air-cushion vehicle; and

(b) a platform, a reference to the master of a ship includes a reference to the manager of that platform.

(5) For the purposes of the definition "short international voyage", no account is to be taken of any deviation by a ship from an intended voyage due solely to stress of weather or any other circumstances that the master, owner or any charterer of the ship could not have prevented or forestalled.

(6) For the purposes of these Regulations, the date of construction of a ship is the date on which the keel of the ship is laid or on which the ship is at a stage of construction at which

(a) construction identifiable with a specific ship has begun; and

(b) assembly of that ship has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less.

Meaning of "from nearest land"

3. For the purpose of these Regulations, a measurement from the nearest land is to be made, in accordance with Regulation 1, Annex V, of the Convention,

(a) in relation to all land other than that part of the north-eastern coast of Australia referred to in subparagraph *(b)*, from the baseline from which the territorial sea of the territory in question is established in accordance with international law; and

(b) in relation to the north-eastern coast of Australia, from a line drawn from a point on the coast of Australia in latitude 11°00’S, longitude 142°08’E to a point in latitude 10°35’S, longitude 141°55’E and

(i) thence to a point latitude 10°00’S, longitude 142°00’E;

(ii) thence to a point latitude 09°10’S, longitude 143°52’E;

(iii) thence to a point latitude 09°00’S, longitude 144°30’E;

(iv) thence to a point latitude 10°41’S, longitude 145°00’E;

(v) thence to a point latitude 13°00’S, longitude 145°00’E;

(vi) thence to a point latitude 15°00’S, longitude 146°00’E;

(vii) thence to a point latitude 17°30’S, longitude 147°00’E;

(viii) thence to a point latitude 21°00’S, longitude 152°55’E;

(ix) thence to a point latitude 24°30’S, longitude 154°00’E;

(x) thence to a point on the coast of Australia in latitude 24°42’S, longitude 153°15’E.

Purpose

4. The objective of these Regulations is to prevent, control and reduce marine pollution by sewage and garbage from ships.

General application

5. These Regulations apply to ships that are subject to the requirements of Annex IV and Annex V of the Convention.

Application

6.(1) Regulations 7 to 12, 14, 15, 16(1) to (5), 17, and 18(1) and (2) apply to a Barbados ship, wherever it may be, that is engaged in international voyages and is

(a) of 400 GT or above; or

(b) certified to carry more than 15 persons.

(2) Regulations 13 and 19(1) apply to a ship that is

(a) a foreign ship;

(b) registered in, or not registered but entitled to fly the flag of, a country whose government is a contracting government;

(c) engaged in international voyages;

(d) of 400 GT or above, or certified to carry more than 15 persons; and

(e) in Barbados waters.

(3) Regulation 16(6) applies to a foreign ship

(a) that is engaged in international voyages;

(b) that is of 400 GT or above, or certified to carry more than 15 persons; and

(c) that is

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) a floating platform in Barbados waters, other than a floating platform that is in transit.

(4) Regulations 18(3) and (4) and 21 to 25 apply in relation to

(a) a Barbados ship, wherever it may be, that is engaged in international voyages and is

(i) of 400 GT or above; or

(ii) certified to carry more than 15 persons; or

(b) a foreign ship that is

(i) engaged in international voyages;

(ii) of 400 GT or above, or certified to carry more than 15 persons; and

(iii) in Barbados waters.

(5) Regulation 19(2) applies to a ship that satisfies the criteria set out in paragraph (2) other than the criterion in paragraph (2)*(b)*.

(6) Regulation 20 applies to a ship that is a Barbados ship but that does not satisfy the criteria set out in paragraph (1).

(7) Regulations 26 to 28 apply to a ship that is

(a) a Barbados ship, wherever it may be; or

(b) a foreign ship that is in

(i) Barbados waters; or

(ii) any other waters that constitute a sea.

(8) Regulation 29 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) a platform; or

(b) alongside or within 500 metres of a platform.

(9) Regulation 30 applies to a Barbados ship wherever it may be.

(10) Regulation 31 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that has a length overall of 12 metres or more.

(11) In paragraph (10), “length overall” means the extreme length of the hull of the ship measured between the foremost part of the bow and the aft-most part of the stern.

(12) Regulation 32 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) of 400 GT or above; or

(b) certified to carry 15 or more persons.

(13) Regulations 33 and 34 apply to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) of 400 GT or above;

(b) certified to carry 15 or more persons, and engaged in voyages to ports or offshore terminals under the jurisdiction of a party to the Convention other than the ship's flag state; or

(c) a platform.

(14) Regulation 35 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) certified to carry 15 or more persons, and engaged on a voyage whose duration is one hour or less; or

(b) a platform, while it is engaged in exploration and exploitation of the sea-bed.

(15) These Regulations do not apply to a warship, naval auxiliary or other ship owned or operated by a state that is being used only on government, non-commercial service.

(16) Regulations 23 to 25 do not apply to

(a) the discharge of sewage that is necessary for the purpose of

(i) securing the safety of the ship;

(ii) securing the safety of those on board the ship; or

(iii) saving life at sea; or

(b) the discharge of sewage that results from damage to a ship or its equipment, except to the extent that the discharge is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

(17) Regulations 26 to 29 do not apply to

(a) the disposal of garbage that is necessary for the purpose of

(i) securing the safety of the ship;

(ii) securing the safety of those on board the ship; or

(iii) saving life at sea;

(b) the escape of garbage that results from damage to a ship or its equipment, except to the extent that the escape is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

(c) the accidental disposal into the sea of synthetic fishing nets or synthetic material incidental to the repair of such nets, except to the extent that the disposal is due to a failure to take all reasonable precautions to prevent it.

PART II

SEWAGE: SURVEY AND CERTIFICATION OF SHIPS

Requirement for sewage certificate: initial survey

7. A ship shall not be put into service or, if she is already in service, continue in service, unless

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

(b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of Part III; and

(c) a sewage certificate has been issued in respect of that ship and is still valid.

Renewal of sewage certificate: renewal survey

8. A ship shall not proceed to sea or, if she is already at sea, remain at sea, after the date of expiry of a sewage certificate issued in respect of that ship unless

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

(b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of Part III; and

(c) in consequence,

(i) a sewage certificate has been renewed and issued in respect of that ship and is still valid; or

(ii) the certificate has been extended in accordance with regulation 15(4).

Responsibilities of owner and master

9.(1) The owner and the master of a ship shall ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Parts III and IV so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of a ship shall ensure that after a survey of the ship required under this Part has been completed, no change, except by way of direct replacement, is made to the infrastructure of that ship covered by the survey without the approval of

(a) the certifying authority that appointed the surveyor to carry out the survey; or

(b) the Administration, where the sewage certificate was issued by a contracting government following a request made pursuant to regulation 12.

(3) Whenever an accident occurs to a ship or a defect is discovered in a ship that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part III, the owner and the master of the ship shall ensure that

(a) the accident or defect is reported at the earliest opportunity to the certifying authority that issued the sewage certificate in respect of the ship; and

(b) where the ship is in a port outside Barbados, the accident or the defect is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(4) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)*, the certifying authority

(a) shall cause an investigation to be initiated to determine whether an additional survey is necessary; and

(b) if it considers that an additional survey is necessary, shall cause that survey to be carried out.

(5) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)* and the ship in question is in a port outside Barbados, the certifying authority shall take all appropriate steps to ascertain that the requirement in paragraph (3)*(b)* has been complied with.

Additional surveys

10.(1) This regulation applies to a ship if

(a) a repair resulting from an investigation referred to in regulation 9(5) has been made to the ship; or

(b) an emergency repair has been made to the ship.

(2) A ship referred to in paragraph (1) shall not proceed to sea or, if she is already at sea, remain at sea, unless

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

(b) at the date of the survey the surveyor be satisfied that

(i) the repair or renewal has been made effectively;

(ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and

(iii) the ship complies in all respects with the requirements of Part III; and

(c) the surveyor has issued a survey report to that effect.

Issuance of sewage certificates by a certifying authority

11.(1) Subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38), on being notified by a surveyor that the surveyor

(a) has carried out an initial survey or a renewal survey in respect of a ship; and

(b) is satisfied at the date of the survey that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part III;

a certifying authority shall issue a sewage certificate in respect of that ship.

(2) Where a ship is transferred from the flag of another contracting government, a certifying authority shall issue a sewage certificate in respect of that ship if

(a) a sewage certificate has been issued in respect of the ship and was still valid immediately before the date of the transfer;

(b) the certifying authority has caused a survey to be carried out in respect of the ship; and

(c) the certifying authority is satisfied that

(i) the condition of the ship and its equipment are maintained to conform with the requirements of Annex IV of the Convention, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

(ii) no change, other than the direct replacement of equipment and fittings, has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under Regulation 4.1 of Annex IV of the Convention, without the approval of the contracting government in question.

(3) A sewage certificate issued under this regulation shall be in English and in the form set out in the Appendix to Annex IV of the Convention.

Issuance of sewage certificate by another government in respect of Barbados ship

12.(1) The Administration may request a contracting government

(a) to survey a Barbados ship; and

(b) to issue, or authorize the issuance of, a sewage certificate in respect of that ship, if the contracting government is satisfied that the ship complies with the requirements of Annex IV of the Convention.

(2) Where a sewage certificate is issued pursuant to paragraph (1),

(a) the Administration is to be treated as the certifying authority in relation to it; and

(b) a reference in these Regulations to the certifying authority that issued the certificate is to be treated as a reference to the Administration.

Issuance of sewage certificates in respect of foreign ships

13.(1) When requested to do so by a contracting government, the Administration

(a) may cause a survey to be carried out in respect of a foreign ship; and

(b) shall, subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38), issue in respect of that ship a sewage certificate, if the Administration is satisfied that the requirements of Annex IV of the Convention are complied with.

(2) A sewage certificate issued pursuant to paragraph (1) is to

(a) be in English and in the form set out in the Appendix to Annex IV of the Convention;

(b) contain a statement that it has been so issued; and

(c) have the same effect as if it had been issued by the contracting government who made the request.

(3) The Administration shall, as soon as possible, send to the contracting government that made the request referred to in paragraph (1) a copy of

(a) the sewage certificate issued pursuant to that paragraph; and

(b) the survey report.

(4) The Administration shall not issue a sewage certificate in respect of a ship that is

(a) registered in a state whose government is not a contracting government; or

(b) not registered, but entitled to fly the flag of a state whose government is not a contracting government.

Duration and validity of sewage certificates

14.(1) Subject to paragraphs (2) to (5) and to regulations 16(3) and 18(1), a sewage certificate that is issued in respect of a ship is valid for the period specified in the certificate, not exceeding 5 years from the date of the completion of the relevant initial or renewal survey.

(2) Subject to paragraph (3) and regulation 15(9), where a renewal survey is completed

(a) within the period of 3 months after the date of expiry of the sewage certificate in question; or

(b) after the date of expiry of the latest sewage certificate;

the new sewage certificate is valid for the period specified in the certificate, beginning on the date of the completion of the renewal survey and ending on a date not exceeding 5 years after the date of expiry of the latest sewage certificate.

(3) A sewage certificate issued in respect of a ship ceases to be valid on the earliest of

(a) a transfer of the ship to the flag of another state;

(b) the ship proceeding to sea if

(i) a repair or renewal referred to in regulation 10(1) has been made; and

(ii) the requirements set out in regulation 10(3) have not been complied with;

(c) a new sewage certificate being issued in respect of the ship; and

(d) the date of expiry of the certificate.

(4) Where a ship is transferred to the flag of another state whose government is a contracting government, and within 3 months after the date of transfer that government so requests, the Administration shall send the government a copy of

(a) the sewage certificate issued in respect of the ship; and

(b) if available, the survey report.

Extension of periods of validity of sewage certificates

15.(1) Where the period of the validity of a sewage certificate in respect of a ship is less than 5 years, the certifying authority that issued the sewage certificate may extend its period of validity to a maximum period of 5 years.

(2) Where

(a) a renewal survey has been completed by a surveyor; but

(b) the new sewage certificate cannot be issued or placed on board the ship before the date of expiry of the latest sewage certificate;

the surveyor may endorse the latest sewage certificate.

(3) Where a sewage certificate has been endorsed under paragraph (2), the certificate is valid for the further period specified in the certificate, not exceeding 5 months from the original date of expiry of the certificate.

(4) Where

(a) a renewal survey has not been completed before the date of expiry of the latest sewage certificate in question; and

(b) at the date of expiry the ship is not in the port in which the survey is to be carried out;

the certifying authority that issued the latest sewage certificate may extend the period of validity of that sewage certificate for a period not exceeding 3 months, solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(5) Where the period of validity of a sewage certificate has been extended pursuant to paragraph (4), the ship in question shall not leave its port of survey until a new sewage certificate has been issued in respect of that ship.

(6) Subject to paragraph (7), the certifying authority that issued the latest sewage certificate in respect of a ship engaged solely on short international voyages may extend the period of validity of that sewage certificate for a period not exceeding one month.

(7) A certifying authority shall not extend the period of validity of a sewage certificate under paragraph (6) if the period of validity of that sewage certificate has already been extended under paragraph (1), (3) or (4).

(8) Subject to paragraph (9) and to regulations 16(3) and 18(1), where a renewal survey has been completed and a new sewage certificate has been issued in respect of a ship referred to in paragraph (5) or (6), the new certificate is valid for the period specified in the certificate, not exceeding 5 years from the original date of expiry of the previous sewage certificate.

(9) Where the period of validity of a sewage certificate is extended under paragraph (1), (4) or (6), the certifying authority shall endorse the sewage certificate in accordance with the form set out in the Appendix to Annex IV of the Convention.

(10) An endorsement issued pursuant to paragraph (2) shall be in the form set out in the Appendix to Annex IV of the Convention.

(11) In this regulation, "original date of expiry" means the date on which a sewage certificate would have expired but for an extension of its period of validity.

Procedure to be adopted when a ship is deficient

16.(1) This regulation applies where a surveyor determines that

(a) the condition of a ship or her equipment does not correspond substantially with the particulars of a sewage certificate issued in respect of the ship; or

(b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) In the circumstances referred to in paragraph (1), the surveyor shall

(a) advise the owner or master of the corrective action that in the opinion of the surveyor is required; and

(b) where a sewage certificate has been issued in respect of the ship and is still valid, notify the certifying authority that issued the certificate

(i) that the surveyor has so advised the owner or master; and

(ii) whether that corrective action was taken.

(3) Where a sewage certificate has been issued in respect of the ship and is still valid, the certifying authority may suspend the validity of that certificate until any required corrective action has been taken.

(4) Where the certifying authority suspends the validity of a sewage certificate issued in respect of a ship, it shall immediately give notice of the suspension

(a) to the owner of the ship; and

(b) where the ship is in a port outside of Barbados, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of a ship is given notice of suspension, that owner shall notify the master of the ship in question of the suspension.

(6) Paragraphs (2) and (3) have effect in relation to a ship as if

(a) the reference to the certifying authority were to the government of the state where the ship is registered or, if the ship is not registered, to the government of the flag state; and

(b) the reference to a surveyor included a reference to a person authorized by that government to survey the ship.

Arbitration

17.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a ship under these Regulations, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the applicant and the responsible person.

(3) In default of agreement between the applicant and the responsible person, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch), following a request made by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate to act as

(i) a master or chief mate on a seagoing ship of 3,000 GT or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; or

(ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(b) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(c) a naval architect;

(d) a barrister and attorney of not less than 10 years call;

(e) a person with special experience of shipping matters, or of the fishing industry, or of activities carried on in ports; or

(f) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in the *Fifth Schedule* apply unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations; and

"responsible person" means

(a) the certifying authority responsible under regulation 11 or 12 for the issuance of the sewage certificate in connection with which a survey required by these Regulations is carried out; or

(b) in the case of a dispute relating to an additional survey, the certifying authority that issued the sewage certificate in respect of the ship.

Miscellaneous provisions relating to sewage certificates

18.(1) The Administration may cancel a sewage certificate issued in respect of a ship if it has reason to believe that

(a) the sewage certificate was issued on false or erroneous information; or

(b) since the completion of a survey required by these Regulations, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Administration may require that a sewage certificate that was issued in respect of a ship and that has expired or has been suspended or cancelled be surrendered within such time and in such manner as the Administration may in writing direct.

(3) No person shall

(a) intentionally alter a sewage certificate;

(b) intentionally make a false sewage certificate;

(c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;

(d) with intent to deceive, use or lend a sewage certificate or permit a sewage certificate to be used by another person; or

(e) fail to surrender a sewage certificate when required to do so under paragraph (2).

(4) The owner and master of a ship in respect of which a sewage certificate has been issued shall ensure that the certificate is readily available on board the ship for examination at all times.

Foreign ships proceeding to sea without a sewage certificate

19. A ship shall not proceed to sea from a port in Barbados unless

(a) a sewage certificate has been issued pursuant to Annex IV of the Convention in respect of that ship and is still valid;

(b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or

(c) a person having power to detain the ship has permitted the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

Survey and certification of ships at owner's request

20.(1) When requested by the owner of a ship, a surveyor may carry out a survey equivalent to one carried out under regulation 7, 8 and 10 in respect of that ship.

(2) Regulations 9, 11, 14, 15(1) to (4) and (6) to (11), 16(1) to (5) and 18 apply in the same manner

(a) in relation to a ship that underwent a survey at the shipowner's request under paragraph (1) as they apply in relation to a ship to which regulations 7, 8 and 10 apply;

(b) in relation to a sewage certificate issued in respect of such a ship, as they apply in relation to a sewage certificate issued in respect of a ship to which those regulations apply;

(c) as if any reference in those regulations to a ship included a reference to a ship referred to in subparagraph *(a)*; and

(d) as if a reference in those regulations to a sewage certificate included a reference to a sewage certificate issued in respect of a ship referred to in subparagraph *(a)*.

PART III

SEWAGE: EQUIPMENT OF SHIPS

Sewage systems

21.(1) A ship that is not an old ship shall be equipped with at least one of the following:

(a) a sewage treatment plant that complies with the standards set out in the guidelines for performance for sewage treatment plants adopted by the Marine Environment Protection Committee of the Organization by Resolution MEPC.2 (VI), with any subsequent amendments to those guidelines or, in the case of a ship built before 1st August, 2005, with standards accepted by the Administration as being equivalent to those standards;

(b) a sewage comminuting and disinfecting system that complies with the requirements set out in paragraph (3) in the case of a Barbados ship, or paragraph (4) in the case of a foreign ship; or

(c) a holding tank that complies with the requirements set out in paragraph (5) in the case of a Barbados ship, or paragraph (6) in the case of a foreign ship.

(2) The owner of an old ship shall ensure that the ship is equipped, so far as is practicable, to discharge sewage in accordance with regulation 24 or 25.

(3) A Barbados ship shall meet the requirements for a sewage comminuting and disinfecting system set out in the *Second Schedule*.

(4) A foreign ship shall meet the requirement for a sewage comminuting and disinfecting system approved by the government of the ship's flag state.

(5) The holding tank of a Barbados ship shall meet the following requirements:

(a) the construction of the holding tank shall meet the standard for holding tanks that is set out in the *Third Schedule*;

(b) the capacity of the holding tank shall be sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and

(c) the holding tank shall be capable of indicating visually the amount of its contents.

(6) The holding tank of a foreign ship shall meet the following requirements:

(a) the construction of the holding tank shall be approved by the government of the ship's flag state;

(b) the capacity of the holding tank shall be sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and

(c) the holding tank shall be capable of indicating visually the amount of its contents.

Discharge connections

22.(1) Subject to paragraph (2), the sewage discharge pipeline of a ship shall be fitted with a standard discharge connection in accordance with the specification for a standard discharge connection set out in Regulation 10 of Annex IV to the Convention.

(2) The sewage discharge pipeline of a ship in dedicated trades may alternatively be fitted with a quick-connection coupling or other discharge connection, if the Chief Marine Surveyor is satisfied that that discharge connection is at least as effective as the standard discharge connection.

PART IV

DISCHARGE OF SEWAGE

Discharge of sewage from a ship into the sea

23.(1) Subject to paragraph (3) and regulations 24 and 25, no person shall discharge sewage from a ship into the sea.

(2) Where sewage is mixed with wastes or waste water covered by an Annex to the Convention other than Annex IV, paragraph (1) applies in addition to any statutory prohibition or requirement that relates to those wastes or waste waters and that implements the Annex.

(3) This regulation does not apply to an old ship if it complies with regulation 21(2).

Exception for ship equipped with a sewage treatment plant

24. Sewage may be discharged from a ship into the sea if

(a) the sewage is discharged through, and treated by, a sewage treatment plant on the ship that complies with regulation 21(1)*(a)*;

(b) the sewage certificate in respect of that ship contains the test results of the sewage treatment plant; and

(c) as a result of the discharge,

(i) there are no visible floating solids; and

(ii) there is no discoloration of the water into which the sewage is discharged.

Exception for other ships

25.(1) Subject to paragraph (3), treated sewage may be discharged from a ship into the sea if

(a) the system used complies with regulation 21(1)*(b)*; and

(b) the sewage is discharged at a distance of more than 3 nautical miles from the nearest land.

(2) Subject to paragraph (3), sewage that is not treated may be discharged from a ship into the sea if the sewage is discharged at a distance of more than 12 nautical miles from the nearest land.

(3) Where treated sewage or sewage that is not treated has been stored in a holding tank, or originates from spaces containing living animals, the sewage shall not be discharged instantaneously but shall be discharged, at a rate that is no greater than the rate specified for these purposes in the *Fourth Schedule*, while the ship is *en route* and proceeding at not less than 4 knots.

(4) For the purposes of this regulation,

(a) a ship is *en route* if it is under way at sea on a course that, so far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonably practicable; and

(b) sewage is treated if the sewage is both comminuted and disinfected.

PART V

DISPOSAL OF GARBAGE

Prohibition on disposal of plastics or mixtures of garbage from a ship

26.(1) No person shall dispose of plastics from a ship into the sea.

(2) No person shall dispose of plastics that are mixed with garbage of a kind referred to in regulation 27, 28 or 29 from a ship into the sea.

(3) Subject to paragraph (4), no person shall dispose into the sea

(a) garbage of a kind referred to in regulation 27, 28 or 29 that is mixed with garbage of a different kind referred to in any of those regulations; or

(b) a kind of garbage prohibited under any of those regulations.

(4) Where

(a) garbage of a kind referred to in regulation 27, 28 or 29 is mixed with garbage of a different kind referred to in any of those regulations;

(b) the disposal into the sea of those kinds of garbage is prohibited by those regulations unless certain requirements are complied with; and

(c) those requirements differ according to the kind of garbage;

no person shall dispose of that mixed garbage into the sea unless the more stringent requirements are complied with.

Disposal of garbage other than plastics from a ship outside a special area

27.(1) Subject to regulation 29, no person shall dispose of dunnage, lining and packing materials that will float from a ship into the sea outside a special area unless

(a) the distance from the ship to the nearest land is 25 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(2) Subject to regulation 29, no person shall dispose of general garbage that has been ground or comminuted to the required standard from a ship into the sea outside a Special Area unless

(a) the distance from the ship to the nearest land is three nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(3) Subject to regulation 29, no person shall dispose of general garbage, other than that referred to in paragraph (2), from a ship into the sea outside a special area unless

(a) the distance from the ship to the nearest land is 12 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(4) In this regulation, "general garbage" means garbage other than

(a) plastics; and

(b) dunnage, lining and packing materials that will float.

Disposal of garbage from a ship within a special area

28.(1) No person shall dispose of garbage, other than food wastes, from a ship into the sea within a special area.

(2) Subject to paragraph (3), no person shall dispose of food wastes from a ship into the sea within a special area unless

(a) the distance from the ship to the nearest land is 12 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(3) No person shall dispose of food wastes that have been ground or comminuted to the required standard from a ship into the sea within the Wider Caribbean Region unless

(a) the distance from the ship to the nearest land is 3 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

Disposal of garbage from a ship alongside a platform

29.(1) No person shall dispose of garbage, other than the food wastes referred to in paragraph (2), into the sea from a ship.

(2) No person shall dispose of food wastes that have been ground or comminuted to the required standard into the sea from a ship, if the distance from the platform to the nearest land is 12 nautical miles or less.

Restriction on Barbados ships entering the Antarctic area

30. A ship shall not enter the Antarctic area unless

(a) it has sufficient capacity for the retention on board of all garbage while operating in that area; and

(b) it has concluded arrangements for the discharge of retained garbage at a reception facility after it has left that area.

Placards on ships

31.(1) A ship shall display placards that notify the crew and any passengers of the requirements for the disposal of garbage contained in regulations 26 to 28 and 30.

(2) The placards shall be written

(a) in the working language of the ship’s personnel; and

(b) if the ship is engaged on voyages to ports or offshore terminals under the jurisdiction of a party to the Convention other than its flag state, also in English, French or Spanish.

PART VI

GARBAGE MANAGEMENT PLANS AND RECORD BOOKS

Garbage management plan

32.(1) Every ship shall carry a garbage management plan that

(a) is written in the working language of the crew;

(b) provides procedures for the collection, storage, processing and disposal of garbage, including procedures for the use of equipment on board;

(c) designates the person in charge of carrying out the plan; and

(d) is in accordance with the guidelines developed by the International Maritime Organization and adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.7 1(38).

(2) The master of a ship shall ensure that the crew of the ship follow the garbage management plan relating to the ship.

Garbage record books

33.(1) Every ship shall keep on board a garbage record book that in the form specified in the Appendix to Annex V of the Convention.

(2) A garbage record book may form part of an official logbook of the ship.

(3) The garbage record book shall be kept in a place where it is available for inspection at any reasonable time.

(4) The owner of a ship shall preserve the garbage record book for that ship for a period of 2 years from the date of the final entry made in it.

Entries in garbage record books

34.(1) The officer in charge of a discharge operation or an incineration on a ship shall make and sign an entry in the garbage record book in respect of that discharge or incineration on the date of the discharge or on the date on which the incineration is completed, as the case may be.

(2) An entry in the garbage record book shall include

(a) the date and time at which the discharge or incineration occurred;

(b) the position of the ship at the time at which the discharge or incineration occurred;

(c) a description of, and the estimated amount of, the garbage discharged or incinerated; and

(d) the signature of the officer in charge of the discharge or incineration.

(3) In the event of a disposal, escape or accidental disposal referred to in regulation 6(18), an entry shall be made in the garbage record book recording the circumstances of, and the reasons for, the disposal, escape or accidental disposal.

(4) If a Barbados ship or a platform is in Barbados waters, the entry in the garbage record book shall be in English.

(5) If a ship is a foreign ship or is a platform that is not in Barbados waters, the entry in the garbage record book shall be written in English, French or Spanish.

(6) Where the entries are also made in an official language of the flag state, if there is a discrepancy in, or a dispute concerning, the different language entries in the garbage record book, the official language of the flag state prevails.

(7) The master of a ship shall sign each completed page of the garbage record book relating to the ship.

Exemptions

35. The Administration may grant an exemption in writing from one or more of the requirements of regulations 32 and 33 in respect of a ship.

ISO 21070 – management and handling of shipboard garbage

36. Shipboard garbage shall be managed and handled in accordance with International Standards Organization standard 21070 on the management and handling of shipboard garbage.

PART VII

INSPECTIONS, DETENTIONS AND OFFENCES

Inspections, detentions and offences

37.(1) In so far as sections 1057 and 1058 of the Act apply in relation to a ship, for the purposes of checking compliance with these Regulations, those sections have effect subject to the modifications prescribed in paragraphs (2), (3), (4), and (5).

(2) A power in sections 1057 and 1058 of the Act to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship is limited to

(a) verifying whether a sewage certificate has been issued in respect of the ship and is still valid;

(b) verifying whether documentation referred to in regulation 19(2) has been issued in respect of the ship and is still valid;

(c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage or garbage;

(d) verifying whether the ship has discharged sewage or disposed of garbage in violation of these Regulations; and

(e) inspecting the garbage record book kept aboard the ship;

except where there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of the sewage certificate or other appropriate documentation referred to in subparagraph *(a)* or *(b)*.

(3) A power in sections 1057 and 1058 of the Act to go on board a ship may be exercised only if the ship is

(a) in a port in Barbados, in so far as the power is exercised to investigate an operation relating to garbage; or

(b) in any other case,

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) at a floating platform in Barbados waters, other than a floating platform that is in transit.

(4) Where a ship inspected for the purposes of paragraph (2)*(d)* is a foreign ship, the person exercising the powers of inspection shall ensure that the report of the inspection is sent to

(a) the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state; and

(b) any other party to the Convention who requested the inspection.

(5) Where a garbage record book is inspected under paragraph (2)*(e)*, the person exercising the power of inspection may

(a) make a copy of an entry in that book; and

(b) require the master of the ship to certify that the copy is a true copy of the entry.

(6) A certified copy referred to in paragraph (5) is to be admissible in any judicial proceedings as evidence of the facts stated in it.

Investigations of alleged violations by Barbados ships

38. Upon receiving evidence that a Barbados ship has discharged sewage or disposed of garbage in violation of these Regulations, the Administration shall

(a) cause the matter to be investigated;

(b) inform the International Maritime Organization of the action taken; and

(c) where another state has reported the violation, inform that state of the action taken.

General provisions on detention

39.(1) Subject to paragraph (2), where a determination is made of the kind referred to in regulation 16(1) in relation to a ship, or a surveyor of ships has clear grounds for believing that

(a) a sewage certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(b) documentation referred to in regulation 19(2) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(c) the condition of a ship or her equipment does not correspond substantially with the particulars of that certificate or other appropriate documentation;

(d) the master or crew is not familiar with essential shipboard procedures relating to the prevention of pollution by sewage;

(e) the master or crew is not familiar with essential shipboard procedures relating to the prevention of pollution by garbage; or

(f) an offence under regulation 45(1) is being committed in respect of a ship;

the ship may be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person who has a power to detain a ship may permit a ship detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a surveyor of ships has clear grounds for believing that an offence under regulation 45(1)*(e)* or *(f)* has been committed in respect of a ship, the ship may be detained.

(4) The power under this regulation to detain a ship may be exercised only if the ship is

(a) in a port in Barbados, in the case of a contravention of paragraph (1) *(e)*; or

(b) in any other case, is

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) at a floating platform in Barbados waters, other than a floating platform that is in transit.

(5) Section 1070 of the Act applies where a ship is detained under this regulation as if

(a) references to the detention of a ship under the Act were references to the detention of the ship under this regulation; and

(b) sections 1070(5) and (6) of the Act were omitted.

(6) Where a ship may be detained under this regulation, the person detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person referred to in section 1070(1) of the Act.

(7) Where a foreign ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

(8) Where a ship is detained under paragraph (3), a person having the power to detain the ship shall, at the request of the owner, master, charterer or manager, immediately release the ship if

(a) no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the ship is detained;

(b) proceedings for an offence under that regulation that were instituted within that period are concluded without the owner, manager, charterer or master being convicted;

(c) either

(i) the sum of $45 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than $45 000 is given to the Administration,

by or on behalf of the owner, manager, charterer or master;

(d) where the owner, manager, charterer or master is convicted of an offence under that regulation, any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982 and any bond or other financial security ordered by the court or tribunal is posted.

(9) The Administration shall repay any sum paid under paragraph (8)*(c)* or release any security given

(a) if no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence were instituted within that period and are concluded without the owner, manager, charterer or master being convicted.

(10) Where a sum has been paid, or security has been given, by a person under paragraph (8)*(c)* and the owner, manager, charterer or master is convicted of an offence under regulation 45(1)*(e)* or *(f)*, the sum so paid or the amount made available under the security shall be applied as follows

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Power of the harbour master to detain

40.(1) The harbour master of a harbour in Barbados may detain a ship if he has clear grounds for believing that an offence has been committed

(a) under regulation 45(1)*(e)* or *(f)* by the discharge from a ship of sewage into the waters of the harbour; or

(b) under regulation 45(1)*(e)* or *(f)* by the disposal from a ship of garbage into the waters of the harbour.

(2) Sections 1070(2) and (3) of the Act apply to a detention under paragraph (1) in the same manner as they apply to a detention under section 1070(1) of the Act.

(3) Where a ship is to be detained under this regulation, the harbour master detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by the harbour authority.

(4) Where a ship is detained under paragraph (1), the harbour master shall immediately release the ship if

(a) no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the ship is detained;

(b) proceedings for an offence under that regulation were instituted within that period and were concluded without the owner, manager, charterer or master being convicted;

(c) either

(i) the sum of $45 000 is paid to the harbour authority by way of security; or

(ii) security that, in the opinion of the harbour authority, is satisfactory and is for an amount not less than $45 000 is given to the harbour authority;

by or on behalf of the owner, manager, charterer or master;

(d) the owner, manager, charterer or master is convicted of an offence under that regulation and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any

bond or other financial security ordered by such court or tribunal is posted.

(5) The harbour authority shall repay any sum paid under paragraph (4)*(c)* or release any security given

(a) if no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence, having been instituted within that period, are concluded without the owner, manager, charterer or master being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)*(c)* and the owner, manager, charterer or master is convicted of an offence under regulation 45(1)*(e)* or *(f)*, the sum paid or the amount made available under the security shall be applied as follows

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of the balance to the person who paid the sum or gave the security.

Duty of harbour master to report deficient ships

41. If the harbour master of a harbour in Barbados has reason to believe that a ship is about to enter or leave the harbour and does not comply with the requirements of these Regulations, the harbour master shall immediately report the matter to the Administration.

Right of appeal and compensation

42.(1) Regulations 16 and 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to the exercise of powers

of detention under these Regulations as they apply in relation to the exercise of those powers under those Regulations, as if

(a) references to "inspector" were taken as references to the authority detaining the ship, or the harbour master, as the case may be; and

(b) references to "access refusal notice", "service of an access refusal notice" and "refusal of access" are omitted.

(2) Regulation 20(2) of those Regulations applies to the exercise of powers of detention under these Regulations subject to the exception that, where the ship is detained by a harbour master, any compensation awarded is payable by the harbour authority.

Service of documents on foreign companies

43. Section 1232 of the Act applies to proceedings for an offence under these Regulations in the same manner as it applies to proceedings for an offence relating to a discharge from a ship into Barbados waters under Divisions 2 to 6 of Part XXVI of the Act, as if

(a) the reference to Divisions 2 to 6 of Part XXVI of the Act were to these Regulations;

(b) in the case of an offence in respect of a ship other than a platform, the reference to the owner were to the owner, manager or charterer; and

(c) in the case of an offence in respect of a platform, the reference to

(i) the owner of the ship were to the owner of the platform; and

(ii) the master of the ship were to the manager of the platform.

Suspension of proceedings at flag state request

44.(1) This regulation applies to proceedings instituted but not concluded in Barbados in respect of a contravention of a provision in Part IV, V or VI committed outside Barbados waters by a foreign ship.

(2) Subject to paragraph (3), proceedings shall be suspended if the court is satisfied that the flag state of the ship in question has instituted proceedings corresponding to the proceedings in Barbados in respect of the contravention within 6 months of the institution of the proceedings by Barbados.

(3) Paragraph (2) does not apply if

(a) the contravention of these Regulations resulted in serious pollution of Barbados; or

(b) the Administration certifies that the flag state in question has repeatedly disregarded its obligations to enforce effectively the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings shall be terminated.

Offences

45.(1) Any contravention of

(a) regulation 7(1), 8(1), 9(1), (2) or (3), 10(2), 15(5), 18(4) or 19(1) or (2) constitutes an offence by the owner and the master of the ship;

(b) regulation 16(5) constitutes an offence by the owner of the ship;

(c) regulation 19(3) constitutes an offence by the person in question;

(d) regulation 21(1) or (2) or 22 constitutes an offence by the owner of the ship;

(e) regulation 23(1), 26, 27, 28 or 29, in the case of a platform, constitutes an offence by the owner and manager of the platform;

(f) regulation 23(1), 26, 27, 28 or 29, in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship;

(g) regulation 30, 31, 32(1), 33(1) or (3), or 34(3), (4) or (5), in the case of a platform, constitutes an offence by the owner and manager of the platform;

(h) regulation 30, 31, 32(1), 33(1) or (3), or 34(3), (4) or (5), in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship;

(i) regulation 32(3) or 34(7), in the case of a platform, constitutes an offence by the manager of the platform;

(j) regulation 32(3) or 34(7), in the case of a ship other than a platform, constitutes an offence by the master of the ship;

(k) regulation 33(4) constitutes an offence by the owner of the ship;

(l) regulation 34(1) or (2), in the case of a platform, constitutes an offence by the owner and manager of the platform, and by the officer in charge of the discharge operation or incineration; and

(m) regulation 34(1) or (2), in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship, and by the officer in charge of the discharge operation or incineration.

(2) A person who commits offence under paragraph (1) is liable

(a) on summary conviction, to a fine of $25 000; or

(b) on conviction on indictment, to a fine of $50 000.

(3) Where an offence under this regulation is committed, or would be committed but for regulation 46(1), by a person owing to the act or default of some other person, that other person also commits the offence, and the other person may be convicted of that offence whether or not proceedings are taken against the first-mentioned person.

Defences

46.(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

(2) Without prejudice to paragraph (1), in any proceedings in respect of a ship for an offence under regulation 45(1)*(e)* or *(f)*, it is a defence for the person charged to prove that

(a) the ship was a foreign ship;

(b) the discharge or disposal took place in waters that were not Barbados waters; and

(c) the ship was in a port in Barbados at the time of the institution of the proceedings by reason only of stress of weather or another reason beyond the control of the master, owner, charterer or manager of the ship.

(3) Without prejudice to paragraph (1), in any proceedings for an offence under regulation 45(1)*(e)* or *(f)* in relation to a discharge of sewage, it is a defence for the person charged to prove that

(a) the discharge took place in waters under the jurisdiction of a state or country other than Barbados; and

(b) the discharge was in accordance with the requirements imposed by that state or country.

Enforcement and application of fines

47. Section 1211 of the Act applies to a fine for an offence under any of regulations 45(1)*(e)* to *(m)*, as if

(a) in section 1211(1), a reference to proceedings against the owner or master of a ship for an offence under Divisions 2 to 6 of Part XXV of

the Act were a reference to proceedings against the owner, master, charterer, manager or officer in charge of the discharge operation or incineration for an offence under regulations 45(1)*(e)* to *(m)*; and

(b) in section 1211(2), a reference to an offence under section 467 of the Act were a reference to an offence under regulation 45(1)*(e)* or *(f)*.

Restrictions on jurisdiction over offences outside of Barbados limits

48.(1) Where there has been an offence under regulation 45(1)*(e)* or *(f)* in respect of a foreign ship in the internal waters, territorial sea or exclusive economic zone of a foreign state, proceedings in respect of that offence shall not be instituted in Barbados unless

(a) the foreign state, the flag state of the ship or a state polluted or threatened with pollution as a result of the offence requests that such proceedings be taken; or

(b) the offence has caused, or is likely to cause, pollution in Barbados waters.

(2) Where such proceedings have been instituted but not concluded, they shall be suspended upon the request of the foreign state and the Administration shall send all the evidence, court records and documents relating to the case, together with any sum paid or security given, to the foreign state.

FIRST SCHEDULE

(Regulation 4(1))

GROSS TONNAGE

Gross Tonnage Generally

1. The "gross tonnage" of a Barbados ship is to be determined in accordance with paragraphs 3 to 5 below, and the "gross tonnage" of a foreign ship is to be determined in accordance with paragraphs 6 to 8 below.

2. In this *Schedule*,

"length" has the same meaning as in the Tonnage Regulations;

"length overall" has the same meaning as in the Tonnage Regulations;

"Tonnage Convention" means the International Convention on Tonnage Measurement of Ships 1969; and

"Tonnage Regulations" means the *Merchant Shipping (Tonnage) Regulations, 2025* (S. I. 2025 No. 29);

Gross Tonnage - Barbados ships

3. In the case of a ship of 24 metres in length or over for which the Administration permits the continuing use of a gross tonnage pursuant to regulation 16(1) of the Tonnage Regulations, the gross tonnage is the smaller of

(a) the largest gross tonnage permitted for that ship pursuant to regulation 16(1) of the Tonnage Regulations; and

(b) the gross tonnage of the ship determined in accordance with regulation 10 of the Tonnage Regulations.

4. In the case of any other ship of 24 metres in length or over, the gross tonnage is the gross tonnage of the ship determined in accordance with regulation 10 of the Tonnage Regulations.

5. In the case of a ship of less than 24 metres in length, the gross tonnage is the tonnage of the ship determined in accordance with regulation 18(2) of the Tonnage Regulations.

Foreign Ships

6. Subject to paragraph 7 of this *Schedule*, in the case of a ship that has a gross tonnage determined in accordance with the Tonnage Convention, the gross tonnage is that gross tonnage.

7. Where a ship has a gross tonnage determined in accordance with the Tonnage Convention but the state whose flag the ship flies, or is entitled to fly, permits the use of some other gross tonnage, the gross tonnage of the ship is the smaller of

(a) the largest gross tonnage permitted by the flag state to be used for that ship; and

(b) the gross tonnage determined in accordance with the Tonnage Convention.

8. In the case of a ship that does not have a gross tonnage determined in accordance with the Tonnage Convention, the gross tonnage is the gross tonnage or equivalent measure determined in accordance with the law of the state whose flag the ship flies or is entitled to fly, and where the ship has more than one such gross tonnage or equivalent measure, the gross tonnage is to be taken to be the largest of them.

SECOND SCHEDULE

(Regulation 21(3))

STANDARDS FOR SEWAGE COMMINUTING AND DISINFECTING SYSTEMS

A sewage comminuting and disinfection system meets the requirements of regulation 21(3) if its output meets the following standards:

(a) the faecal coliform bacteria do not exceed 1,000 per 100 cubic centimetres most probable number;

(b) the chlorine residual level is no more than 0.5 mg/litre (by test) post maceration;

(c) a sample of 1 litre passed through a US Sieve Number 12 (with openings of 1.68 mm) provides a weight of material retained on the screen after it has been dried to a constant weight in an oven at 103 degrees C that does not exceed 10% of the total suspended solids and is not more than 50 mg; and

(d) temporary storage of sewage is by a holding tank that meets the standards set out in the *Third Schedule*.

THIRD SCHEDULE

(Regulation 21(5))

STANDARDS FOR HOLDING TANKS

A holding tank meets the requirements of regulation 21(5) if it is constructed so that it prevents leakage under all normal operating conditions of the ship and in all likely weather conditions until it can be discharged in accordance with the Regulations.

FOURTH SCHEDULE

(Regulation 25(3))

STANDARDS FOR RATE OF SEWAGE DISCHARGE

A rate of discharge for sewage meets the requirements of regulation 25(3) and is approved by the Administration for the discharge of untreated sewage that has been stored in holding tanks when the maximum discharge rate, calculated as an average over any 24 hour period, does not exceed DR (max) = 0.00926.V.D.B

(a) where

(i) DR (max) is the maximum discharge rate in cubic metres per hour;

(ii) V is the ship's average speed in knots over the period considered;

(iii) D is the vessel's draft in metres; and

(iv) B is the vessel's breadth in metres; and

(b) the rate does not exceed the maximum rate by more than 20% when measured over any hour.

FIFTH SCHEDULE

(Regulation 17(5))

ARBITRATION PROCEDURE

Rules of Arbitration

1. Unless other arrangements are agreed beforehand, the arbitration and the responsibility for its costs will be as given below.

2. The arbitration procedures will follow those used in a Court of Law, in which both parties argue their case in turn and may call witnesses and question other witnesses.

3. Lawyers need not be used to represent the parties and submissions may be made to the arbitrator in writing *in lieu* of attending the arbitration hearing.

4. If both parties agree, the arbitrator may consult an expert, or call for an expert's report, upon any matter relevant to the dispute, or invite an expert to attend the hearing as an assessor.

5. The arbitrator may visit the ship, or any establishment, in connection with the hearing if this is considered to be necessary.

6. The arbitrator's decision, and the reasons for the decision, will be made in writing and will be binding on both parties.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 25

MERCHANT SHIPPING (PORT WASTE RECEPTION FACILITIES) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (PORT WASTE RECEPTION FACILITIES) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476, of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Port Waste Reception Facilities) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"Authority" means the Barbados Port Inc., a body corporate established under the *Companies Act*, Cap. 308 of Barbados;

"cargo-associated waste" means materials that have become waste as a result of use on board a ship for cargo stowage and handling, and includes dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping;

"cargo residues" means the remnants of cargo material on board in cargo holds or tanks that remain after unloading procedures and cleaning operations are completed, and includes excesses and spillage from loading or unloading;

"competent authority" means

(a) in relation to Barbados, the Authority;

(b) in relation to any other member state, the national maritime administration maintained by that state for the inspection of ships; and

(c) in relation to a state other than a member state, an authority designated as such by that state;

"Convention" means the International Convention for the Prevention of Pollution from Ships 1973;

"cradle-to-cradle approach" means a strategy for waste management aimed at waste elimination by using processes that support waste recycling, waste reuse or waste repurposing, or other similar processes that generally lead to prevention of land-filling of waste or that otherwise prevent the final disposal of waste into the environment;

"crude oil" means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes

(a) crude oil from which certain distillate fractions may have been removed; and

(b) crude oil to which certain distillate fractions may have been added;

"fishing vessel" means a ship equipped or used commercially for catching fish or other living resources of the sea;

"fuel oil" means an oil used as fuel in connection with the propulsion and auxiliary machinery of a ship;

"garbage" means victual, domestic and operational waste generated during the normal operation of a ship and liable to be disposed of continuously or periodically, but does not include fresh fish, parts of fish or sewage;

"inspector" means a person referred to in section 1057 of the Act;

"master" in relation to a hovercraft, includes the captain of the hovercraft;

"member state" means a state to which the Convention applies;

"merchant shipping notice" means a merchant shipping notice issued in accordance with the Act, and, in relation to a particular merchant shipping notice, includes a merchant shipping notice amending or replacing that notice;

"Minister" means the Minister responsible for Shipping;

"noxious liquid substance" means a substance listed as a Category X, Y, or Z substance under the International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex II, and includes

(a) residues other than cargo residues; and

(b) any substance listed as such in a circular issued by the Marine Environment Protection Committee of the International Maritime Organization;

"oil" means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products other than oil-like substances;

"oily mixture" means a mixture with oil content;

"operational waste" means all cargo-associated waste and maintenance waste;

"owner" in relation to a ship, includes the charterer, manager or operator of the ship;

"passenger" means a person carried in a ship other than

(a) a person employed or engaged on board the ship in the business of the ship;

(b) a person on board the ship pursuant to the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason

of any circumstances that the shipowner, ship agent or master could not have prevented; or

(c) a child less than one year of age;

"prescribed wastes" means

(a) cargo residues;

(b) noxious liquid substances; or

(c) ship-generated waste;

"recreational craft" means a ship of any type, regardless of the means of propulsion, that is intended for sports or leisure;

"sewage" means

(a) drainage and other wastes from toilets and urinals;

(b) drainage from medical premises, including a dispensary or sick bay, via wash basins, wash tubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other waste waters mixed with drainage referred to in subparagraph *(a)*, *(b)* or *(c)*;

"ship" has the same meaning as in the Act; and

"ship-generated waste" means waste and residues that are generated during the service of a ship and that are garbage, sewage, oil or oily mixtures, but does not include cargo residues.

(2) Words and expressions used in these Regulations that are defined in the Act have the same meanings in these Regulations.

Purpose

3. The purpose of these Regulations is to prevent, reduce and control pollution of the marine environment from vessels through the provision of adequate waste reception facilities, and to provide for related matters.

Directions

4.(1) A direction given under these Regulations shall be in writing.

(2) A power under these Regulations to give a direction includes the power to vary or revoke the direction by a subsequent direction.

Application

5.(1) Except where expressly provided otherwise, these Regulations apply to the management of ship-generated and port-generated wastes within Barbados.

(2) Subject to paragraphs (3) and (4), these Regulations apply to all ships calling at or operating within a harbour or terminal.

(3) These Regulations do not apply to a warship, naval auxiliary ship or other ship owned or operated by a state that is being used only on governmental non-commercial service.

(4) Regulations 13 and 15 do not apply to a ship that is

(a) a fishing vessel; or

(b) a recreational craft authorized or designed to carry no more than 12 passengers.

PART II

WASTE HANDLING AND MANAGEMENT

Duty to provide adequate waste reception facilities

6.(1) The Authority and a terminal operator shall provide waste reception facilities adequate to meet the needs of ships normally using the harbour or terminal without causing undue delay to ships.

(2) In paragraph (1), "adequate" means capable of receiving the types and quantities of prescribed wastes from ships normally using the harbour or terminal, taking into account the operational needs of the users of the harbour or terminal, its size and geographical location, the types of ships calling there and any exemptions provided for under regulation 18.

(3) The Authority or a terminal operator may join with any other person in providing the waste reception facilities, and references in these Regulations to the provision of such facilities by the Authority or terminal operator shall be construed accordingly.

(4) Notwithstanding paragraph (1), the Authority, in consultation with the Ministries responsible for Health and Environment, may impose restrictions on the types of wastes the Authority will receive from ships and fishing vessels if it is incapable of treating a particular kind of waste, or for public health or local environmental protection purposes.

(5) Where such restrictions are imposed, the Authority shall advise ship agents and masters of the restrictions, to enable them to make alternative arrangements for the safe and environmentally sound management and disposal of the non-accepted waste.

Direction to provide adequate waste reception facilities

7. Where it appears to the Authority that

(a) a harbour or terminal has no waste reception facilities; or

(b) if a harbour or terminal has such facilities, those facilities are not adequate within the meaning in regulation 6(2);

the Authority shall provide or ensure the provision of waste reception facilities for the categories of ship-generated wastes specified under the annexes to the Convention, as amended.

Waste management plans

8.(1) Subject to paragraph (3), the Authority shall prepare a waste management plan with respect to the provision of waste reception facilities and their use by ships using the harbour and shall submit the plan to the Minister for approval.

(2) The Minister may direct a terminal operator to

(a) prepare a waste management plan with respect to the provision and use of waste reception facilities for any terminal operated by the terminal operator within a harbour and specified in the direction; and

(b) submit it to the Minister for approval.

(3) Where the Minister gives a direction under paragraph (2), in preparing a waste management plan, the Authority for the harbour in which the terminal is situated is not required to deal with the provision and use of waste reception facilities for that terminal in a waste management plan prepared under paragraph (1).

(4) In preparing a waste management plan, the Authority or a terminal operator shall consult

(a) any persons who appear to the Authority or terminal operator to represent the interests of

(i) persons using the harbour or terminal; and

(ii) persons using the waste reception facilities at the harbour or terminal; and

(b) any other persons that the Authority or terminal operator thinks fit to consult.

(5) A plan prepared under this regulation shall comply with the requirements in the *First Schedule*.

(6) The Authority may, in discharging its duty under paragraph (1) and where required for reasons of efficiency, join with one or more other harbour authorities to prepare a waste management plan with respect to the provision and use of waste reception facilities at the harbours in question.

(7) Where a plan is prepared under paragraph (6), the need for, and availability of, waste reception facilities shall be specified for each individual harbour.

Time for submission of waste management plans

9.(1) Subject to paragraph (2), the Authority or a terminal operator shall submit its first waste management plan to the Minister for approval in accordance with regulation 8(1) or (2)

(a) within 3 years after the date on which these Regulations come into force; or

(b) within 3 years after the date on which the Minister prepared such a plan for the harbour or terminal in question.

(2) For a new harbour or terminal to which a direction under regulation 8(2) applies, the Authority shall submit a waste management plan to the Minister for approval in accordance with regulation 8(1) or (2), as the case may be, within 9 months after the date on which the new harbour or terminal was opened.

(3) For the purpose of paragraph (2), "new", in relation to a harbour or terminal, means a facility that commences operations after the coming into force of these Regulations.

(4) The Authority shall submit subsequent waste management plans to the Minister for approval in accordance with regulation 8(1) within the sooner of

(a) 9 months after any significant change to the operation of the harbour or terminal made since the most recent plan was approved by the Minister under regulation 10(1) or prepared by him under regulation 11; and

(b) 3 years after the most recent plan was approved by the Minister under regulation 10(1) or prepared by him under regulation 11.

(5) For the purpose of paragraph (4), "significant change" means a change so substantial that the first waste management plan of the Authority or terminal is incompatible with the change to the operation of the harbour or terminal, rendering the first waste management plan inappropriate or inadequate for waste management within the new operational concept of the Authority or terminal.

Approval and implementation of waste management plans

10.(1) The Minister may

(a) refuse a plan submitted in accordance with regulation 8; or

(b) approve the plan with or without modifications.

(2) A plan that has been approved by the Minister under paragraph (1) or prepared by the Minister under regulation 11 shall be implemented by the Authority or the terminal operator for the harbour or terminal to which the plan relates.

Minister's power to prepare waste management plan

11. The Minister may prepare a waste management plan, if he is satisfied that a person who is required to prepare a waste management plan is not taking any steps necessary in connection with the preparation of the plan.

Direction to implement a waste management plan

12. The Minister may direct the Authority or a terminal operator to take specified steps for the purposes of securing the implementation of a waste management plan in respect of a harbour or terminal that has been approved by him under regulation 10(1) or prepared by him under regulation 11.

Notification

13.(1) The master of a ship bound for a harbour or terminal in Barbados shall complete a notice in the form set out in the *Second Schedule*.

(2) The notice shall be submitted through the Maritime Single Window, in accordance with the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2).

(3) Subject to paragraph (4), a notice referred to in paragraph (1) shall be provided by the master to the Authority for the harbour or terminal in question

(a) where it is known at which harbour or terminal the ship will be calling, at least 24 hours before the arrival of the ship;

(b) if the harbour or terminal at which the ship will be calling is not known until less than 24 hours before the arrival of the ship at that harbour or terminal, as soon as possible after the harbour or terminal is known; or

(c) where the duration of the voyage is less than 24 hours, at the latest, upon departure from the previous port.

(4) Where a waste management plan approved by the Minister under regulation 10(1) or prepared by him under regulation 11 specifies that, in relation to a specified terminal, the notice referred to in paragraph (1) is to be provided to the terminal operator rather than to the Authority, that notice shall be provide by the master to the terminal operator for the terminal in question

(a) where it is known that the ship will be calling at the terminal, at least 24 hours before the arrival of the ship; or

(b) where the duration of the voyage is less than 24 hours, at the latest, upon departure from the previous port.

(5) A copy of the notice referred to in paragraph (1) shall be retained on board the ship until at least the next port of call is reached.

(6) The master of a ship bound for a harbour or terminal in Barbados shall, if the previous port of call of the ship was a port in a member state, produce to the Barbados Coast Guard, immediately on request, a copy of the notice retained in accordance with paragraph (5).

(7) The master of a Barbados ship calling at a port of another member state shall, if the previous port of call of the ship was a port in a member state, produce to the competent authority, immediately on request, a copy of the notice retained in accordance with paragraph (5).

Ship-generated waste delivery

14.(1) Subject to paragraph (2), the master of a ship calling at a harbour or terminal in Barbados shall ensure that, before the ship leaves the harbour or terminal, all ship-generated waste is delivered to a waste reception facility.

(2) A ship may proceed to the next port of call without delivering ship-generated waste if

(a) the ship-generated waste in question is sewage, and the master of the ship is not required under regulation 13 to notify information about that waste; or

(b) subject to paragraph (3), it follows from the information notified under regulation 13(2) or (3) that there is sufficient dedicated storage capacity on board the ship to hold all the ship-generated waste that has been accumulated and all the ship-generated waste that will be accumulated during the intended voyage of the ship to the port of delivery.

(3) Where

(a) the Minister is not satisfied that there is sufficient dedicated storage capacity for all ship-generated waste that has accumulated and that will eventually accumulate during the intended voyage of a ship to the port of delivery;

(b) there are good reasons to believe that adequate facilities are not available at the intended port of delivery; or

(c) the intended port of delivery is not known to the Minister;

he may give a direction to the master or the owner of the ship requiring the ship-generated waste to be delivered before the ship leaves the harbour or terminal.

Ship-generated waste charges

15.(1) Subject to paragraph (2), the Authority shall impose charges for waste in respect of ships.

(2) Where a waste management plan approved by the Minister under regulation 10(1) or prepared by him under regulation 11 specifies that in relation to a specified terminal, charges are to be made by the terminal operator rather than the Authority, the terminal operator shall impose such charges.

(3) The Authority or terminal operator shall arrange for the amount of the charges imposed by it, and the basis on which they have been calculated, to be published in a manner that will bring them to the notice of persons likely to be affected.

(4) A ship using a harbour or terminal shall pay the charges imposed under paragraph (1) or (2) to the Authority or terminal operator, as the case may be.

Amounts of ship-generated waste charges

16.(1) Waste charges shall be imposed at a level that will

(a) ensure that each ship makes a significant contribution to the costs of waste reception facilities for ship-generated waste in the harbour or terminal, including the costs of the treatment and disposal of waste; and

(b) provide no incentive for ships to discharge ship-generated waste into the sea.

(2) In imposing waste charges for ships, the Authority or a terminal operator may take into account the category, type and size of the ship.

(3) The Authority or a terminal operator may impose lower waste charges for a ship the environmental management, design, equipment and operation of which are such that the master can demonstrate the ship produces reduced quantities of ship-generated waste.

Cost recovery system

17. The cost recovery system for ship waste handling services may be implemented by

(a) contract;

(b) delivery costs included in port dues, a fixed fee or a combined fee, whether or not waste is segregated;

(c) a direct fee, if waste is not segregated; or

(d) any other cost recovery system.

Exemptions

18.(1) The Minister, after consultation with the Administration, may grant an exemption from regulation 6 in respect of the Authority or a terminal operator to the extent that that regulation requires the Authority or terminal operator to provide waste reception facilities for noxious liquid substances.

(2) The Minister may grant an exemption from regulation 8 in respect of the Authority or a terminal operator to the extent that that regulation requires the Authority or terminal operator to prepare a waste management plan with respect to the provision of waste reception facilities for noxious liquid substances.

(3) The Minister may grant an exemption from regulations 13, 14 and 15 in respect of a ship if

(a) the ship is engaged in scheduled traffic with frequent and regular port calls; and

(b) there is sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of charges in a port along the ship's route.

(4) Any exemption granted under this regulation shall be given in writing.

(5) The Minister may, on giving notice, alter or cancel an exemption granted under this regulation.

Delivery of cargo residues

19.(1) The master of a ship calling at a harbour or terminal in Barbados shall ensure that cargo residues are delivered to a waste reception facility in accordance with the Convention.

(2) Any charges made for such a delivery shall be payable by the user of the facility.

PART III

COMPLIANCE AND ENFORCEMENT

Non-compliance or suspected non-compliance

20.(1) The Authority shall immediately inform the Barbados Coast Guard if

(a) the master of a ship has not complied with the requirement in regulation 13(2) to notify the Authority; or

(b) the Authority has clear evidence that a ship has proceeded to sea without the master having complied with regulation 14(1).

(2) A terminal operator shall immediately inform the Barbados Coast Guard if

(a) the master of a ship has not complied with the requirement in regulation 13(3) to notify the terminal operator; or

(b) the terminal operator has clear evidence that a ship has proceeded to sea without the master having complied with regulation 19(1).

(3) Where there is clear evidence that a ship has proceeded to sea without having complied with regulation 14(1) or 19(1), the Authority shall, if the next port of call of the ship is a port of another member state, inform the harbour master or the competent authority of the state in which the port is situated about the ship and the evidence.

(4) Where the Barbados Coast Guard has been informed by another competent authority of a ship in respect of which there is clear evidence of the type referred to in paragraph (3), the Barbados Coast Guard shall inspect the ship at the earliest opportunity.

Offences and penalties

21.(1) A master who fails to comply with

(a) regulation 13(2), (3), (5) or (6);

(b) regulation 14(1);

(c) a direction given under regulation 14(2); or

(d) regulation 19(1);

commits an offence and is liable on summary conviction to a fine of $10 000 or, on conviction on indictment, to a fine of $75 000.

(2) Where the master of a ship, in complying with regulation 13(2) or (3), provides information that is false in a material particular, the owner of that ship and the master each commit an offence and are liable on summary conviction to a fine of $10 000 and on conviction on indictment to a fine of $1 000 000.

(3) Where there is a contravention in respect of a ship of

(a) regulation 13(2), (3), (5) or (6);

(b) regulation 14(1);

(c) a direction given under regulation 14(2); or

(d) regulation 19(1);

the owner of that ship commits an offence and is liable on summary conviction to a fine of $10 000 or, on conviction on indictment, to a fine of $75 000.

(4) In any proceedings for an offence under these Regulations, it is a defence for the person charged to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Offences by body corporate

22.(1) Where a body corporate commits an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in such a capacity, that person also commits that offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with any management functions of that person as if he were a director of the body corporate.

Inspection and detention of a Barbados ship

23.(1) An inspector may inspect any Barbados ship.

(2) If the inspector is satisfied that ship-generated waste or cargo residues have not been delivered in accordance with regulation 14(1) or 19(1), he may detain the ship until the waste or residues have been delivered in accordance with those regulations.

(3) An inspector shall not, in the exercise of his power under this regulation, detain or delay a ship unreasonably.

Inspection and detention of non-Barbados ships

24.(1) An inspector may inspect a ship that is not a Barbados ship when the ship is in a Barbados port in the normal course of business or for operational

reasons and, if he is satisfied that ship-generated waste or cargo residues have not been delivered in accordance with regulation 14 (1) or 19 (1), he may

(a) send a report to the government of the country in which the ship is registered; and

(b) detain the ship until the waste or residues have been delivered in accordance with those regulations.

(2) If on an inspection there is clear evidence that a ship has proceeded to sea without having complied with these Regulations, the inspector shall detain the ship until a more detailed assessment of factors relating to the ship's compliance with these Regulations, such as the accuracy of any information provided in accordance with regulation 13, has taken place.

(3) If a ship is detained by an inspector or other authorized official, the inspector shall without delay notify the nearest maritime, consular or diplomatic representative of the state whose flag the ship is entitled to fly.

(4) An inspector shall not, in the exercise of a power under this regulation, detain or delay a ship unreasonably.

(5) All inspections and detentions shall be carried out in accordance with the Act.

Enforcement of detention

25. Where a ship is liable to be detained under these Regulations, section 1070 of the Act applies as if for the words "this Act" in that section there were substituted "the *Merchant Shipping (Port Waste Reception Facilities) Regulations, 2025* (S. I. 2025 No. 25)".

Arbitration and compensation

26. Sections 454 and 455 of the Act apply in relation to a detention notice issued under section 1221 of the Act, as applied by these Regulations, in the same

manner as they apply to a detention notice under section 453(4) of the Act, except that

(a) references to "inspector" are to be read as references to a person making an inspection under these Regulations;

(b) section 454 of the Act shall apply as if the following words were omitted

(i) in subsection (1) "under section 453(4)*(b)*; and

(ii) subsection (3), "as an unsafe ship".

PART IV

MISCELLANEOUS

Integrated port waste management system

27.(1) The Authority shall develop an integrated port waste management system for ship-generated waste, which shall formulate a cradle-to-cradle approach to waste handling that incorporates the entire life-cycle of ship-generated and port-related waste.

(2) The integrated port waste management system shall be guided by the frameworks contained in

(a) the Convention, as modified by the Protocol of 1978 relating to it and the Protocol of 1997;

(b) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989, as amended; and

(c) the maritime waste-related aspects of the World Health Organization’s International Health Regulations, 2005, as amended

(3) The following elements shall be considered within the integrated port waste management system:

(a) waste prevention, avoidance and reduction;

(b) in-port and out-of-port waste management, including the environmentally safe removal of waste outside of the port to be treated and disposed of;

(c) product recycling and re-use, and the use of valuable materials that may be reused for resource material for other recycling activities;

(d) material recycling;

(e) waste recovery for fuel use;

(f) disposal by incineration;

(g) landfill disposal; and

(h) any other environmental-, health- or economic-related elements of waste management.

Contracting private waste companies within a regularized licensing system

28.(1) The Authority shall put in place controls on private waste companies, to ensure that private waste companies that have the requisite reception or treatment facilities for ship-generated waste are regularized under a licensing system, and to ensure their compliance with internationally established ship waste management, waste reception and treatment facility standards.

(2) A licensing cap may be imposed by the Authority as it deems fit.

(3) Where the controls referred to in paragraph (1) are imposed, the Barbados Coast Guard, in consultation with the Authority and the Administration, shall publish a merchant shipping notice setting out the technical details of the system of control and the compliance requirements in respect of that system of control.

(4) A private waste company shall comply with the terms and conditions of a licence issued by the Authority.

Arrangement and management of port waste reception facilities

29. Port waste reception facilities shall be arranged and managed in accordance with International Organization for Standardization standard 16304 on the arrangement and management of port waste reception facilities.

FIRST SCHEDULE

(Regulation 8(5))

WASTE MANAGEMENT PLANS: REQUIREMENTS

1. Waste management plans shall cover all types of prescribed wastes originating from ships normally visiting the harbour or terminal and shall be developed according to the size of the harbour or terminal and the types of ship calling at that harbour or terminal.

2. A waste management plan shall address the following elements:

(a) an assessment of the need for waste reception facilities, in light of the need of the ships normally visiting the harbour or terminal;

(b) a description of the type and capacity of waste reception facilities;

(c) a detailed description of the procedures for the reception and collection of prescribed wastes;

(d) a description of the charging system;

(e) procedures for reporting alleged inadequacies of waste reception facilities;

(f) procedures for on-going consultations with persons using the harbour or terminal, waste contractors and other interested parties; and

(g) the type and quantities of prescribed wastes received and handled.

3. A waste management plan shall also include

(a) a summary of relevant legislation and formalities for delivery;

(b) identification of a person or persons to be responsible for the implementation of the waste management plan;

(c) a description of the pre-treatment equipment and processes in the harbour or terminal, if any;

(d) a description of the methods of recording actual use of the waste reception facilities;

(e) a description of the methods of recording amounts of prescribed wastes received;

(f) a description of how the prescribed wastes are disposed of.

4. The procedures for reception, collection, storage, treatment and disposal shall conform in all respects to an environmental management scheme suitable for the progressive reduction of the environmental impact of these activities.

5. The waste management plan shall provide for the following information to be made available to persons using the harbour or terminal

(a) a brief reference to the fundamental importance of proper delivery of prescribed wastes;

(b) the location of waste reception facilities applicable to each berth, with a diagram or map;

(c) a list of prescribed wastes normally dealt with;

(d) a list of contact points, operators and the services offered;

(e) a description of procedures for delivery;

(f) a description of the charging system; and

(g) procedures for reporting alleged inadequacies of waste reception facilities.

SECOND SCHEDULE

(Regulations 13(1))

Information to be notified before entry into port

Information to be notified before entry into the port of _____

1. Name, call sign and, where appropriate, IMO identification number of the ship:

2. Flag state:

3. Estimated time of arrival (ETA):

4. Estimated time of departure (ETD):

5. Previous port of call:

6. Next port of call:

7. Last port and date when ship-generated waste was delivered, including the quantities (in m^3) and the types of waste that were delivered:

8. Are you delivering (tick appropriate box):

All ☐ some ☐ none ☐ of your waste into port reception facilities?

9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

If delivering all waste, complete second and last columns as appropriate. If delivering some or no waste, complete all columns.

Schedule - (Cont'd)

Type	Waste to be delivered (m^3)	Maximum dedicate storage capacity (m^3)	Amount of waste retained on board (m^3)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated btween notification and next port of call (m^3)	Waste that has been delivered at the last port of delivery identified under point 7 above (m^3)
Waste oils						
Oily bilge						
Oily residues						
Other (specify)						
Sewage[2] Garbage						
Plastics						
Food wastes						
Domestic wastes. e.g. paper products, glass, rags, metals						
Cooking oil						

[2] Sewage may be discharged at sea in accordance with Regulation 11 of MARPOL Annex IV. The corresponding boxes do not need to be completed if it is the intention to make an authorized discharge at sea.

Schedule - (Concl'd)

Type	Waste to be delivered (m^3)	Maximum dedicate storage capacity (m^3)	Amount of waste retained on board (m^3)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated btween notification and next port of call (m^3)	Waste that has been delivered at the last port of delivery identified under point 7 above (m^3)
Incinerate or ashes						
Animal carcass(es)						
Cargo residues[3]						

Notes

1. This information may be used for port State control and other inspection purposes.

2. Member States will determine which bodies will receive copies of this notification.

3. This form is to be completed unless the ship is covered by an exemption. Confirm that:

☐ the above details are accurate and correct; and

☐ there is sufficient dedicated onboard capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date: _____
(dd/mm/yyyy)

Time: _____

Signature: _____

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL
Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 26

MERCHANT SHIPPING (ANTI-FOULING SYSTEMS) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (ANTI-FOULING SYSTEMS) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Anti-Fouling Systems) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"anti-fouling system" means a coating, paint, surface treatment, surface or device that is used on ships to control or prevent attachment of unwanted organisms;

"authorized officer" means a person appointed as an inspector in accordance with section 1053 of the Act;

"Barbados ship" has the same meaning as in the Act;

"Barbados Maritime Transport Administration" has the same meaning as in the Act;

"Barbados waters" has the same meaning as in the Act;

"bareboat charter terms" means the hiring of a ship for a stipulated period on terms that give the charterer possession and control of the ship, including the right to appoint the master and crew;

"certifying authority" means the Administration or a person authorized by the Administration;

"Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001;

"Declaration on Anti-Fouling Systems" means a declaration drawn up in accordance with Regulation 5 of Annex 4 to the Convention, in the form shown in the *Second Schedule*;

"International Anti-Fouling Systems Certificate" means a certificate issued in accordance with Regulation 2 of Annex 4 to the Convention, in the form shown in the *First Schedule*;

"master" has the same meaning as in the Act;

"offshore terminal" means an installation situated away from the shore, where bulk, fluid or gas cargo is

(a) transferred between ships;

(b) loaded onto a ship after having been transported from the shoreline; or

(c) unloaded from a ship for transporting to the shoreline;

"operator" means a person registered in accordance with the Act as the owner of a Barbados ship;

"owner" in relation to a ship, includes a person, organization or manager, or a charterer on bareboat charter terms, who has assumed responsibility for the operation of the ship from the owner;

"ship" means a vessel of any type operating in the maritime environment, and includes hydrofoil boats, aircushion vehicles, submersibles, floating craft,

fixed or floating platforms, floating storage units and floating production storage and off-loading units;

"statement of compliance" means a document issued by a certifying authority following a satisfactory survey in accordance with Regulation 1 of the Convention;

"surveyor" means a person who is authorized in accordance with the Act to survey and inspect ships; and

"voyage" includes an excursion.

(2) In these Regulations,

(a) in relation to an air-cushion vehicle, a reference to the master of a ship includes a reference to the captain of the air-cushion vehicle;

(b) in relation to a platform, a reference to the master of a ship includes a reference to the manager of the platform; and

(c) in relation to a fishing vessel, a reference to the master of a ship includes a reference to the skipper of the vessel.

(3) For the purposes of these Regulations, a voyage commences when a ship leaves its berth or anchorage.

Purpose

3. The purposes of these Regulations are to protect the marine environment through prohibition of the use of harmful organotins in anti-fouling paints found on ships, to establish a mechanism in accordance with the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, and to prevent the potential future use of other harmful substances in anti-fouling systems.

Certifying authorities

4.(1) The Administration may authorize a person as a certifying authority in accordance with

(a) the Convention;

(b) Parts 1 and 2 of the Code for Recognized Organizations; and

(c) Part 3 of the Code for Recognized Organizations.

(2) An authorization by a certifying authority may be subject to conditions.

(3) Conditions may impose limitations on an authorization by a certifying authority relating to

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

(4) The Administration may direct, in relation to an individual case or class of cases, that a survey, or part of a survey, for the purpose of these Regulations is to be carried out by the Administration and not by another certifying authority.

(5) A certifying authority other than the Administration is not a servant or agent of the Government of Barbados, and does not enjoy any status, immunity or privilege of the Government, nor is its property the property of, or held on behalf of, the Government of Barbados.

Application

5.(1) Subject to paragraph (2) and unless provided otherwise, these Regulations apply to a ship that is

(a) a Barbados ship;

(b) a ship not entitled to fly the Barbados flag that operates under the authority of Barbados; and

(c) any other ship that enters a port in Barbados or is at an offshore terminal in Barbados waters.

(2) These Regulations do not apply to

(a) a warship;

(b) a naval auxiliary ship; or

(c) a ship owned or operated by a state that is being used only on government non-commercial service.

PART II

SURVEY AND CERTIFICATION

Surveyors and issuance of certificates

6.(1) A ship of 400 gross tonnage or more engaged in international voyages is subject to the following surveys by the Authority or a certifying authority:

(a) an initial survey before the ship is put into service or before the International Anti-Fouling Systems Certificate is issued for the first time; and

(b) another survey when the anti-fouling system is changed or replaced.

(2) Paragraph (1) does not apply to a fixed or floating platform, floating storage unit or floating production storage or off-loading unit.

AFS certificates for ships 400 GT and above

7.(1) This regulation applies in relation to a ship that is of 400 gross tonnage or above, but does not apply to a fixed or floating platform, a floating storage unit or a floating production storage and off-loading unit.

(2) A ship shall not be put into service for the first time, shall not proceed on a voyage or, if she is already on a voyage, continue on the voyage, unless

(a) the ship has been surveyed in accordance with Annex 4 to the Convention;

(b) there is in force in relation to the ship an International Anti-Fouling Systems Certificate or other certificate referred to in Regulation 2(1) of Annex 4 of the Convention; and

(c) an International Anti-Fouling Systems Certificate or other certificate is carried on board the ship.

AFS declarations for ships of less than 400 GT

8.(1) This regulation applies in relation to a ship that is of less than 400 gross tonnage but of 24 metres or more in length, but does not apply to a fixed or floating platform, a floating storage unit or a floating production storage and off-loading unit.

(2) A ship shall not proceed on a voyage or, if she is already on a voyage, continue on the voyage, unless there is carried on board the ship a Declaration on Anti-Fouling Systems and an International Anti-Fouling Systems Certificate

(a) accompanied by appropriate documentation, such as a paint receipt or a contractor's invoice; or

(b) that contains an endorsement, where applicable, in the form as shown in the *Third Schedule*.

Arbitration

9.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out for the purposes of paragraph 1 of Annex 4 of the Convention, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator shall be appointed by agreement between the applicant and the responsible person.

(3) In default of an agreement between the applicant and the responsible person, the arbitrator may be appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch) or a recognized maritime industry-specific body or association, following a request made by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) A person shall not be an arbitrator for the purposes of this regulation, unless that person is

(a) a person who holds a certificate of competency as a Class 1 Deck Officer;

(b) a person who holds a certificate of competency as a Class 1 Marine Engineer Officer;

(c) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(d) a naval architect;

(e) a practising barrister of not less than 5 years standing;

(f) a person with special experience in shipping matters, of the fishing industry, or of activities carried on in ports; or

(g) a member of the Chartered Institute of Arbitrators, Barbados Branch.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a merchant shipping notice apply, unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by the Convention;

"merchant shipping notice" means a notice described as such and issued under the Act, as amended from time to time; and

"responsible person" means the certifying authority responsible under Regulation 1 of Annex 4 for the issuance or endorsement of an International Anti-Fouling Systems Certificate or other certificate in connection with which a survey is carried out.

Certificate cancellations

10.(1) This regulation applies in relation to an International Anti-Fouling Systems Certificate or other certificate issued by, or at the request of, the Government of Barbados pursuant to Annex 4 of the Convention.

(2) The Administration may cancel a certificate where it has reason to believe that

(a) the certificate was issued on the basis of false or erroneous information; or

(b) since a survey required under the Convention, any coating forming a barrier to organotin compounds leaching from underlying non-compliant anti-fouling systems and borne by the ship has sustained damage or is otherwise deficient.

(3) The Administration may require that a certificate that has expired or has been cancelled be surrendered within such time and in such a manner as the Administration may in writing direct.

(4) A person shall not

(a) intentionally alter a certificate;

(b) intentionally make a false certificate;

(c) knowingly or recklessly provide false information in connection with a survey required by the Convention;

(d) with intent to deceive, use or lend a certificate or permit a certificate to be used by another person; or

(e) fail to surrender a certificate when required to do so under paragraph (3).

Availability of certificates and other documents

11.(1) An International Anti-Fouling Systems Certificate or other certificate referred to in the Convention shall be readily available for examination at all times on board every ship to which regulation 7 applies.

(2) A Declaration on Anti-Fouling Systems and the appropriate documentation or endorsement referred to in regulation 8(2) shall be readily available for examination at all times on board every ship to which regulation 8 applies.

PART III

INSPECTIONS, DETENTIONS AND OFFENCES

General provisions on ship inspections

12.(1) Subject to paragraph (6), for the purpose of checking compliance with the Convention and these Regulations, the following persons have the power to inspect ships:

(a) a surveyor;

(b) a ship superintendent; and

(c) any other person appointed by the Administration, either generally or in a particular case, to exercise powers under section 1057(1) of the Act.

(2) A person referred to in paragraph (1) may at any time go on board a ship and inspect the ship and its equipment, or any part of it, and any articles on board or any document required by the Convention to be carried on the ship.

(3) Section 1057 of the Act applies in relation to paragraph (2) as if references in that section to "subsection (1)" and "this section" were to paragraph (2).

(4) Subject to paragraph (7), the powers conferred by paragraph (2) are, if the ship is a Barbados ship, also exercisable outside Barbados waters, and may be so exercised by a proper officer as well as the persons referred to in paragraph (1).

(5) Subject to paragraph (7), sections 1058(1), (2), (5), (7) and (9) to (11) of the Act apply in relation to the inspection of a ship for the purpose of checking compliance with the Convention and these Regulations in the same manner as they apply in relation to the inspection of a ship, and for the purposes of checking compliance with the Act, as if

(a) references in those sections, to "this Act" were to these Regulations;

(b) for section 1058(1)*(b)*, there were substituted "a ship referred to in regulation 5 of the *Merchant Shipping (Anti-fouling Systems) Regulations, 2025* (S. I. 2025 No. 26)"; and

(c) in section 1058(2)*(h)*(iii), "or any instrument made under it" were omitted.

(6) Sections 1060 and 1061 of the Act apply in relation to improvement notices and prohibition notices to be served in relation to a ship in the same manner as they apply in relation to improvement notices and prohibition notices to be served under the Act in relation to other ships, as if

(a) references in those sections to "a relevant statutory provision" were to Articles 4 and 5 of the Convention, and regulations 7(2) and (3) and 8(2); and

(b) section 1060(4) of Act were omitted.

(7) The power to inspect a ship and her equipment, any part of the ship, any articles on board and any document carried in the ship is limited to

(a) verifying whether the ship holds a valid International Anti-Fouling Systems Certificate or an International Anti-Fouling Systems Certificate; and

(b) briefly sampling the ship's anti-fouling systems in a way that does not affect the integrity, structure or operation of those systems;

except where there are clear grounds for believing that the ship is in violation of these Regulations.

(8) In this regulation,

"powers" means the powers conferred by paragraph (1) or (4), or by section 1053 of the Act as applied by paragraph (5);

"proper officer" has the same meaning as in the Act; and

"ship superintendent" means a person exercising the functions outlined in sections 27 and 28 of the Act.

Inspection of ships following a government request

13. Where a ship is inspected under regulation 12 following the receipt by the Administration of a request for an investigation of the ship from the government of a party to the Convention, the Administration shall send a report of the inspection

(a) to the government that requested the investigation; and

(b) where the ship operates under the authority of the government of a state other than Barbados, to that government.

General provisions on detention

14.(1) Subject to paragraph (2), where a surveyor has clear grounds for believing that, in relation to a ship,

(a) an International Anti-Fouling Systems Certificate, or other certificate referred to in regulation 2(1) of Annex 4 to the Convention, is required to have been issued in respect of the ship but has not been issued, or has been issued but is not valid;

(b) an International Anti-Fouling Systems Certificate is required to be carried on board the ship, but is not carried;

(c) where an International Anti-Fouling Systems Certificate is required to be carried, documentation referred to in regulation 8(2)*(a)* is not carried on board the ship, and the International Anti-Fouling Systems Certificate does not contain an appropriate endorsement; or

(d) an offence under regulation 17 is being committed in respect of the ship;

the ship is liable to be detained until a surveyor is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person who has the power to detain a ship may permit a ship that is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a surveyor has clear grounds for believing that an offence under regulation 17(1) has been committed in respect of a ship in circumstances other than those set out in paragraph (1), the ship is liable to be detained.

(4) A power under this regulation to detain a ship may be exercised only if the ship is

(a) a Barbados ship;

(b) in a port or shipyard in Barbados;

(c) at an offshore terminal in Barbados waters;

(d) a fixed platform in Barbados waters; or

(e) a floating platform, a floating storage unit, or a floating production storage and off-loading unit, in Barbados waters, other than a platform or unit that is in transit.

(5) Section 1221 of the Act applies to a ship that is liable to be detained under this Regulation, as if

(a) references to the detention of a ship under the Act were references to the detention of the ship in question under this regulation; and

(b) section 1221(5) of the Act were omitted.

(6) Where a ship is to be detained under this regulation, the person detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person referred to in section 1221(1) of the Act.

(7) Where a ship other than a Barbados ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

(8) Where a ship is detained under paragraph (3), a person who has the power to detain the ship shall, at the request of the owner or master, immediately release the ship if

(a) no proceedings for an offence under regulation 17(2) are instituted within 7 days from the day on which the ship is detained;

(b) proceedings for an offence under that regulation are instituted within that period and are concluded without the owner or master being convicted;

(c) either

(i) the sum of $50 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than $50 000 is given to the Administration;

(d) the owner or master is convicted of an offence under regulation 17(1) and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by the court or tribunal is posted.

(9) The Administration shall repay any sum paid under paragraph (8)*(c)*, or release any security given,

(a) if no proceedings for an offence under regulation 17(1) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence were instituted within that period and are concluded without the owner or master being convicted.

(10) Where a sum has been paid, or security has been given, by a person under paragraph (8)*(c)* and the owner or master is convicted of an offence under regulation 17(1), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Right of appeal and compensation

15. Sections 15 to 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to a detention notice served under these Regulations, except that

(a) references to "inspector" are to be taken as references to the authority detaining the ship; and

(b) references to "access refusal notice", "service of an access refusal notice" and "refusal of access" are to be omitted.

Biocides

16.(1) No person shall apply or use organotin compounds that act as biocides in an anti-fouling system on a Barbados ship in any waters or on a foreign ship when it is in Barbados waters.

(2) A ship that has an organotin compound that acts as a biocide in its anti-fouling system shall not operate in Barbados waters unless it bears a coating that forms a barrier to such compounds leaching from the underlying antifouling system.

Offences

17.(1) Where a person or ship contravenes regulation 16, the owner and master of the ship each commit an offence.

(2) The owner and the master of a ship that contravenes regulation 7(2) or (3), 8(2) or 11(1) or (2) commits an offence.

(3) A person who contravenes regulation 10(4) commits an offence.

(4) A person who commits an offence under these Regulations is liable

(a) on summary conviction, to a fine of $50 000; or

(b) on conviction on indictment, to a fine of $100 000.

Service of documents on foreign companies

18. Section 609 of the Act applies to proceedings for an offence under regulation 17 in the same manner as it applies to proceedings for an offence under section 1055 of the Act.

Enforcement and application of fines

19. Section 1211(1) of the Act applies to a fine for an offence under regulation 17, as if the reference to proceedings against the owner or master of a ship for an offence under Division 2 of Part XXV of the Act were a reference to proceedings against the owner or master for an offence under regulation 17.

Offences committed due to the act or default of another person

20. Where an offence under regulation 17 is committed, or would be committed but for the operation of regulation 22, by a person due to the act or default of another person, the other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Offences by officers of bodies corporate

21.(1) Where a body corporate commits an offence under regulation 17 and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in such a capacity, that person also commits an offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with any management functions of that person as if he were a director of the body corporate.

Defences

22. In any proceedings for an offence under regulation 17, it is a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 27

MERCHANT SHIPPING (BALLAST WATER AND SEDIMENT MANAGEMENT) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (BALLAST WATER AND SEDIMENT MANAGEMENT) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Ballast Water and Sediment Management) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"authorized officer" includes

(a) a marine surveyor and any other person appointed to undertake surveys and inspections of ships in accordance with these Regulations;

(b) boarding officers who are customs, immigration and port health officials;

(c) designated port state control officers of the Administration;

(d) coastal protection officers of the Coastal Zone Management Unit;

(e) environmental protection officers of the Ministry responsible for Environment;

(f) other officers of the Administration appointed by the Director to enforce these Regulations; and

(g) other persons to whom the Minister delegates powers to enforce these Regulations.

"ballast water" has the meaning given to it under International Convention for Prevention of Pollution from Ships, 1973 as amended;

"ballast water internal transfer" means the transfer of ballast water from one tank to another tank within a ship;

"ballast water management" means mechanical, physical, chemical and biological processes, used singly or in combination, to remove, render harmless or avoid the uptake or discharge of, harmful aquatic organisms and pathogens within a ship's ballast water and sediments;

"ballast water management plan" means a plan required under regulation 9(1) *(a)*;

"ballast water record book" means a record book required under regulation 9(1) *(b)*;

"Barbados ship" has the same meaning as in the Act;

"Certificate" means the International Ballast Water Management Certificate specified in the Convention;

"Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended;

"Director" means the Director of Ocean Affairs;

"harmful aquatic organisms and pathogens" means aquatic organisms or pathogens that, if introduced into the marine environment, estuaries or other

freshwater courses, might create hazards to the environment, human health property or resources, impair biological diversity or interfere with other legitimate uses of such areas;

"International Maritime Organization" has the same meaning as in the Act;

"Minister" means Minister responsible for Shipping;

"marine notice" means a notice published by the Administration in accordance with the Act, and includes any amendment to it;

"offshore terminal" means an installation or device located offshore with facilities for loading and unloading of ships;

"pleasure craft" has the same meaning as in the *Shipping (Domestic Vessels) (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62);

"port" has the same meaning as in the Act;

"recognized organization" has the same meaning as in the Act;

"sediments" means matter settled out of ballast water within a ship;

"sediment reception facility" means a sediment reception facility required under regulation 14;

"ship" has the same meaning as in the Act;

"shipowner" has the same meaning as in the Act;

"state party" means a state party to the Convention; and

"vessel" has the same meaning as in the Act.

Purpose

3. The purpose of these Regulations is to prevent the introduction of unwanted aquatic organisms and pathogens from ships' ballast water and sediment discharges, and to ensure ballast water on vessels is managed in accordance with the Convention.

Application

4.(1) Subject to paragraphs (2) and (6) and unless expressly provided otherwise, these Regulations apply to

(a) ships entitled to fly the flag of Barbados; and

(b) foreign ships entering Barbados and berthed at ports or at offshore terminals or offshore platforms in Barbados.

(2) Subject to paragraph (3), these Regulations do not apply to permanent ballast water in sealed tanks on

(a) ships not designed or constructed to carry ballast water; or

(b) military ships, naval auxiliary ships or other ships owned or operated by a state being used only for Governmental non-commercial service.

(3) Where the Administration determines that the discharge of ballast water from a ship to which paragraph (2) applies might impair, endanger or damage the environment, human health, property or resources of Barbados or those of other states, the Administration may serve written notice on the owner or master of the ship, requiring that these Regulations and the Convention be complied with in relation to the ballast water held in the ship.

(4) A notice served under paragraph (3) may

(a) apply to a single voyage or for a specific period of time; and

(b) specify any particular measures that the owner or master shall undertake to be compliant with the Convention.

(5) An owner or master of a ship who fails to comply with a notice served under paragraph (3) commits an offence and is liable on summary conviction to a fine of $50 000.

(6) The Director may exempt a ship that operates only in Barbados waters from complying with these Regulations or the Convention, but the Director shall not grant such an exemption if doing so might impair, endanger or damage the

environment, human health, property or resources of Barbados, or those of adjacent states.

(7) If the Director refuses to grant an authorization to a ship under paragraph (6), the Director shall notify the owner of the ship or, if the ship is a foreign-flagged ship, the administration of that ship, that it is bound by these Regulations and the Convention.

PART II

SURVEYS AND CERTIFICATION

Issuance of Certificate

5. A Certificate shall be issued by the Administration, or by a recognized organization on behalf of the Administration, in the form prescribed by the Convention.

Surveys and certification under the Convention

6.(1) A Barbados ship of 400 GT or above, other than a floating platform, floating storage unit or floating, production, storage and off-loading unit, is subject to a survey specified in Regulation E-1 of the Annex to the Convention, and the satisfactory completion of such a survey shall be endorsed on the ship's Certificate in accordance with the Convention.

(2) The Administration or a recognized organization shall

(a) undertake surveys prescribed in Regulation E-1 of the Annex to the Convention in accordance with regulation 7(1);

(b) issue Certificates indicating compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention;

(c) if there is non-compliance, serve notice on the owner or master of the ship prescribing measures to be undertaken for the ship to achieve

compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention; and

(d) apply any other measures determined by the Director for the inspection, certification and regulation of such ships to ensure that the requirements of the Convention are applied to those ships.

(3) The Administration may apply the requirements of Division 9 of Part XXV of the Act and these Regulations to pleasure craft used solely for recreational purposes or competition, and to ships that are less than 50 metres in length overall used primarily for search and rescue, with a maximum ballast water capacity of 8 cubic metres, having regard to the International Maritime Organization Resolution MEPC.123 (53) Guidelines for Ballast Water Management Equivalent Compliance (G3).

(4) Any requirements to be applied under paragraph (3) shall be published in a marine notice.

(5) The owner and master of a pleasure craft shall comply with any requirements applied to the craft under paragraph (3).

(6) The Administration shall issue, or authorize the issuance of, a Certificate only if a ship has been surveyed under these Regulations and found to be compliant with Division 9 of Part XXV of the Act, these Regulations and the Convention.

(7) The Director may

(a) determine a period for which Certificates shall be valid other than that specified in Regulation E-5 of the Annex to the Convention;

(b) impose conditions in relation to a ship and her operations to ensure compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention;

(c) require the re-survey of a ship during the period of a Certificate; and

(d) suspend a Certificate or vary the conditions of a Certificate during its period of validity to ensure full compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention.

(8) At the request of a state party, the Director may cause a ship to be surveyed and may issue, or authorize the issuance of, a Certificate to the ship in accordance with Division 9 of Part XXV of the Act and these Regulations, containing a statement to the effect that it has been issued at the request of the state party.

(9) At the earliest opportunity, the Director shall transmit a copy of a Certificate issued under paragraph (8), together with a copy of the survey report, to the administration of the government requesting the survey.

(10) No Certificate shall be issued by the Administration or a recognized organization acting on behalf of the Administration in respect of a ship that does not fly the flag of a state party.

Surveys and recognized organizations

7.(1) A survey of a ship for the purposes of applying and enforcing Division 9 of Part XXV of the Act and these Regulations may be carried out by

(a) a surveyor employed by the Administration;

(b) another person appointed by the Director to be a surveyor for the purposes of these Regulations; or

(c) a recognized organization, including a classification society or other organization recognized by the Administration for the purpose of undertaking surveys in accordance with the guidelines and specifications adopted by the International Maritime Organization.

(2) The Director may authorize a surveyor or recognized organization to

(a) require ships that are surveyed to comply with Division 9 of Part XXV of the Act, these Regulations and the Convention; and

(b) carry out surveys and inspections at the request of the appropriate authorities of a state that is a state party.

(3) The Administration shall notify the International Maritime Organization of the responsibilities and conditions of authority delegated to a surveyor or recognized organization under these Regulations.

Transfer of flag

8.(1) Upon the transfer of the flag of a Barbados ship to the flag of another state party, the Administration shall transmit, as soon as possible, to the government of that state party a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the ship's most recent survey report, if the state makes such a request within 3 months after the transfer has taken place.

(2) Where a ship is transferred to the Barbados register of ships, a new Certificate shall be issued only if the Administration is satisfied that the ship complies with the ballast water management requirements under the Act, these Regulations and the Convention.

PART III

BALLAST WATER MANAGEMENT

Obligations of owners and masters

9.(1) The owner, master or agent of a ship shall

(a) ensure that a plan has been prepared for the ship and is kept on board and implemented at all times, in accordance with Regulation B-1 of the Annex to the Convention;

(b) ensure that a ballast water record book complying with Regulation B-2 of the Annex to the Convention

(i) is maintained and kept on board or, in the case of an unmanned ship under tow, on the towing ship, at all times;

(ii) records all entries for a minimum of the prior 2 years;

(iii) is kept in the owner's control for a minimum of 3 years after the record book is full;

(iv) contains entries as required by Regulation B-3.3, B-3.5 and B-4 of the Annex to the Convention; and

(v) is kept ready for inspection at all reasonable times;

(c) ensure that officers and crew of the ship are familiar with their duties in relation to the implementation of ballast water management of the ship, and are familiar with the ships' ballast water management plan as it applies to their specific duties;

(d) ensure that the condition of the ship and her equipment, systems and processes are maintained so as to comply with Division 9 of Part XXV of the Act, these Regulations and the Convention, to ensure that the ship remains fit to proceed to sea without posing a threat of harm to the environment, human health, property or resources;

(e) after a survey of a ship under these Regulations has been completed, ensure that no change is to be made in the ship's structure or in any equipment, fittings, arrangements or material associated with the ship's ballast water management without the prior approval of the Director, except where the replacement of equipment or fittings with identical items is undertaken;

(f) provide a full report, as soon as practicable, to the Director of any accident that occurs to the ship or of any defect discovered that affects the ability of the ship to conduct ballast water management in accordance with her ballast water management plan, the Convention, Division 9 of Part XXV of the Act and these Regulations;

(g) provide a report to the Director as soon as possible after any ballast water is discharged from the ship into Barbados waters that does not comply with a requirement of Division 9 of Part XXV of the Act, these Regulations and the Convention, and provide such further information in relation to the discharge as may be required by the Director; and

(h) carry out investigations to determine whether a survey is necessary after an accident, incident or mishap has occurred or such a defect is discovered, and provide a report to the Director in relation to those matters.

(2) Each ballast water management plan shall

(a) provide in detail safety procedures for the ship and those of her crew who have responsibilities for the management of ballast water;

(b) provide a detailed description of the actions to be taken to implement ballast water management and supplemental ballast water management practices in accordance with the Convention;

(c) provide detailed procedures for the disposal of sediments at sea and on shore that comply with the requirements of Division 9 of Part XXV of the Act, these Regulations and the Convention;

(d) specify appropriate reporting responsibilities and procedures; and

(e) be written in the English language or provided with an English translation if it is written in a language other than English.

Ballast water and sediment management

10.(1) The owner and master of a ship shall

(a) conduct ballast water management in accordance with Regulation B-3 of the Annex to the Convention;

(b) ensure that all ballast water management systems are in accordance with Regulation D-3 of the Annex to the Convention;

(c) conduct ballast water exchange to meet the standard in Regulation D-1 of the Annex to the Convention; and

(d) remove and dispose of sediments in accordance with Regulation B-5 of the Annex to the Convention.

(2) The requirements of regulation 9(1)*(a)* do not apply in the circumstances set out in Regulation A-3 of the Annex to the Convention.

(3) Subject to paragraphs (4) and (5), the Director may grant an exemption for Barbados waters, in relation to any of the requirements set out in paragraph (1), in the circumstances set out in Regulation A-4 of the Annex to the Convention.

(4) An exemption granted under paragraph (3) does not have effect until after communication to the International Maritime Organization and the circulation of relevant information to the parties has been effected.

(5) The Director shall not grant an exemption under this regulation that might impair, endanger or damage the environment, human health, property or resources of Barbados or those of adjacent states.

(6) An exemption granted under this regulation shall be recorded in the ballast water record book of the ship to which it applies.

Ballast water and sediment management on Government ships

11. The Government of Barbados shall ensure that ballast water and sediments in military ships and naval auxiliary ships, and other ships owned or operated by it that are being used only for Government non-commercial service, that do not have permanent ballast water in sealed tanks are managed in a manner consistent with the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004, as amended, and the guidelines to that Convention.

Other powers of the Director

12.(1) If it is determined by an authorized officer that a ship's ballast water management

(a) does not conform with the requirements of Division 9 of Part XXV of the Act, these Regulations, the Convention or the conditions of its Certificate; or

(b) is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources of Barbados or those of other adjacent states;

the Director shall determine the corrective action to be taken to bring the ship into compliance, and may take other actions under paragraph (2).

(2) In the circumstances described in paragraph (1), the Director may

(a) cancel and withdraw the ship's Certificate if it is current, and require the cancelled Certificate to be surrendered to the Administration;

(b) refuse to issue a Certificate if no current Certificate is in effect;

(c) detain the ship; and

(d) take any other necessary measures and exercise any powers under national maritime law to ensure that the defects or breaches are remedied.

(3) If the ship is in the port of another state party, the Director shall ensure that the appropriate authorities of that state party are notified.

Marine notices

13.(1) The Director may, by a marine notice, specify measures that he considers necessary to prevent, reduce or eliminate the transfer of harmful aquatic organisms and pathogens through ballast water and sediments, having regard to the guidelines developed by the International Maritime Organization.

(2) A marine notice issued under paragraph (1) shall

(a) list all appropriate services, including notification to mariners of areas available and alternative routes or ports, as far as practicable; and

(b) recite any approvals given by the International Maritime Organization.

(3) Every owner and master shall comply with the measures specified under paragraph (1).

(4) An owner or master of a ship who fails to comply with the requirements of a notice given under paragraph (1) commits an offence and is liable upon summary conviction to a fine of $50 000.

(5) The Director may, by a marine notice, vary or waive any measures imposed under these Regulations for a period of time or in any specified circumstances.

(6) The Director, on advice of the Director of the Coastal Zone Management Unit, may issue a marine notice to notify mariners of areas in Barbados waters where ships should not uptake ballast water due to known conditions, including

(a) outbreaks, infestation or populations of harmful aquatic organisms and pathogens, such as toxic algal blooms, that are likely to be of relevance to ballast water uptake or discharge;

(b) the location of sewage outfalls;

(c) areas where tidal flushing is poor; and

(d) areas where a tidal stream is known to be turbid.

(7) Notices under paragraph (6) may include the precise coordinates of the areas and the location of any alternative areas for the uptake of ballast water.

(8) The Director shall notify the International Maritime Organization and all potentially affected coastal states of

(a) any areas identified under paragraph (6);

(b) the period during which the warning is likely to be in effect;

(c) the precise coordinates of the areas;

(d) the location of any alternative areas for the uptake of ballast water; and

(e) advice to ships that need to uptake ballast water in the areas and a description of arrangements made for alternative supplies.

(9) The Director shall notify mariners, the International Maritime Organization and any potentially affected coastal states when a notice given under paragraph (6) is no longer applicable.

Sediment reception facilities

14.(1) All facilities for the reception and disposal of sediments at ports and other locations shall be designed, constructed, managed and operated so as to effectively contain the sediments taken from ships and protect the environment and human health, and shall

(a) comply with the requirements of Division 9 of Part XXV of the Act, these Regulations, the Convention and any requirements specified from time to time in a marine notice;

(b) be open to inspection by officers of the Administration at any time; and

(c) be designed for the purposes of Article 5 of the Convention.

(2) The Director of the Coastal Zone Management Unit shall

(a) prescribe standards applicable to sediment reception facilities;

(b) determine and apply requirements for the operation of sediment reception facilities without causing undue delay to ships, and of facilities to provide for the safe storage, treatment and disposal of sediments so as not to impair or damage the environment, human health, property or resources, or those of other adjacent states; and

(c) issue any directions necessary for implementing the requirements of the Convention relating to sediment reception facilities.

PART IV

INSPECTIONS AND ENFORCEMENT

Inspections of, and actions against, ships

15.(1) All ships are subject to inspection by authorized officers for the purpose of determining whether the ship is in compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention.

(2) An inspection under paragraph (1) may be conducted to

(a) verify that the ship has a valid Certificate, and that it is kept on board;

(b) confirm that the ballast water record book is being carried and properly kept and maintained for the ship; and

(c) take samples of the ship's ballast water for testing.

(3) The time required to analyse the samples under paragraph (2)*(c)* shall not be used as a basis for unduly delaying the operation, movement or departure of the ship.

(4) The Administration shall carry out a detailed inspection of a ship, in a manner the Administration deems necessary, if the ship does not carry a valid Certificate or if there are grounds upon which the Administration believes that

(a) the condition of the ship or her equipment is not in compliance with the Certificate; or

(b) the master or crew are not familiar with essential shipboard procedures relating to ballast water management, or have not implemented such procedures.

(5) An authorized officer undertaking an inspection under paragraph (1) may give directions to the owner or master of the ship and take such steps as are necessary to ensure that the ship does not discharge ballast water until she can do so without presenting a threat of harm to the environment, human health, property or resources of Barbados or those of adjacent states.

(6) If a ship does not comply with Division 9 of Part XXVI of the Act or these Regulations, the Director may

(a) issue a warning to the owner or master;

(b) detain the ship until the ship is in compliance with Division 9 of Part XXVI of the Act, these Regulations and the Convention;

(c) order that the ship be excluded from Barbados waters, and from ports and offshore facilities in those waters; or

(d) grant permission to leave a port or offshore terminal for the purpose of discharging ballast water or proceeding to the nearest appropriate repair yard or sediment reception facility, if the movement of the ship does not present a threat of harm to the environment, human health, property or resources of Barbados or those of adjacent states.

(7) If a sample of ballast water taken from a ship indicates that the ship poses a threat to the environment, human health, property or resources of Barbados or those of other adjacent states, the Director may issue a notice to the master of the ship to prohibit any discharge of ballast water until the threat is removed.

(8) Where a request for an investigation is received from a state party to the Convention, an authorized officer may inspect a ship when it enters a port or an offshore terminal, and the report of the investigation shall be sent to the state requesting it and to the competent authority of the administration of the ship concerned, so that appropriate action may be taken.

(9) If action is taken in relation to a ship under these Regulations, the officer taking the action shall give written notice to the administration of the ship concerned, or if that is not possible, to the consul or diplomatic representative of the ship concerned, of the action taken against it, and the Director shall notify the ship's next port of call of all relevant information about the violation.

Detention of ship

16.(1) If the Director detains a ship due to an alleged contravention of these Regulations, he shall authorize the release of the ship if

(a) no proceedings for the contravention are instituted within 2 working days;

(b) the master or owner is not convicted in any such proceedings;

(c) the sum of $100 000, or an amount to be determined by the Director, is lodged with the Administration by way of security;

(d) the master or owner is convicted of the offence and all fines, costs and expenses are paid in full in accordance with the order of the court; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea, 1982, and any bond or other financial security ordered by the court or tribunal is posted.

(2) The Administration shall repay any sum paid under paragraph (1) or release any security given, if

(a) no proceedings for the offence in question are instituted within 7 days from the day on which the sum is paid; or

(b) such proceedings were instituted within that period and are concluded without the master or owner being convicted.

(3) Where security has been given by a person under paragraph (1) and the master or owner is convicted of the offence in question, the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the master or owner;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Offences

17.(1) The owner and master of a ship each have a duty to ensure that the ship complies with these Regulations, and are jointly and severally liable in relation to any contravention.

(2) A person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine of $100 000.

(3) It is a defence for a person charged with an offence these Regulations to show that all reasonable precautions were taken, and that he exercised all due diligence, to avoid the commission of the offence.

(4) If a fine, or an order for the payment of costs or expenses, imposed by a court in proceedings for an offence under these Regulations is not paid, the court may, in addition to any other powers for enforcing payment, order the amount remaining unpaid to be levied by distress or arrest and sale of the ship in question, or her tackle, furniture and apparel.

(5) In addition to imposing a fine on conviction of a person under these Regulations, the court may order the person to pay compensation arising from any pollution caused by the commission of the offence, including the costs of responding to any such pollution.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 28

MERCHANT SHIPPING (UNDERWATER NOISE REDUCTION) REGULATIONS, 2025

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FIRST SCHEDULE

Barbados Water Noise Reduction Certificate

SECOND SCHEDULE

Endorsement of the Records

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (UNDERWATER NOISE REDUCTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"Barbados Maritime Transport Administration" has the same meaning as in the Act;

"Barbados Underwater Noise Reduction Certificate" means a certificate issued in respect of a ship in accordance with the Act and these Regulations, in the form set out in the *First Schedule*;

"Barbados waters" has the same meaning as in the Act;

"bareboat charter terms" means the hiring of a ship for a stipulated period on terms that give the charterer possession and control of the ship, including the right to appoint the master and crew;

"certifying authority" means the Administration or a person authorized by the Administration;

"master" has the same meaning as in the Act;

"merchant shipping notice" means a notice described as such and issued in accordance with the Act, as amended;

"noise reducing system" means a system, application, mechanism or device that is used on a ship to control or reduce ship-generated noise;

"offshore terminal" means an installation situated away from the shore, where bulk, fluid or gas cargo is

(a) transferred between ships;

(b) loaded onto a ship after having been transported from the shoreline; or

(c) unloaded from a ship for transporting to the shoreline;

"operator" means a person registered in accordance with the Act as the owner of a Barbados ship;

"owner" in relation to a ship, includes a person, organization or manager, or a charterer on bareboat charter terms, who has assumed responsibility for the operation of the ship from the owner;

"ship" means a vessel operating in the maritime environment, and includes hydrofoil boats, aircushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units and floating production storage and off-loading units; and

"ship-generated noise" means noise generated by a ship's hull, operating machinery, propellers or any other part of a ship, but does not include noise emanating from people on board a ship.

Purpose

3. The objective of these Regulations is to protect the marine environment and marine life from the negative impacts of underwater noise generated from commercial ships.

Application

4.(1) Subject to paragraph (2) and except as otherwise provided in these Regulations, these Regulations apply to

(a) Barbados ships participating in the Underwater Noise Reduction (Voluntary) Ship Survey and Certification Scheme;

(b) foreign ships when in a port or in waters outside of a port within Barbados, where there is in force a written arrangement between the Government of Barbados and the government of the foreign State that their ships may participate in the Underwater Noise Reduction (Voluntary) Ship Survey and Certification Scheme; and

(c) Barbados ships and foreign ships in Barbados waters, after the International Maritime Organization has officially adopted survey and certification requirements in respect of ship-generated noise reduction.

(2) These Regulations do not apply to

(a) a warship;

(b) a naval auxiliary ship; or

(c) a ship owned or operated by a State that is being used only on government non-commercial service.

Non-participating ships

5. Barbados ships and foreign ships that are not participating in the Underwater Noise Reduction (Voluntary) Ship Survey and Certification Scheme shall comply with

(a) the International Maritime Organization Marine Environment Protection Committee Guidelines for the Reduction of Underwater Noise from Commercial Shipping; and

(b) any other applicable requirements in the Act or specified in a merchant shipping notice.

PART II

SURVEY AND CERTIFICATION

IMO requirements

6. When the International Maritime Organization has officially adopted survey and certification requirements in respect of ship-generated noise reduction, the Administration shall issue a merchant shipping notice in relation to them and specify in the notice any additional requirements in respect of ship-generated noise.

Authorizations

7.(1) An authorization by a certifying authority may be given conditionally or unconditionally.

(2) Conditions may impose limitations relating to

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

Surveys by Administration

8.(1) The Administration may direct, in relation to an individual case or to a class of cases, that a survey, or a part of a survey, for the purpose of these Regulations is to be carried out by the Administration and not by another certifying authority.

(2) A certifying authority other than the Administration is not to be regarded as a servant or agent of the State, or as enjoying any status, immunity or privilege of the State, and its property is not to be regarded as property of, or held on behalf of, the Government of Barbados.

Surveys

9.(1) A ship of 400 gross tonnage or more that is engaged in international voyages is subject to the following surveys by the Authority or a certifying authority:

(a) an initial survey before the ship is put into service or before the Barbados Underwater Noise Reduction Certificate is issued for the first time; and

(b) another survey when the ship's noise controlling system is changed or replaced.

(2) Paragraph (1) does not apply to a fixed or floating platform, floating storage unit or floating production storage or off-loading unit.

BUNRe Certificates for ships 400 GT and above

10.(1) This regulation applies in relation to a ship that is of 400 gross tonnage or above, but does not apply in relation to a fixed or floating platform, a floating storage unit or a floating production storage and off-loading unit.

(2) A ship shall not be put into service for the first time, proceed on a voyage or, if she is already on a voyage, continue on the voyage, unless

(a) the ship has been surveyed;

(b) there is in force in relation to the ship a Barbados Underwater Noise Reduction Certificate;

(c) the Certificate is carried on board the ship; and

(d) the Certificate contains an endorsement, as prescribed in the *Second Schedule*.

Arbitration

11.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out for the purposes of these Regulations, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the applicant and the responsible person.

(3) In default of agreement between the applicant and the responsible person, the arbitrator is to be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch), or by a recognized maritime-industry-specific body, following a request made by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) A person shall not be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate of competency as

(i) a Class 1 Deck Officer; or

(ii) a Class 1 Marine Engineer Officer;

(b) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(c) a naval architect;

(d) a practising barrister of not less than 5 years standing;

(e) a person with experience in shipping matters, of the fishing industry, or of activities carried on in ports; or

(f) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a merchant shipping notice apply, unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

(a) "applicant" means a person who makes an application for a survey required by these Regulations; and

(b) "responsible person" means the certifying authority responsible under these Regulations for the issuance or endorsement of the Barbados Underwater Noise Reduction Certificate in connection with which the survey was carried out.

Certificate cancellations

12.(1) The Administration may cancel a Barbados Underwater Noise Reduction Certificate issued by, or at the request of, the Government of Barbados where it has reason to believe that

(a) the certificate was issued on the basis of false or erroneous information; or

(b) since a survey, the ship has sustained damage or is otherwise deficient in relation to its noise reduction capacity.

(2) The Administration may require that a Barbados Underwater Noise Reduction Certificate that has expired or has been cancelled be surrendered within such a time and in such a manner as the Administration may in writing direct.

(3) A person shall not

(a) intentionally alter a certificate;

(b) intentionally make a false certificate;

(c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;

(d) with intent to deceive, use or lend a certificate or permit a certificate to be used by another person; or

(e) fail to surrender a certificate when required to do so under paragraph (2).

Availability of certificates and other documents

13.(1) A Barbados Underwater Noise Reduction Certificate shall be readily available for examination at all times on board a ship referred to in regulation 10.

(2) An endorsement to a Barbados Underwater Noise Reduction Certificate referred to in regulation 10(2)*(d)* shall be readily available for examination at all times on board a ship referred to in regulation 10.

PART III

INSPECTIONS, DETENTIONS AND OFFENCES

Inspection of ships following a government request

14. Where a ship is inspected following receipt by the Administration of a request for an investigation of the ship from a government of a State other than Barbados, the Administration shall send a report of the inspection

(a) to the government that requested the investigation; and

(b) where the ship operates under the authority of the government of a State other than Barbados, to that government.

General provisions on detention

15.(1) Subject to paragraph (2), where a surveyor of ships has clear grounds for believing that, in relation to a ship,

(a) a Barbados Underwater Noise Reduction Certificate is required to have been issued in respect of the ship but has not been issued, or has been issued but is not valid;

(b) an endorsement to a Barbados Underwater Noise Reduction Certificate is required to be carried on board the ship, but is not carried; or

(c) an offence under regulation 17 is being committed in respect of the ship;

the ship is liable to be detained by an authorized officer until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person who may detain a ship under paragraph (1) may permit the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) A power under this regulation to detain a ship may be exercised only if the ship is

(a) a Barbados ship;

(b) in a port or shipyard in Barbados;

(c) at an offshore terminal in Barbados waters;

(d) a fixed platform in Barbados waters; or

(e) a floating platform, a floating storage unit or a floating production storage and off-loading unit, in Barbados waters, other than a platform or unit that is in transit.

(4) Section 1221 of the Act applies where a ship is liable to be detained under this regulation, as if

(a) references to detention of a ship under the Act were references to detention of the ship under this regulation; and

(b) section 1221(7) of the Act were omitted.

(5) Where a ship is liable to be detained under this regulation, the person detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person referred to in section 1221(1) of the Act.

(6) Where a ship other than a Barbados ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

(7) Where a ship is detained under paragraph (1), a person who has detained the ship shall, at the request of the owner or master, immediately release the ship

(a) if no proceedings for an offence under regulation 17(1) are instituted within 7 days from the day on which the ship is detained;

(b) if proceedings for an offence under that Regulation were instituted within that period and are concluded without the owner or master being convicted;

(c) if either

(i) the sum of $50 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than $50 000 is given to the Administration;

(d) if the owner or master is convicted of an offence under that regulation and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by the court or tribunal is posted.

(8) The Administration shall repay any sum paid under paragraph (7)*(c)* or release any security given

(a) if no proceedings for an offence under regulation 17(1) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence were instituted within that period and are concluded without the owner or master being convicted.

(9) Where a sum has been paid, or security has been given, by a person under paragraph (7)*(c)* and the owner or master is convicted of an offence under regulation 17(1), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Right of appeal and compensation

16. Regulations 15 to 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to a detention notice served under these Regulations, with the modifications that

(a) references to "inspector" are to be taken as references to the authority detaining the ship; and

(b) references to "access refusal notice", "service of an access refusal notice" and "refusal of access" are omitted.

Offences

17.(1) The owner and master of a ship referred to in regulation 4(1) each commit an offence if the ship fails to comply with

(a) ISO/PAS 17208-1- Acoustics-Quantities standards;

(b) ISO/DIS 16554 – Ship and Marine Technology underwater sound standards;

(c) International Maritime Organization Marine Environment Protection Committee Guidelines for the Reduction of Underwater Noise from Commercial Shipping; or

(d) underwater noise reduction requirements specified in these Regulations or in a merchant shipping notice.

(2) A contravention of regulation 10(2) or 13(3) constitutes an offence by the owner and the master of the ship.

(3) A person who commits an offence under these Regulations is liable

(a) on summary conviction, to a fine of $50 000; or

(b) on conviction on indictment, to a fine of $100 000.

Service of documents on foreign companies

18. Section 609 of the Act applies to proceedings for an offence under regulation 17 in the same manner as it applies to proceedings for an offence under section 647 of the Act.

Enforcement and application of fines

19. Section 1211(1) of the Act applies to a fine for an offence under regulation 17 as if the reference in that section to proceedings against the owner or master of a ship for an offence under Division 2 of Part XXV of the Act were a reference to proceedings against the owner or master for an offence under regulation 17.

Offences committed due to the act or default of another person

20. Where an offence under regulation 17 is committed, or would be committed but for the operation of regulation 22, by a person due to the act or default of another person, the other person also commits the offence, and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Offences by officers of bodies corporate

21.(1) Where a body corporate commits an offence under regulation 17 and that offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person also commits the offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with any management functions of that person as if he were a director of the body corporate.

Defences

22. In any proceedings for an offence under regulation 17, it is a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Transitional

23. The underwater noise reduction requirements specified in these Regulations shall take effect 18 months after the entry into force of these Regulations.

FIRST SCHEDULE

(Regulation 2)

Merchant Shipping (Underwater Noise Reduction) Regulations, 2025
(S.I. 2025 No. 28)

BARBADOS UNDERWATER NOISE REDUCTION CERTIFICATE

Certificate Number: _____

Ship Name: _____

IMO Number: _____

(This Certificate shall be supplemented by a Record of Underwater Noise Controlling Systems or Technologies)

Issued under the *Merchant Shipping Act, 2024* (Act 2024-28) and *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025* (S.I. 2025 No. 28), under the authority of the Government of Barbados by the Ministry responsible for Shipping.

Particulars of the Ship

Name of the Ship:	
IMO number:	
Distinctive numbers or letters:	
Port of registry:	
Gross tonnage (ITC 69)	
Length:	

First Schedule - (Cont'd)

THIS IS TO CERTIFY THAT:

1. the ship has been surveyed in accordance with the *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025* (S.I. 2025 No. 28); and

2. the survey shows that the underwater noise control systems or technologies on the ship complies with Division 13, Part XXV, sections 631 and 633 for the *Merchant Shipping Act, 2024* (Act 2024-28).

When a certificate has been previously issued dated: _____

Issued at: _____

Date of issue: _____

[official stamp]

Signed: _____
Signature of the duly authorized official issuing the certificate

Name of authorized official: _____

*This certificate is issued by or on behalf of the Government of Barbados under the responsibility of Barbados as a flag State.

First Schedule - (Cont'd)

Details of Underwater Noise Reducing System(s) or Technology(ies) installed

Type(s) of underwater noise reducing system(s) or technology(ies) used:

Date(s) of application underwater noise reducing system(s) or technology(ies):

Name(s) of company(ies) and facility(ies)/location(s) where installed:

Name(s) of underwater noise reducing system(s) or technology(ies) manufacturer(s):

First Schedule - (Cont'd)

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at: _____

Date of issue: _____

[official stamp]

Signed: _____
Signature of the duly authorized official issuing the certificate

Name of authorized official: _____

*This certificate is issued by or on behalf of the Government of Barbados under the responsibility of Barbados as a flag State.

First Schedule - (Concl'd)

RECORD OF UNDERWATER NOISE REDUCING SYSTEMS OR TECHNOLOGIES

This Record shall be permanently attached to the Barbados Underwater Noise Reduction (BUNRe) Certificate

Issued under the *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025* (S.I. 2025 No. 28) under the authority of the Government of Barbados by the Ministry responsible for Shipping.

Particulars of the Ship

Name of the Ship:	
IMO number:	
Distinctive numbers or letters:	

SECOND SCHEDULE

(Regulation 10(2)(d))

Merchant Shipping (Underwater Noise Reduction) Regulations, 2025
(S.I. 2025 No. 28)

ENDORSEMENT OF THE RECORDS

Certificate Number:_____

Issued under the *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025* (S.I. 2025 No. 28) under the authority of the Government of Barbados by the Ministry responsible for Shipping.

Particulars of the Ship

Name of the Ship:	
IMO number:	
Distinctive numbers or letters:	

Second Schedule - (Cont'd)

THIS IS TO CERTIFY THAT**:**

A survey required in accordance with the *Merchant Shipping Act, 2024* (Act 2024-28) and the *Merchant Shipping (Underwater Noise Reduction) Regulations, 2025* (S.I. 2025 No. 28) found that the ship was in compliance with sections 631 and 633 of the Act.

Issued at: _____

Date of issue: _____

[official stamp]

Signed: _____
Signature of the duly authorized official issuing the certificate

Name of authorized official: _____

Second Schedule - (Concl'd)

Details of Underwater Noise Reducing System(s) or Technology(ies) installed

Type(s) of underwater noise reducing system(s) or technology(ies) used:

Date(s) of installation of underwater noise reducing system(s) or technology(ies):

Name(s) of company(ies) and facility(ies)/location(s) where installed:

Name(s) of underwater noise reducing system(s) or technology(ies) manufacturer(s):

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 29

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Tonnage) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"amidships" means

(a) in relation to a ship of less than 24 metres in length, the mid-point of the length overall; and

(b) in relation to any other ship, the mid-point of the length of the ship;

"breadth" means

(a) in relation to a ship with a metal shell, the maximum breadth of the ship, measured amidships to the moulded line of the frame; and

(b) in relation to a ship with a shell of any other material, the maximum breadth of the ship, measured amidships to the outer surface of the hull;

"break" means the space bounded longitudinally by a side-to-side upward step in the lowest line of the upper deck and another such step or the end of the ship, transversely by the sides of the ship and vertically by the higher part of the deck and the lowest line of the upper deck continued parallel to it;

"cargo space" means an enclosed space that is appropriated for the transport of cargo to be discharged from the ship;

"certifying authority" means the Administration or a person authorized by the Administration for the purposes of these Regulations;

"combination carrier" means a ship designed to carry oil or solid cargoes in bulk;

"contracting government" means the government of a country that has accepted the Convention;

"Convention" means the International Convention on Tonnage Measurement of Ships, 1969;

"enclosed space" means a space, other than an excluded space, that is bounded by the ship's hull, by fixed or portable partitions or bulkheads or by decks or coverings other than permanent or moveable awnings, irrespective of any break in a deck, opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, or the absence of a partition or bulkhead, and includes a space referred to in subparagraphs *(a)* to *(e)* of the definition "excluded space" that fulfils at least one of the following conditions:

(a) the space is fitted with shelves or other means for securing cargo or stores;

(b) the openings are fitted with a means of closure; or

(c) the construction provides a possibility of such openings being closed;

"excluded space" means, subject to paragraph (2),

(a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartship line at a fore and aft distance from the opening equal to half the breadth of the deck at the line of the opening, where the end opening has a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening and extends from deck to deck or to a curtain plate of a depth not exceeding by more than 25 millimetres the depth of the adjacent deck beams, as specified in Figure 1 of the *First Schedule*;

(b) a space under an overhead deck covering open to the sea and weather that has no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support, including a space in which open rails or a bulwark and curtain plate are fitted or stanchions are fitted at the ship's side, if the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in Figure 7 of the *First Schedule*;

(c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one-third of the height of the erection, whichever is the greater;

(d) a space in an erection immediately below an uncovered opening in the deck overhead, if the opening is exposed to the weather and the space is limited to the area of the opening, as specified in Figure 9 of the *First Schedule*; or

(e) a recess in the boundary bulkhead of an erection that is exposed to the weather, the opening of which extends from deck to deck without means of closing, if the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in Figure 10 of the *First Schedule*;

"International Tonnage Certificate (1969)" means a certificate issued under Article 7 of the Convention;

"length" means the greater of

(a) the distance between the fore side of the stem and the axis of the rudder stock; and

(b) 96 per cent of the distance between the fore side of the stem and the aft side of the stern,

where the points and measurements are taken at and along a waterline at 85 per cent of the least moulded depth of the ship or, in the case of a ship that has a rake of keel, the waterline shall be parallel to the designed waterline;

"length overall" means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure;

"fixed permanent structure" in relation to a vessel, includes any portion of the hull of the vessel that is capable of being detached, but that is fixed in place during the normal operation of the vessel, but does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace a part of the hull that has been removed;

"load line rules" in relation to a ship not registered in Barbados, means the load line rules of another country;

"moulded depth" in relation to a ship of less than 24 metres, means the vertical distance measured from the top of the keel of a metal ship, or from the lower edge of the keel rabbet of a wood or composite ship, to the underside of the upper deck at side or, if the ship is not fully decked, to the top of the upper strake or gunwale;

"moulded draught" means

(a) for a ship assigned load lines other than timber load lines in accordance with the load line rules, the draught corresponding to the summer load line;

(b) for a passenger ship, the draught corresponding to the deepest subdivision load line assigned in accordance with the load line rules for passenger ships;

(c) for a ship to which no load line has been assigned but the draught of which is restricted by the Administration, the maximum permitted draught; and

(d) for any other ship, 75 per cent of the moulded depth amidships;

"non-Barbados ship" means a ship that is not a Barbados ship within the meaning of the Act;

"oil tanker" means a ship constructed or adapted to carry oil in bulk in its cargo spaces, and includes combination carriers, a noxious liquid substances tanker as defined in Annex II of the International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, and a gas carrier as defined in regulation 3.20 of Chapter II-1 of the International Convention for the Safety of Life at Sea, 74, as amended, when carrying a cargo or part cargo of oil in bulk;

"passenger" means a person carried in a ship other than

(a) a person employed or engaged on board the ship on the business of the ship;

(b) a person on board the ship either pursuant to the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances that the master, owner or any charterer could not have prevented; or

(c) a child under one year of age;

"pleasure vessel" has the same meaning as in the *Shipping (Domestic Vessels) (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62);

"special trades" means passenger-specific trading activities undertaken by a special trade passenger ship;

"surveyor" means a surveyor appointed by a certifying authority;

"upper deck" in relation to a ship, means the uppermost complete deck exposed to weather and sea that has permanent means of weathertight closing of all openings in the weather part of it and below which all openings in the sides of the ship are fitted with permanent means of watertight closing or, if the ship has a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck; and

"weathertight" in relation to a ship, means that in any sea conditions water will not penetrate the ship.

(2) For the purposes of the definition "excluded space" in paragraph (1),

(a) where at any point the width of an enclosed space, because of an arrangement other than convergence of the outside plating, as specified in Figure 3 of the *First Schedule*, becomes less than 90 per cent of the breadth of the deck at the line of the opening, the excluded space shall extend only to an athwartship line intersecting that point, as specified in Figures 2 and 4 of the *First Schedule*;

(b) where the opposite ends of two enclosed spaces are separated by a gap that is completely open except for bulwarks or open rails and of a fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed space shall be excluded, as specified in Figures 5 and 6 of the *First Schedule*; and

(c) if the opening in an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one half of the breadth of the deck in way of the opening, as specified in Figure 8 of the *First Schedule*.

(3) For the purposes of the definition "moulded depth",

(a) where the form at the lower part of the midship section of a ship is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(b) in the case of a glass reinforced plastic ship where no keel member is fitted and the keel is of open trough construction, the distance is measured from the top of the keel filling, if any, or from the level at which the inside breadth of the trough is 100 millimetres, whichever gives a lesser depth;

(c) in the case of a ship that has rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and

(d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is measured, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

Purpose

3. The objective of these Regulations is to provide uniform principles and rules with respect to determination of tonnage of ships engaged on international voyages, in line with the International Convention on Tonnage Measurement of Ships, 1969.

PART II

BARBADOS SHIPS OF 24 METRES IN LENGTH AND OVER

Application

4. This Part applies to ships that are of 24 metres in length or over, that are registered or to be registered in Barbados under Part VII of the Act, and for which the ascertainment of tonnage is required under regulations made under the Act.

Method of measurement

5.(1) A ship shall be measured by a surveyor.

(2) The gross and net tonnages shall be determined in accordance with regulations 7 and 8 or, in the case of novel types of craft with constructional features that render the application of those paragraphs unreasonable or impracticable, as required by the Administration.

(3) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.

(4) Gross and net tonnages shall be expressed as whole numbers, with decimals rounded off downwards.

Calculation of volumes

6.(1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or similar materials, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea shall be excluded from the total volume.

(4) The method and accuracy of the calculations shall be sufficiently detailed to facilitate verification.

Gross tonnage

7. The gross tonnage of a ship shall be determined by the formula

$$GT = K1V$$

where

GT = gross tonnage;

V = total volume of all enclosed spaces of the ship in cubic metres; and

K1 = 0.2 + 0.02 log10 V, as specified in the *Second Schedule*.

Net Tonnage

8.(1) Subject to paragraph (2), the net tonnage of a ship shall be determined by the formula

$$NT = K_2 V_c \left(\frac{4d}{3D}\right)^2 + K_3 \left(N_1 + \frac{N_2}{10}\right)$$

where

NT = net tonnage;

V_c = total volume of cargo spaces in cubic metres;

K_2 = 0.2 + 0.02 log10 V_c, as specified in the *Second Schedule*;

K_3 = $\frac{1.25\ [GT + 10{,}000]}{10{,}000}$

GT = gross tonnage calculated in accordance with regulation 7;

D = moulded depth amidships in metres;

d = moulded draught amidships in metres;

N_1 = number of berths for passengers in cabins with not more than 8 berths; and

N_2 = number of other passengers who may be accommodated on the ship.

(2) In the formula in paragraph (1),

(a) the factor $\left(\frac{4d}{3D}\right)^2$ shall not be taken as greater than unity;

(b) N_1 and N_2 shall be taken as zero when $N_1 + N_2$ is less than 13; and

(c) NT shall not be taken as less than 0.30 GT.

Segregated ballast oil tankers

9.(1) Where segregated ballast tanks that comply with Regulation 18 of Annex 1 of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating to that Convention, are provided in oil tankers, an entry may be made on the ship's International Tonnage Certificate (1969) indicating the total tonnage of these tanks

(2) The tonnage of such segregated ballast shall be calculated according to the formula

$$K_1 \times V_b$$

where

K_1 = = 0.2 + 0.02 log10 V, as specified in the *Second Schedule*;

V = the total volume of all enclosed spaces of the ship in cubic metres; and

V_b = the total volume of segregated ballast tanks in cubic metres measured in accordance with regulation 9.

Issuance of certificates

10. If it is in order to do so, the certifying authority shall issue to the owner of a ship an International Tonnage Certificate (1969) in the form set out in the Annex II to the Convention certifying the tonnages of the ship and containing the particulars set out in that Annex.

Cancellation of certificates

11.(1) Where alterations are made in the arrangement, construction, capacity, use of spaces, assigned load line or permitted draught of a ship, or to the total number of passengers the ship is permitted to carry under the terms of a ship's passenger certificate, that would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) ceases to be valid and shall be delivered up to, and cancelled by, the certifying authority.

(2) When a ship is transferred from the Barbados Register, the International Tonnage Certificate (1969) ceases to be valid except when the transfer is to the administration of a state that is a contracting government, in which case the certificate may remain in force for a period not exceeding 3 months or until the new administration issues another International Tonnage Certificate (1969), whichever is the earlier.

(3) The certifying authority shall transmit to the administration of that government as soon as possible after the transfer has taken place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

Change of net tonnage necessitating issuance of Certificate

12.(1) When alterations in the values of V, V_c, d, N_1 or N_2 defined in regulations 7 and 8 result in an increase in the net tonnage of a ship, a new International Tonnage Certificate (1969) incorporating the increased net tonnage shall be issued.

(2) Where a passenger ship is assigned subdivision load lines in accordance with the load line rules for passenger ships and load lines in accordance with the load line rules, only one net tonnage shall be applied.

(3) Where the draught of a ship corresponding to the summer load line differs from that corresponding to the deepest subdivision load line, the net tonnage shall, subject to paragraph (4), be that determined in accordance with regulation 8 by applying the draught corresponding to the appropriate assigned load line for the trade in which the ship is engaged.

(4) Subject to paragraph (5), where alterations in the values of V, V_c, d, N_1 or N_2 defined in regulations 7 and 8 or changes in the position of the load lines result in a decrease in the net tonnage of a ship, a new International Tonnage Certificate (1969) incorporating the decreased net tonnage shall not be issued until 12 months have elapsed from the date on which the current certificate was issued.

(5) A new International Tonnage Certificate (1969) may be issued immediately when

(a) a ship that was registered outside Barbados is re-registered in Barbados;

(b) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, that requires an alteration of the assigned load line; or

(c) the ship is a passenger ship employed in special trades for carriage of large numbers of special trade passengers, such as in the pilgrim trade.

Use of gross tonnage ascertained under previous regulations

13.(1) The Administration may permit the continued use of a gross tonnage ascertained in accordance with Schedule 5 and Appendices 1 to 4 of the United Kingdom's *Merchant Shipping (Tonnage) Regulations, 1982* for the purpose of the application of regulations implementing the International Convention for the Safety of Life at Sea 1974, the Protocol of 1978 relating to that Convention, the International Convention for the Prevention of Pollution from Ships, 1973, the

Protocol of 1978 relating to that Convention and the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, 1978, as amended on 7th July 1995, in relation to

(a) a ship the keel of which was laid or that was at a similar stage of construction before 18th July, 1982;

(b) a ship, other than a ship referred to in subparagraph *(a)*, the keel of which was laid or that was at a similar stage of construction not later than 31st December, 1985; or

(c) a cargo ship, other than a ship referred to in subparagraph *(a)*, of less than 1600 gross tonnage, when ascertained in accordance with Schedule 5 and Appendices 1 to 4 of the United Kingdom's *Merchant Shipping (Tonnage) Regulations, 1982*, the keel of which was laid or that was at a similar stage of construction before 18th July 1994.

(2) An International Tonnage Certificate (1969) may be annotated, under "Remarks", by the certifying authority

(a) in the case of ship referred to in paragraph (1)*(a)*, with the following duly completed and signed entry:

"The ship is re-measured according to article 3(2)*(d)* of the 1969 Tonnage Convention.

The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is: ..... RT, according to the regulations .....".; and

(b) in the case of a ship referred to in paragraph (1)*(b)* or *(c)*, with the following duly completed and signed entry:

"The ship is additionally measured according to resolution A. 494(XII).

The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is: ..... RT, according to the regulations .....".

(3) Where such an entry has been made on an International Tonnage Certificate (1969) and the ship undergoes alterations or modifications that affect its tonnage, the old tonnage referred to in paragraph (1) shall be deleted.

(4) Where a gross tonnage has been ascertained and is to be used in accordance with paragraph (1), any certificate issued for the purposes of the conventions and protocols referred to shall record only that gross tonnage together with the following footnote

"The above gross tonnage has been determined by a certifying authority (a tonnage authority) of Barbados in accordance with the national tonnage rules that were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships, 1969."; or

"See REMARKS column of the valid International Tonnage Certificate (1969)".

PART III

BARBADOS SHIPS OF LESS THAN 24 METRES IN LENGTH

Application

14. This Part applies to ships that are less than 24 metres in length, including fishing vessels, and that are registered, or to be registered, under the *Fisheries Act*, Cap. 391 or *Shipping (Domestic Vessels) Act* (Act 2024-22) and for which the ascertainment of tonnage is required under regulations made under the Act.

Measurement and certification

15.(1) A ship shall be measured by a surveyor or by a measurer appointed by an organization authorized by the Administration.

(2) The tonnage of a ship is the sum of

(a) the product of multiplying together its length overall, extreme breadth over the outside hull and depth, in metres, and multiplying the resulting figure by 0.16; and

(b) the tonnage of any breaks, calculated for each break by multiplying together its mean length, mean breadth and mean height, in metres, and multiplying the resulting figure by 0.35.

(3) For the purpose of this Part,

(a) the breadth of a ship is her extreme breadth over the outside plating, planking or hull, with no account being taken of rubbers or fenders, even if they are moulded so as to be integral with the hull;

(b) the depth of a ship shall be measured vertically at the midpoint of the length overall

(c) the upper terminal point for depth is

(i) in the case of a decked ship, the underside of the deck on the middle line or, if there is no deck on the middle line at the point of measurement, the underside of the deck at the side of the ship plus the full deck camber; and

(ii) in the case of an open ship, the top of the upper strake or gunwale;

(d) the lower terminal point of depth is

(i) in the case of a wooden ship, the upper side of the plank at the side of the keel or hog;

(ii) in the case of a metal ship, the top of the plating at the side of the keel; and

(iii) in the case of a glass reinforced plastic ship, the inside of the hull;

(e) in the case of a glass reinforced plastic ship where no keel member is fitted and the keel is of open trough construction, the lower terminal point for depth is the top of the keel filling, if fitted, or the level at which the inside breadth of the trough is 10 centimetres, whichever gives the greater depth; and

(f) where a break exists in the way of the point of measurement for depth, the height of the break shall not be included in the measurement of depth.

(4) The tonnage determined in accordance with paragraph (2) shall be both the gross tonnage and net tonnage.

(5) In the case of a multi-hull ship, the tonnage of each hull shall be measured separately and the sum of such tonnages shall be used in computing the tonnage referred to in paragraph (2).

(6) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.

(7) Tonnage shall be expressed to 2 decimal places, the second decimal place being increased by one if the third decimal place is 5 or more.

(8) On completion of the measurement, the surveyor or measurer shall forward to the Administration a Certificate of Measurement in a form approved by the Administration.

(9) Where alterations are made in the arrangement, construction, capacity, use of spaces, assigned load line or permitted draught of a ship, or the total number of passengers a ship is permitted to carry under the terms of the ship's passenger certificate, that would cause an increase in the tonnage,

(a) the existing measurement ceases to be valid;

(b) an International Tonnage Certificate (1969) shall be delivered up to and cancelled by the issuer; and

(c) the owner of the ship shall make an application for it to be re-measured in accordance with paragraph (1).

(10) Nothing in this Part shall be taken to require a ship the tonnage of which was validly determined under the law in force immediately before the coming into force of these Regulations to have its tonnage re-determined.

PART IV

NON-BARBADOS SHIPS

Ascertainment of tonnage and certification

16.(1) The Administration may, at the request of the administration of a contracting government, ascertain the gross and net tonnages of a non-Barbados ship in accordance with Part II and issue to the owner an International Tonnage Certificate (1969).

(2) A certificate issued under paragraph (1) shall be endorsed to the effect that it has been issued at the request of the government of the state whose flag the ship is or will be flying, and a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting government as soon as possible.

(3) A certifying authority may, at the request of an owner of a non-Barbados ship flying the flag of a state whose government is not a contracting government, ascertain the gross and net tonnages of the ship in accordance with Part II and issue a Certificate of Barbados Tonnage Measurement.

(4) A certificate issued under paragraph (3) shall bear the endorsement “for use only while within Barbados waters”.

PART V

MISCELLANEOUS

Penalties

17. An owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulation 11(1) or 15(9) commits an offence and is liable on summary conviction to a fine of $2 000.

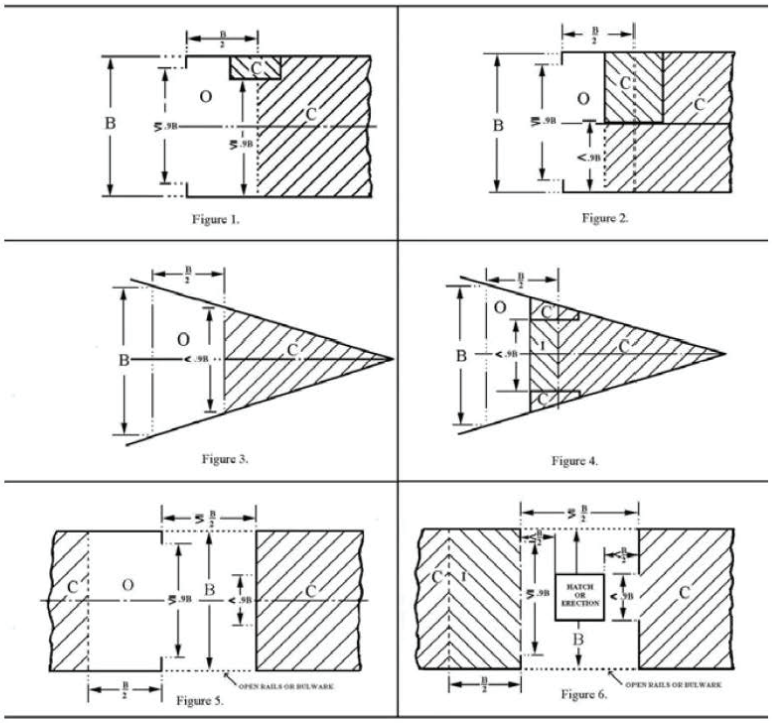
Revocation

18. The United Kingdom's *Merchant Shipping (Tonnage) Regulations 1982* (No. 841) no longer apply to Barbados or Barbados ships.

FIRST SCHEDULE

(Regulations 2(1) and (2))

Merchant Shipping (Tonnage) Regulations, 2025
(S.I. 2025 No. 29)



First Schedule - (Cont'd)

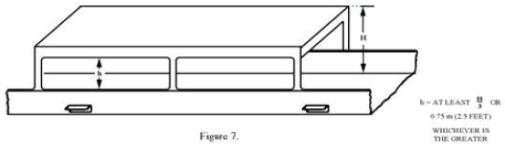


Figure 7.

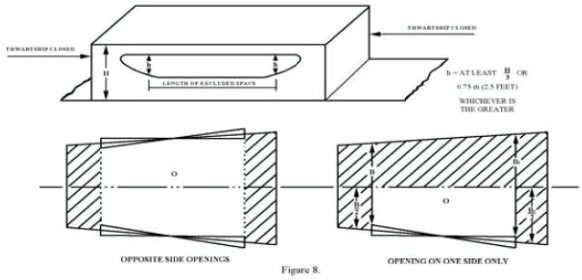
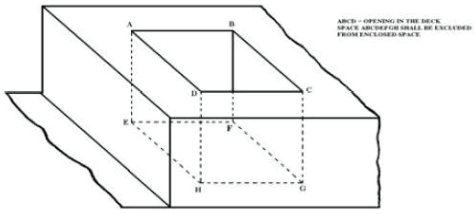


Figure 8.



First Schedule - (Concl'd)

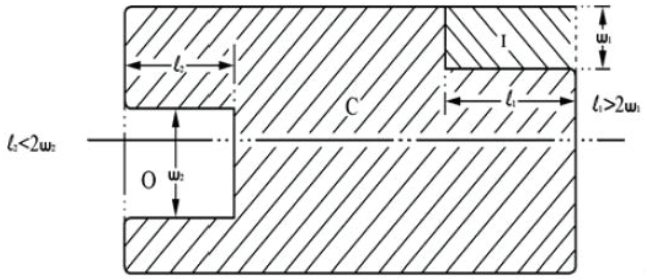


Figure 10.

SHIPS WITH ROUNDED GUNWALES

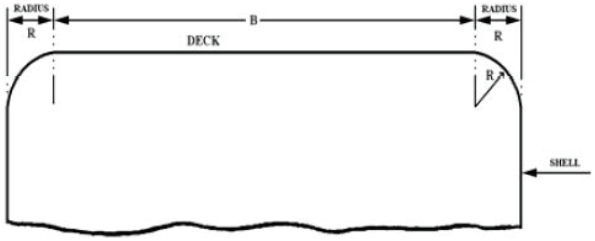


Figure 11.

SECOND SCHEDULE

(Regulations 7, 8(1) and 9(1))

Merchant Shipping (Tonnage) Regulations, 2025
(S.I 2025 No. 29)

Coefficients K1 and K2

V or V_c = Volume in cubic metres;

Coefficients K_1 or K_2 at intermediate values of V or V_c shall be obtained by linear interpolation

V or V_c	K1 or K2	V or V_c	K1 or K2	V or V_c	K1 or K2	V or V_c	K1 or K2
10	0.2200	45 000	0.2931	330 000	0.3104	670 000	0.3165
20	0.2260	50 000	0.2940	340 000	0.3106	680 000	0.3166
30	0.2295	55 000	0.2948	350 000	0.3109	690 000	0.3168
40	0.2320	60 000	0.2956	360 000	0.3111	700 000	0.3169
50	0.2340	65 000	0.2963	370 000	0.3114	710 000	0.3170
60	0.2356	70 000	0.2969	380 000	0.3116	720 000	0.3171
70	0.2369	75 000	0.2975	390 000	0.3118	730 000	0.3173
80	0.2381	80 000	0.2981	400 000	0.3120	740 000	0.3174
90	0.2391	85 000	0.2986	410 000	0.3123	750 000	0.3175
100	0.2400	90 000	0.2991	420 000	0.3125	760 000	0.3176
200	0.2460	95 000	0.2996	430 000	0.3127	770 000	0.3177

Second Schedule - (Cont'd)

V or V_c	K1 or K2	V or V_c	K1 or K2	V or V_c	K1 or K2	V or V_c	K1 or K2
300	0.2495	100 000	0.3000	440 000	0.3129	780 000	0.3178
400	0.2520	110 000	0.3008	450 000	0.3131	790 000	0.3180
500	0.2540	120 000	0.3016	460 000	0.3133	800 000	0.3181
600	0.2556	130 000	0.3023	470 000	0.3134	810 000	0.3182
700	0.2569	140 000	0.3029	480 000	0.3136	820 000	0.3183
800	0.2581	150 000	0.3035	490 000	0.3138	830 000	0.3184
900	0.2591	160 000	0.3041	500 000	0.3140	840 000	0.3185
1 000	0.2600	170 000	0.3046	510 000	0.3142	850 000	0.3186
2 000	0.2660	180 000	0.3051	520 000	0.3143	860 000	0.3187
3 000	0.2695	190 000	0.3056	530 000	0.3145	870 000	0.3188
4 000	0.2720	200 000	0.3060	540 000	0.3146	880 000	0.3189
5 000	0.2740	210 000	0.3064	550 000	0.3148	890 000	0.3190
6 000	0.2756	220 000	0.3068	560 000	0.3150	900 000	0.3191
7000	0.2769	230 000	0.3072	570 000	0.3151	910 000	0.3192
8000	0.2781	240 000	0.3076	580 000	0.3153	920 000	0.3193
9000	0.2791	250 000	0.3080	590 000	0.3154	930 000	0.3194
10 000	0.2800	260 000	0.3083	600 000	0.3156	940 000	0.3195

Second Schedule - (Concl'd)

V or V_c	**K1 or K2**	**V or V_c**	**K1 or K2**	**V or V_c**	**K1 or K2**	**V or V_c**	**K1 or K2**
15 000	0.2835	270 000	0.3086	610 000	0.3157	950 000	0.3196
20 000	0.2860	280 000	0.3089	620 000	0.3158	960 000	0.3196
25 000	0.2880	290 000	0.3092	630 000	0.3160	970 000	0.3197
30 000	0.2895	300 000	0.3095	640 000	0.3161	980 000	0.3198
35 000	0.2909	310 000	0.3098	650 000	0.3163	990 000	0.3199
40 000	0.2920	320 000	0.3101	660 000	0.3164	1 000 000	0.3200

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 30

MERCHANT SHIPPING (LOAD LINES) REGULATIONS, 2025

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (LOAD LINES) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Load Lines) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"1966 Convention" means the International Convention on Load Lines, 1966;

"1988 Protocol" means the Protocol of 1988 relating to the 1966 Convention;

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"alteration" includes a deterioration;

"amidships" in relation to a ship, means the middle of the ship's length;

"anniversary date" in relation to a certificate, means the day and the month of each year that correspond to the date of expiry of the certificate;

"appropriate load line" means the load line directed to be marked on a ship pursuant to regulation 7(2)*(b)* or, in the case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate or an International Load Line Certificate (1966) that is in force, indicating the maximum depth to which the ship may be loaded in salt water in a particular zone or area and seasonal period;

"appropriate mark" means the appropriate load line, the deck-line and the load line mark;

"assigning authority" means the Minister or a person or organization authorized by the Administration, after consultation with the Minister, for the purposes of these Regulations;

"certificate" means an International Load Line Certificate or an International Load Line Certificate (1966);

"clearance" includes trans-hire;

"conditions of assignment" means conditions relating to construction, arrangement and stability with which a ship is required to comply in order to be assigned freeboards;

"Convention country" means

(a) a country the government of which is party to the 1966 Convention or to the 1966 Convention, as amended by the 1988 Protocol; or

(b) a territory to which the 1966 Convention or the 1966 Convention as amended by the 1988 Protocol extends;

"Convention-size" means

(a) in relation to an existing ship, a size not less than 150 gross tons, ascertained in accordance with the law in force on 21st July, 1968; and

(b) in relation to a new ship, a size of not less than 24 metres in length;

"exclusive surveyor" means a surveyor appointed by, and working exclusively for, an assigning authority;

"exemption certificate" means an International Load Line Exemption Certificate;

"existing ship" means a ship that is not a new ship;

"freeboards" means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 19 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

"freeboard deck" means

(a) the uppermost complete deck exposed to weather and the sea that has permanent means of closing all openings open to the weather, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; or

(b) at the request of the owner and with the approval of the Administration,

(i) a deck lower than that described in subparagraph *(a)* that is a complete and permanent deck that is continuous both in a fore and aft direction at least between the machinery space and peak bulkheads of the ship, at thwart ships; or

(ii) where the deck is stepped, the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;

"International Load Line Certificate" means an International Load Line Certificate issued under the 1966 Convention, as amended by the 1988 Protocol;

"International Load Line Certificate (1966)" means an International Load Line Certificate issued under the 1966 Convention before the date when the 1988 Protocol entered into force in respect of the government of the parent country of the ship in question;

"International Load Line Exemption Certificate" means an International Load Line Exemption Certificate issued under the 1966 Convention, as amended by the 1988 Protocol;

"International Load Line Exemption Certificate (1966)" means an International Load Line Exemption Certificate issued under the 1966 Convention before the date when the 1988 Protocol entered into force in respect of the government of the parent country of the ship in question;

"international voyage" means a voyage between

(a) a port in Barbados and a port outside Barbados; or

(b) a port in a Convention country other than Barbados and a port in another country or territory that is outside Barbados;

"length" in relation to a ship, means the greater of

(a) 96% of the total length of the ship on a waterline at 85% of the least moulded depth measured from the top of the keel; or

(b) the length from the fore-side of the stem of the ship to the axis of the rudder stock on that waterline;

"load line" means a mark on a ship indicating the maximum depth to which the ship may be loaded;

"material date" in relation to a new or existing ship, means

(a) where parent country of the ship is a Convention country other than Barbados, the date on which the 1966 Convention entered into force for that country; and

(b) in relation to any other ship, the 21st July, 1968;

"merchant shipping notice" means a notice described as such and issued in accordance with the Act, and includes a reference to a merchant shipping notice amending that notice;

"Minister" means the Minister with responsibility for Shipping;

"moulded depth" in relation to a ship, means the vertical distance measured

(a) in the case of a wood or composite ship, from the lower edge of the keel rabbet to the top of the freeboard deck beam at side;

(b) if the form at the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, from the point where the line of the flat of the bottom continued inwards cuts the side of the keel to the top of the freeboard deck beam at side;

(c) in the case of a ship having rounded gunwales, from the top of the keel to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design;

(d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, from the top of the keel to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck; and

(e) in any other case, from the top of the keel to the top of the freeboard deck beam at side;

"new ship" means a ship whose keel is laid, or that is at a similar stage of construction, on or after the material date;

"non-Barbados ship" means a ship registered in a country other than Barbados;

"parent country" in relation to a ship, means the country or territory in which the ship is registered or, if the ship is not registered, the country or territory whose flag the ship flies;

"pleasure vessel" has the same meaning as in the *Shipping (Domestic Vessels (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62);

"rake of keel" means the inclination of the keel to a horizontal baseline;

"sailing ship" means a ship designed to carry sail, whether as the sole means of propulsion or as a supplementary means;

"sea" means waters beyond Barbados' territorial waters;

"surveyor" means a surveyor appointed by the Administration or an exclusive surveyor of another assigning authority;

"valid Convention certificate" means

(a) an International Load Line Certificate or an International Load Line Exemption Certificate that is in force; or

(b) an International Load Line Certificate (1966) or an International Load Line Exemption Certificate (1966) that is in force; and

"watertight" in relation to any part of a ship, means capable of preventing the passage of water in any direction.

(2) In determining, for the purposes of the definition "international voyage" in paragraph (1), the ports between which a voyage is made, no account shall be taken of any deviation by a ship from its intended voyage that is solely due to stress of weather or any other circumstance that the master, owner or any charterer of the ship could not have prevented or forestalled.

(3) Any reference in these Regulations to the 1966 Convention includes an amendment to it specified in a merchant shipping notice.

(4) For the purpose of the definition "length" in paragraph (1),

(a) where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour above that waterline; or

(b) in a ship designed with a rake of keel, the waterline on which the length is measured shall be parallel to the designed waterline.

Purpose

3. The purpose of these Regulations is to enhance maritime safety by ensuring that ships are not loaded in excess of their safety loading limits, through implementation of the International Convention on Load Lines, 1966 and the Protocol of 1998 relating to that Convention.

Application

4.(1) Subject to paragraph (2), these Regulations apply to Barbados ships at any location and to other ships while they are within Barbados waters, other than

(a) ships of war;

(b) ships engaged solely in fishing;

(c) pleasure vessels; and

(d) ships that do not go to sea.

(2) These Regulations do not apply to any of the following ships under 80 net tons that are engaged solely in the coasting-trade and not carrying cargo:

(a) tugs or salvage ships;

(b) hopper barges or dredgers;

(c) ships used by or on behalf of

(i) a marine and ports authority for the purpose of the authority's functions;

(ii) a Barbados Government department for fishery protection purposes,

(iii) a local fisheries committee for the regulation of sea fisheries within its district; or

(iv) a Barbados Government department for fishery or scientific research; and

(d) ships in respect of which passenger certificates are in force specifying limits beyond which the ship is prohibited to ply, and that operate solely within those limits.

(3) These Regulations do not apply to a ship referred to in paragraph (2)*(d)* that is carrying cargo in accordance with the terms of the ship's passenger certificate that expressly authorize the carriage of cargo.

Exemptions

5.(1) Subject to paragraph (4), the Administration may exempt from these Regulations

(a) a ship engaged on international voyages that embodies features of a novel kind, if the development of those features and their incorporation in the ship might be seriously impeded if the ship had to comply with these Regulations;

(b) a ship plying on international voyages between near neighbouring ports if

(i) in its opinion, the sheltered nature and condition of the voyages makes it unreasonable or impracticable to apply these Regulations; and

(ii) it is satisfied that the government of each of the other countries to which the ship voyages concurs in that opinion.

(2) The Administration may exempt from these Regulations

(a) a ship that is not a Convention-size ship; and

(b) any other ship that does not ply on international voyages.

(3) Where a Barbados ship does not normally ply on international voyages but is required to undertake a single international voyage, the Administration may exempt the ship from these Regulations while it is engaged on that voyage.

(4) An exemption conferred under this regulation may be conferred subject to such conditions as the Administration thinks fit and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

General compliance

6.(1) A ship shall not proceed, or attempt to proceed, to sea unless

(a) it has been surveyed in accordance with these Regulations;

(b) it is marked with the appropriate marks;

(c) it complies with the conditions of assignment applicable to it; and

(d) the ship's owner provides the information required by regulations 32 and 33 for the guidance of the master of the ship.

(2) Paragraph (1) does not apply to a non-Barbados ship in respect of which a valid Convention certificate is produced.

(3) A ship shall not be so loaded that

(a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged; or

(b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(4) A ship shall not proceed to sea unless it complies with paragraph (3).

(5) Before a ship proceeds to sea from a port in Barbados, the master of the ship shall produce a valid Convention certificate to an officer of customs from whom a clearance for the ship is demanded for an international voyage.

(6) For the purpose of this regulation, where a valid Convention certificate cannot be produced, the freeboard deck and the freeboard shall be determined in accordance with these Regulations and the appropriate load line shall be the maximum depth to which the ship may be loaded in salt water.

PART II

SURVEYS AND CERTIFICATES

Assignment of freeboards

7.(1) An assigning authority shall assign freeboards to a Barbados ship in accordance with the requirements of these Regulations.

(2) The assigning authority shall

(a) determine the particulars of the freeboards to be assigned;

(b) determine which of the load lines described in Part III are to be marked on the sides of the ship in accordance with the requirements of that Part;

(c) determine the position where the load lines, the deck-line and the load line mark are to be marked; and

(d) complete a copy of the record of particulars relating to the conditions of assignment.

(3) Where a passenger ship is marked with subdivision load lines and the lowest of those lines is lower than the line that is the appropriate load line, that subdivision load line shall have effect as if it were the appropriate load line for the purposes of these Regulations.

Initial renewal and annual surveys

8.(1) A Barbados ship shall be subject to

(a) an initial survey before the ship is put into service that includes a complete inspection of its structure and equipment as required by these Regulations and that ensures that the arrangements, materials and scantlings comply fully with the requirements of these Regulations;

(b) a renewal survey at intervals not exceeding 5 years that ensures that the structure, equipment, arrangements, materials and scantlings comply fully with the requirements of these Regulations; and

(c) an annual survey within the period of 3 months before or after each anniversary date of the certificate to ensure that

(i) alterations have not been made to the hull or superstructures that would affect the calculations determining the position of the load line;

(ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters are maintained in an effective condition;

(iii) the appropriate marks are correctly and permanently indicated; and

(iv) information is provided in accordance with regulations 32 and 33.

(2) The owner and master of a ship shall ensure that after a survey referred to in paragraph (1) has been completed, no material alteration is made to the ship, her structure or equipment, without the approval of the assigning authority.

(3) After a satisfactory annual survey referred to in paragraph (1)*(c)*, the surveyor shall endorse the International Load Line Certificate or the International Load Line Certificate (1966) accordingly.

Issuance of certificates

9.(1) An assigning authority shall issue an International Load Line Certificate in respect of a Barbados ship that has been surveyed and marked in accordance with these Regulations.

(2) An International Load Line Certificate shall be in the form prescribed by Annex III to the 1988 Protocol.

(3) A ship shall not proceed, or attempt to proceed to sea, unless a certificate is in force in respect of that ship.

(4) The Administration may request the government of a Convention country to survey a Barbados ship and, if that government is satisfied that the requirements of the Convention are complied with,

(a) issue or authorize the issuance of an International Load Line Certificate in respect of the ship; or

(b) in the case of an annual survey required under regulation 8(1)*(c)*, endorse or authorize the endorsement of the International Load Line Certificate or the International Load Line Certificate (1966) accordingly.

(5) A certificate issued or an endorsement made in accordance with a request under paragraph (4) that contains a statement that it has been so issued or made has the same effect as if it had been issued by the Administration or made by a surveyor, respectively.

(6) Where a ship has been transferred from the registry of the government of another country to the Barbados registry, an assigning authority may, subject to any survey requirements it considers to be necessary, issue an International Load Line Certificate for a period to be determined by the assigning authority, but for not longer than the period of validity of the certificate issued by or on behalf of the government of that other country, if it is satisfied that

(a) the ship has already been subjected to the appropriate satisfactory initial renewal and annual surveys;

(b) the condition of the ship, including its structure and equipment, has been maintained so as to comply with the requirements of the 1966 Convention applicable to the ship;

(c) after a survey referred to in subparagraph *(a)* was completed, no material change has been made to the ship, including her structure and equipment, without the approval of the administration of that state; and

(d) the intact stability information approved by or on behalf of the government of that state is in English and complies with the requirements of the International Maritime Organization's Resolution A. 167(ES.1V).

Duration and extension of certificates

10.(1) Subject to paragraphs (2) to (9), the duration of a certificate issued under these Regulations shall not exceed a period of 5 years from the date of completion of the initial or renewal survey referred to in regulation 8(1)*(a)* or *(b)*.

(2) When a renewal survey referred to in regulation 8(1)*(b)* is completed

(a) within 3 months before the expiry of the existing certificate, the new certificate shall be valid for a period that does not exceed 5 years from the expiry of the existing certificate;

(b) after the expiry of an existing certificate, the new certificate shall be valid for a period that does not exceed 5 years from the expiry of the previous certificate; or

(c) more than 3 months before the expiry of the existing certificate, the new certificate shall be valid for a period that does not exceed 5 years from the date of completion of the renewal survey.

(3) If a certificate is issued for a period of less than 5 years, the assigning authority may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), if the annual surveys applicable when a certificate is issued for a period of 5 years are carried out.

(4) If, after a renewal survey, a new certificate cannot be issued to a ship before the expiry of its existing certificate, the assigning authority may extend the validity of the existing certificate for a period not exceeding 5 months, if there have been no alterations in the structure, equipment, arrangements, materials or scantlings that affect the ship's freeboard.

(5) An extension under paragraph (4) shall be endorsed on the certificate.

(6) If, at the time when a certificate expires, a ship is not in a port in which it is to be surveyed, the assigning authority may extend the validity of the certificate for a period longer than 3 months from the date of expiry, for the purpose of allowing the ship to complete its voyage to the port in which she is to be surveyed.

(7) A ship to which an extension is granted under paragraph (6) shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of the extension to leave that port without having a new certificate.

(8) When a renewal survey is completed under paragraph (6), the new certificate shall be valid for a period of not more than 5 years from the expiry of the previous certificate before the extension was granted.

(9) A certificate issued to a ship engaged on short voyages that has not been extended under paragraph (3), (4), (6), (7) or (8) may be extended by the assigning authority for a period of not more than one month from the date of its expiry.

(10) When a renewal survey of a ship referred to in paragraph (9) is completed, the new certificate shall be valid for a period of not more than 5 years from the expiry of the previous certificate before the extension was granted.

(11) Notwithstanding paragraphs (2), (6), (7), (8) and (9), an assigning authority may issue a new certificate that is valid for a period of not more than 5 years from the date of completion of the renewal survey.

(12) If an annual survey is completed before the period specified in regulation 8(1)*(c)*,

(a) a new anniversary date shall be endorsed on the certificate that is not more than 3 months later than the date on which the annual survey was completed;

(b) the subsequent annual survey required by regulation 8(1)*(c)* shall be completed at the intervals prescribed by that regulation using the new anniversary date; and

(c) the expiry date of the certificate may remain unchanged if one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 8(1)*(c)* are not exceeded.

Surrender and cancellation of invalid certificates

11.(1) A certificate issued in respect of a Barbados ship ceases to be valid if

(a) material alterations have taken place in the hull or superstructures of the ship that necessitate the assignment of an increased freeboard;

(b) the fittings and appliances referred to in regulation 8(1)*(c)*(ii) are not maintained in an effective condition;

(c) the certificate is not endorsed in accordance with regulation 8(3) to show the ship has been surveyed in accordance with regulation 8(1) *(c)*;

(d) the structural strength of the ship is lowered to such an extent that the ship is unsafe;

(e) a new certificate is issued in respect of the ship; or

(f) the ship ceases to be a Barbados ship.

(2) The Administration may cancel a certificate issued in respect of a Barbados ship if it is satisfied that

(a) the certificate was issued on false or erroneous information;

(b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or

(c) the ship ceases to comply with the conditions of assignment relating to it.

(3) Where the Administration proposes to cancel a certificate, it shall first notify the owner in writing, specifying the grounds for the proposed cancellation.

(4) Subject to paragraph (5), the Administration shall not cancel a certificate until the owner has been given a reasonable opportunity to make representations, and the Administration has considered any representations made.

(5) Paragraph (4) does not apply where the Administration considers that urgent safety considerations so require.

(6) The Administration may require a certificate issued under these Regulations that has expired, ceased to be valid or has been cancelled to be surrendered as it directs.

(7) For the purposes of paragraph (3), a notification is in writing where the text of the notification is

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

Issuance of exemption certificates

12.(1) Where a ship is exempted under regulation 5(1), (2) or (3), the Administration shall issue an International Load Line Exemption Certificate in respect of the ship in the form prescribed by the 1966 Convention, as amended by Annex III to the 1988 Protocol.

(2) Except in so far as the nature or terms of any such exemption require otherwise,

(a) the ship shall be assigned freeboards in accordance with regulation 7;

(b) the ship shall be subject to surveys in accordance with regulation 8; and

(c) regulations 8 to 10 apply in relation to the exemption certificate in the same manner as they apply in relation to a certificate, subject to the substitution of references to the Administration for references in those regulations to an assigning authority.

Publication of load line certificate and notification of draughts

13.(1) Where a certificate or an exemption certificate is issued in respect of a Barbados ship, the owner and master of the ship shall ensure that it is kept legible and posted up in a conspicuous place on board the ship.

(2) Before a Barbados ship leaves a dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship shall, subject to paragraph (4), ensure that a notice is posted in a conspicuous place on board the ship, containing particulars relating to the depth to which the ship is loaded.

(3) Where a notice has been posted up in accordance with paragraph (2), the master of the ship shall cause it to be kept posted and legible until the ship arrives at another dock, wharf, harbour or place.

(4) Paragraph (2) does not apply to a ship employed on a near-coastal voyage.

Non-Barbados ships

14.(1) The Administration may, at the request of a government of a Convention country, survey a ship registered in that country and if it is satisfied that the requirements of the 1966 Convention, as amended by the 1988 Protocol, are complied with and that a survey has been satisfactorily completed in accordance with these Regulations, issue to the ship an International Load Line Certificate and, where appropriate, endorse the certificate in accordance with the requirements of that Convention and Protocol.

(2) A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it were issued by the requesting government.

PART III

LOAD LINE AND MARKS

Marking

15.(1) The deck-line and the load line mark whose position is determined under regulation 7(2)*(c)* shall be marked by the owner on each side of the ship in accordance with the directions of the assigning authority and the requirements of this Part.

(2) Where an exemption certificate is issued in association with the assignment of special freeboards that are less than those required by regulation 29, the ship shall be marked by the owner in accordance with regulation 22(4).

Deck-line

16.(1) The deck-line shall consist of a horizontal line 300 mm in length and 25 mm in width and shall be marked amidships on each side of the ship so as to indicate the position of the freeboard deck.

(2) Subject to paragraph (3), the deck-line shall be marked in such a position on the side of the ship that its upper edge passes through the point amidships where the continuation outwards of the upper surface of the freeboard deck, or of any sheathing of that deck, intersects the outer surface of the shell of the ship as shown in Figure 1 in the *Schedule*.

(3) Where the design of the ship or other circumstances render it impracticable to mark the deck-line in accordance with paragraph (2), the assigning authority may direct that it be marked by reference to another fixed point as near as practicable to the position described in paragraph (2).

Load line mark

17.(1) The load line mark shown in Figure 2 in the *Schedule* shall consist of a ring 300 mm in outside diameter and 25 mm wide, intersected by a horizontal

line 450 mm long and 25 mm wide, the upper edge of which passes through the centre of the ring.

(2) For the purposes of paragraph (1), the centre of the ring shall be marked amidships vertically below the deck-line so that, subject to regulation 31, the distance from the centre of the ring to the upper edge of the deck-line is equal to the summer freeboard assigned to the ship.

Load lines

18.(1) Subject to paragraph (4), the load lines shown in Figure 2 in the *Schedule* shall consist of horizontal lines 230 mm in length and 25 mm in width extending forward or abaft a vertical line 25 mm in width marked 540 mm forward of the centre of the ring of the load line mark and at right angles to that line.

(2) The individual load lines are

(a) the summer load line, which shall extend forward of the vertical line referred to in paragraph (1), shall correspond horizontally with the line passing through the centre of the ring of the load line mark and shall be marked S;

(b) the winter load line, which shall extend forward of that vertical line and be marked W;

(c) the winter North Atlantic load line, which shall extend forward of that vertical line and be marked WNA;

(d) the tropical load line, which shall extend forward of that vertical line and be marked T;

(e) the fresh water load line, which shall extend abaft that vertical line and be marked F; and

(f) the tropical fresh water load line, which shall extend abaft that vertical line and be marked TF.

(3) The maximum depth to which a ship may be loaded in relation to a load line referred to in paragraph (1) or (2) shall be the depth indicated by the upper edge of the appropriate load line.

(4) Where a ship is a sailing ship,

(a) the summer load line shall consist of the line passing through the centre of the ring of the load line mark; and

(b) the winter North Atlantic load line and fresh water load line shall be marked on the ship as shown in Figure 3 in the *Schedule*.

Timber load lines

19.(1) Timber load lines shall consist of horizontal lines of the dimensions specified in regulation 18(1), extending abaft or forward of a vertical line 25 mm in width and marked 540 mm abaft the centre of the ring of the load line mark and at right angles to that line as shown in Figure 4 in the *Schedule*.

(2) Individual timber load lines shall be as follows:

(a) the summer timber load line shall extend abaft the vertical line referred to in paragraph (1) and be marked LS;

(b) the winter timber load line shall extend abaft that vertical line and be marked LW;

(c) the winter North Atlantic Timber load line shall extend abaft that vertical line and be marked LWNA;

(d) the tropical timber load line shall extend abaft that vertical line and be marked LT;

(e) the fresh water timber load line shall extend forward of that vertical line and be marked LF; and

(f) the tropical fresh water timber load line shall extend forward of that vertical line and be marked LTF.

(3) The maximum depth to which a ship may be loaded in relation to a timber load line shall be the depth indicated by the upper edge of the appropriate timber load line.

Appropriate load line

20. The appropriate load line in respect of a ship at a zone or area and the seasonal period shall be ascertained in accordance with the 1966 Convention and 1998 Protocol.

Position of load lines

21. Each load line of a ship shall be marked in such a position on each side of the ship that the distance measured vertically downwards from the upper edge of the deck-line to the upper edge of the load line is equal to the freeboard assigned to the ship that is appropriate to that load line.

Method of marking

22.(1) The appropriate marks of a ship shall be marked in such a manner as to be plainly visible and

(a) if the sides of a ship are of metal, the marks shall be cut in, centre punched or welded;

(b) if the sides of the ship are of wood, the marks shall be cut into the planking to a depth of not less than 3 mm; and

(c) if the sides are of other materials to which the foregoing methods of marking cannot effectively be applied, the marks shall be permanently affixed by bonding or some other effective method.

(2) The appropriate marks shall be painted in white or yellow if the background is dark, and in black if the background is light.

(3) Where an exemption certificate is issued in association with the assignment of special freeboards that are less than those required by regulation 29, the load

lines and the load line mark shall be marked on the ship by being painted in red on a contrasting background in accordance with paragraph (1).

Maintenance of appropriate marks

23. After the appropriate marks have been made on a ship,

(a) the owner and master shall keep the ship marked; and

(b) the marks shall not be concealed, removed, altered, defaced or obliterated except with the authority of the assigning authority.

Mark of assigning authority

24.(1) The identity of the assigning authority may be marked alongside the load line ring either above the horizontal line that passes through the centre of the ring, or above and below it.

(2) Such a mark shall consist of not more than 4 initials, each measuring approximately 115 mm in height and 75 mm in width.

PART IV

CONDITIONS OF ASSIGNMENT

Assignment of freeboards

25.(1) An existing ship shall comply with the requirements related to the assignment of freeboards to ships under the law in force immediately before 21st July, 1968, or with the conditions of assignment set out in paragraph (2).

(2) Every other ship to which freeboards are assigned under these Regulations shall comply with the conditions of assignment applicable to that ship specified in the International Association of Classification Societies Rules.

Compliance with conditions of assignment

26.(1) Subject to paragraph (2), a ship ceases to comply with the conditions of assignment if

(a) at any time after the assignment of freeboards there has been an alteration of the hull, superstructures, fittings or appliances of the ship such that

(i) the ship does not comply with a requirement applicable to the ship under regulation 25; or

(ii) it differs in a material respect from the record of particulars provided in accordance with regulation 27; or

(b) the record of particulars is not on board in accordance with regulation 27(2).

(2) A ship complies with the conditions of assignment notwithstanding an alteration referred to in paragraph (1)*(a)* if

(a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with these load lines and a new certificate has been issued to the owner of the ship accordingly; or

(b) the alteration has been inspected by a surveyor on behalf of the assigning authority and that authority is satisfied that the alteration does not require a change in the freeboards assigned to the ship, and full particulars of the alteration together with the date and place of his inspection have been endorsed by the surveyor on the record referred to in regulation 27(1).

Record of particulars

27.(1) A record of particulars shall be provided to the Administration by the assigning authority.

(2) The record shall be retained on board at all times.

PART V

FREEBOARDS

Types of freeboards

28. The following freeboards may be assigned to a ship under these Regulations:

(a) the summer freeboard;

(b) the tropical freeboard;

(c) the winter freeboard;

(d) the winter North Atlantic freeboard;

(e) the fresh water freeboard;

(f) the tropical fresh water freeboard; and

(g) in the case of a ship carrying timber,

(i) the summer timber freeboard;

(ii) the winter timber freeboard; .

(iii) the winter North Atlantic timber freeboard;

(iv) the tropical timber freeboard;

(v) the fresh water timber freeboard; and

(vi) the tropical fresh water timber freeboard.

Determination of freeboards

29.(1) Subject to regulation 30, the minimum freeboards assigned to a new ship shall be determined in accordance with International Association of Classification Societies Rules.

(2) The minimum freeboards assigned to an existing ship shall be determined in accordance with the law in force immediately before 21st July, 1968.

(3) Notwithstanding paragraph (2), if an existing ship has been so constructed or modified as to comply with all the conditions of assignment set out in the International Association of Classification Societies Rules, or set out in a merchant shipping notice, that are applicable to a new ship of her type, and an application is made for the assignment to her of freeboards determined in accordance with those Rules or that notice, those freeboards shall be assigned to her.

Greater than minimum freeboards

30.(1) Subject to paragraph (2), the assigning authority may, if it is satisfied that a ship complies with the requirements of these Regulations, assign freeboards, other than timber freeboards, that exceed the minimum freeboards by such an amount as it may determine.

(2) Timber freeboards shall not be assigned to a ship in an amount greater than the minimum freeboards assigned.

(3) Where a freeboard greater than the minimum is assigned to a ship and the load line appropriate to that freeboard corresponds to, or is lower than, the position at which the lowest of the load lines appropriate to minimum freeboards would be marked,

(a) only load lines appropriate to the greater than minimum summer freeboard and fresh water freeboard shall be marked on the sides of the ship;

(b) the load line appropriate to the greater than minimum summer freeboard shall consist of the horizontal line intersecting the load line mark;

(c) the vertical line described in regulation 18 shall be omitted; and

(d) notwithstanding subparagraph *(c)*, the fresh water load line shall be as described in regulation 18(1) and be marked accordingly.

Special position of deck-line: correction of freeboards

31. In a ship on which the deck-line is marked in accordance with regulation 16(3), the freeboards assigned to the ship shall be corrected to allow for the vertical distance by which the position of the deck-line is altered by virtue of that paragraph, and the reference point to which the deck-line has been marked, and the identity of the deck that has been taken as the freeboard deck, shall be specified in the certificate issued in respect of the ship.

PART VI

STABILITY

Information as to stability of ships

32.(1) The owner of every ship shall provide, for the guidance of the ship's master, information relating to the stability of the ship, in the form of a book, that shall be kept on the ship at all times in the custody of the master.

(2) Subject to paragraph (4), the information shall be based on the determination of stability taken from an inclining test carried out in the presence of a surveyor appointed by the Administration.

(3) The information shall be amended whenever alterations are made to the ship or changes occur to it that will materially affect the information and, if necessary, the ship shall be re-inclined.

(4) An inclining test may be dispensed with if

(a) in the case of a ship specially designed for the carriage of liquids or ore in bulk, or of a class of such ships, the information available in respect of similar ships shows that the ship's proportions and arrangements will ensure more than sufficient stability in all probable loading conditions; and

(b) in the case of any other ship, basic stability data are available from the inclining test of a sister ship and the Administration or the assigning authority is satisfied that stability information can be obtained from such data.

(5) Before information relating to the stability of a ship is issued to the master,

(a) if it relates to a ship in respect of which the freeboards were assigned by an assigning authority, it shall be approved by the assigning authority that assigned freeboards to the ship; and

(b) if it relates to any other ship, it shall be approved by the Administration.

Information as to loading and ballasting of ships

33.(1) The owner of a ship of more than 150 metres in length that is specially designed for the carriage of liquids or ore in bulk shall provide, for the guidance of the master, information relating to the loading and ballasting of the ship.

(2) The information shall indicate the maximum stresses permissible for the ship and specify the manner in which the ship is to be loaded and ballasted to avoid the creation of unacceptable stresses in its structure.

(3) In the case of a Barbados ship, regulation 32(5) applies in respect of information required under this regulation, and the information so approved shall be included in the book referred to in regulation 32(1).

PART VII

EQUIVALENTS, PENALTIES AND DETENTION

Equivalents

34.(1) An assigning authority may, with the approval of the Minister,

(a) allow a fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, in the place of a fitting,

material, appliance, apparatus or provision that is required under these Regulations, if it is satisfied by trial or otherwise that it is at least as effective as the one required; or

(b) where the assigning authority determines it to be an exceptional case, allow a departure from the requirements of any of these Regulations on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Minister that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship fully complied with those requirements and there were no increase of freeboards.

(2) The assigning authority shall notify the Administration of any departure from requirements in these Regulations allowed under paragraph (1)*(b)*.

Penalties

35.(1) Where a ship contravenes regulation 6(1), the owner and master of the ship each commit an offence and are liable

(a) on summary conviction, to a fine of $20 000; or

(b) on conviction on indictment, to a fine of $50 000.

(2) Where a ship contravenes regulation 6(3), the owner and master each commit an offence and are liable

(a) on summary conviction, to a fine of $15 000 and to an additional fine, in an amount calculated in accordance with paragraph (3), that the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention; or

(b) on conviction on indictment, to a fine of $30 000.

(3) An additional fine imposed under paragraph (2)*(a)* shall not exceed $2 000 for each complete centimetre by which

(a) in the case of a contravention of regulation 6(3)*(a)*, the appropriate load line on each side of the ship was submerged; or

(b) in the case of a contravention of regulation 6(3)*(b)*, the appropriate load line on each side of the ship would have been submerged.

(4) Where a ship contravenes regulation 6(4), the master and any other person who, having reason to believe that the ship is so loaded, sends or is a party to sending the ship to sea, each commit an offence and are liable, in addition to any fine in respect of an offence under paragraph (2),

(a) on summary conviction, to a fine of $15 000; or

(b) on conviction on indictment, to a fine of $30 000.

(5) Where a person is charged with an offence under paragraph (2), it shall be a defence to prove that the contravention was due solely to a deviation or delay that was caused solely by stress of weather or other circumstances that the master, owner or any charterer could not have prevented or forestalled.

(6) Where a person contravenes regulation 23*(a)*, the owner and the master each commit an offence and are liable on summary conviction to a fine of $10 000.

(7) Where a person contravenes regulation 23*(b)*, the owner and the master each commit an offence and are liable on summary conviction to a fine of $20 000.

(8) It is a defence for a person charged under paragraph (6) or (7) to show that he had a reasonable excuse for the contravention.

(9) Where a ship contravenes regulation 9(3) the master of the ship commits an offence and is liable

(a) on summary conviction, to a fine of $20 000; or

(b) conviction on indictment, to a fine of $30 000.

(10) Where a person contravenes regulation 13, the master and owner each commit an offence and are liable on summary conviction to a fine of $7 000.

Offences and penalties in relation to certificates and surveys

36.(1) No person shall

(a) intentionally alter a certificate;

(b) falsely make a certificate;

(c) in connection with a survey required by these Regulations, knowingly or recklessly furnish false information;

(d) with intent to deceive, use, lend, or allow to be used by another, a certificate;

(e) fail to surrender as directed a certificate required to be surrendered under regulation 11(6).

(2) A person who contravenes paragraph (1) commits an offence and is liable

(a) on summary conviction, to a fine of $20 000; or

(b) on conviction on indictment, to imprisonment for a term of 6 months or a fine of $50 000, or to both.

Detention

37.(1) A ship that, in contravention of regulation 6(1), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been surveyed and marked.

(2) A ship that does not comply with the conditions of assignment applicable to it may be detained until it complies.

(3) Without prejudice to any proceedings under regulation 35, a ship that is loaded in contravention of regulation 6(3) may be detained until it complies with that regulation.

(4) Where a ship is liable to be detained, section 1221 of the Act applies in relation to the ship, subject to the modification that the words "this Act" are to

be read as "the *Merchant Shipping (Load Lines) Regulations, 2025* (S. I. No. 30)".

(5) Sections 454 and 455 of the Act apply in relation to a detention notice issued under this regulation in the same manner as they apply in relation to detention notices issued under section 453 of the Act, and in those sections "inspector" shall be read as a person issuing the detention notice.

SCHEDULE

(Regulations 16(2), 17, 18(1) and 3(b) and 19))

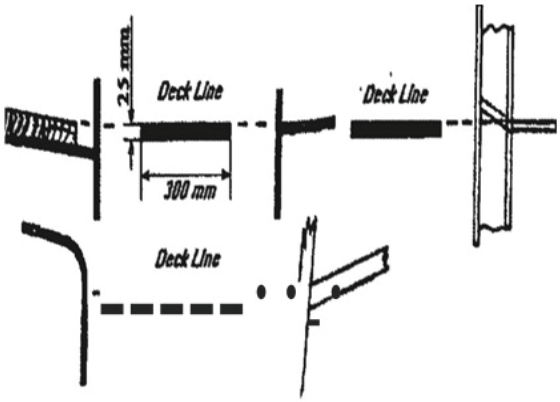


Figure 1: Deck-Line

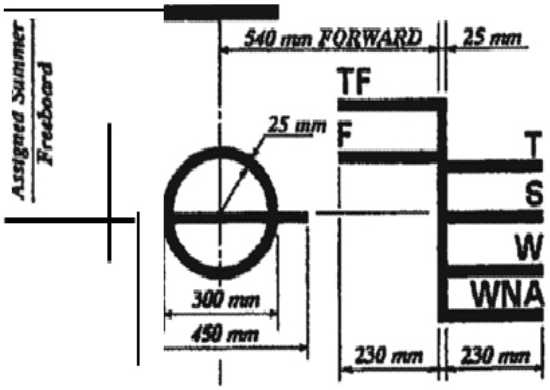


Figure 2: Load Line Mark and Lines to be used with this mark

Schedule - (Concl'd)

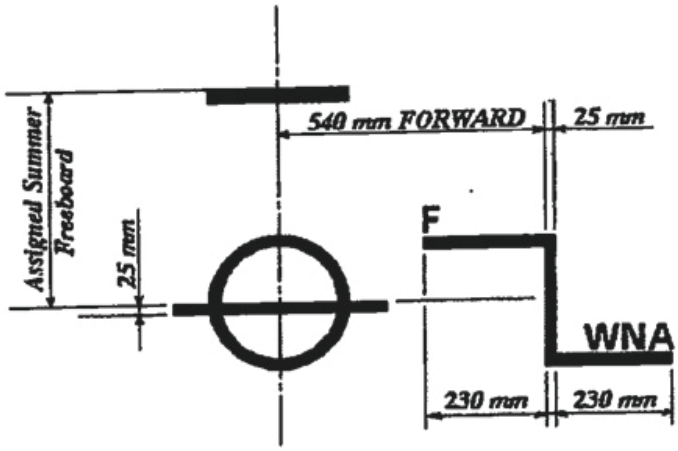


Figure 3: Load Line Mark and Lines for Sailing Ships

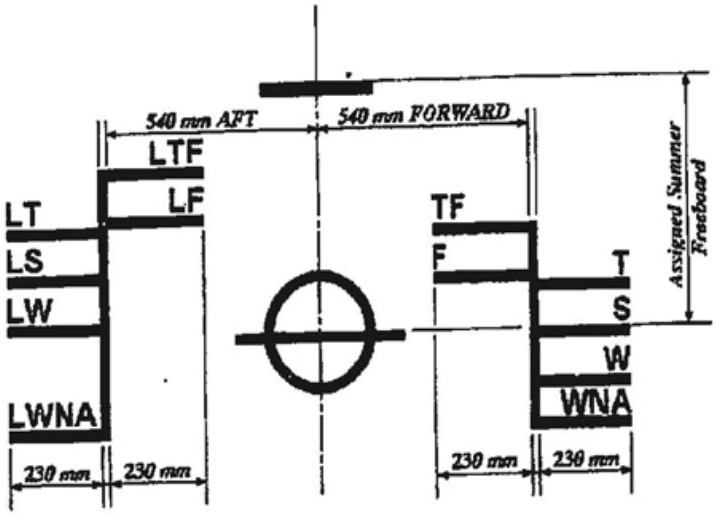


Figure 4: Timber Load Line Mark and Lines to be used with this mark

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL
Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 31

MERCHANT SHIPPING (EMERGENCY POSITION INDICATING RADIO BEACON DEVICES) REGULATIONS, 2025

Arrangement of Regulations

1. Citation

2. Definitions

3. Purpose

4. Application

5. Competent authority

6. Registration requirements for EPIRBs

7. Change in registered particulars

8. EPIRB licenses for ships engaged on international voyages

9. Offences

10. Defence

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (EMERGENCY POSITION INDICATING RADIO BEACON DEVICES) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Merchant Shipping (Emergency Position Indicating Radio Beacon Devices) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Barbados ship" has the same meaning as in the Act;

"competent authority" means the Telecommunications Unit of the Ministry responsible for Telecommunications;

"Cospas-Sarsat satellite service" means a satellite-aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"emergency position indicating radio beacon" means a device capable of transmitting a distress alert through the Cospas-Sarsat satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 GHz band;

"EPIRB" means an emergency position indicating radio beacon;

"INMARSAT" means the Organization established by the Convention on the International Maritime Satellite Organization, adopted on 3rd September 1976;

"maritime identification digits" means the 3 digits in the maritime mobile service identity that identify the country where the ship is registered;

"maritime mobile service identity" means a 9-digit identification number made up of the 3-digit maritime identification digits followed by a 6-digit identification number;

"operator", in relation to a ship, includes the master and any charterer, manager or agent of the ship;

"surveyor of ships", means a person appointed by the Minister, either generally or in a particular case, to exercise the functions of a surveyor under these Regulations; and

"survival craft" means a craft capable of sustaining the lives of persons in distress after abandoning a ship.

Purpose

3. The purpose of these Regulations is to provide for matters relating to emergency position indicating radio beacon devices, and generally to promote safety of life at sea through effective maritime communications by radio.

Application

4. These Regulations apply to Barbados ships wherever they may be.

Competent authority

5. For the purposes of these Regulations, the Telecommunications Unit of the Ministry responsible for Telecommunications is designated as the competent authority for Barbados.

Registration requirements for EPIRBs

6.(1) The owner and the operator of every Barbados ship shall ensure that every emergency position indicating radio beacon carried on the ship is registered with a competent authority and that the following registered particulars are correct:

(a) the ship's name;

(b) its radio call sign;

(c) its maritime mobile service identity;

(d) its emergency position indicating radio beacon information;

(e) a brief description of ship, including its length, type, gross tonnage, hull colour, deck colours and identifying marks;

(f) the capacity of ship for carrying passengers and crew on board;

(g) the number of lifeboats and life-rafts;

(h) the ship's satellite telephone numbers;

(i) the name, address, telephone number and, if applicable, fax number or e-mail address of an emergency contact person ashore; and

(j) a 24-hour emergency telephone number for an alternative contact ashore.

(2) Every owner or operator of a ship shall provide evidence that all emergency position indicating radio beacons carried on the ship are registered in accordance with paragraph (1) and readily available on board for inspection at all times by a surveyor of ships.

Change in registered particulars

7. Where there is any change in the particulars in respect of an emergency position indicating radio beacon registered with a competent authority, the owner or the operator of the ship to which those particulars relate shall, as soon as is

reasonably practicable after the change, give written notice of it to the competent authority.

EPIRB licenses for ships engaged on international voyages

8. The Minister may make arrangements with the Minister responsible for Telecommunications for the issuance of emergency position indicating radio beacon licenses to ships engaged on international voyages, including the delegation in writing to the Barbados Maritime Ships' Registry of the power to issue radio station and emergency position indicating radio beacon licenses to Barbados ships engaged on international voyages.

Offences

9.(1) An owner or operator of a ship who contravenes regulation 6(1) or regulation 7 commits an offence and is liable on summary conviction to a fine of $10 000.

(2) An owner or operator of a ship who contravenes regulation 6(3) commits an offence and is liable on summary conviction to a fine of $7 000.

Defence

10. It shall be a defence for a person charged under regulation 9 to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 32

MERCHANT SHIPPING (SHIPS' MEDICAL STORES) REGULATIONS, 2025

Arrangement of Regulations

PART I

PRELIMINARY

1. Citation

2. Definitions

3. Purpose

4. Application

PART II

MEDICAL STORES ON SHIPS

5. Carriage of medical stores

6. Medical stores: additional requirements

7. Ships carrying dangerous cargoes

8. Passenger vessels

9. First aid kits

10. Medical guides

11. Precautions against malaria

12. Class C medical store drugs

13. Drug storage

14. Obtaining controlled drugs

15. Security of controlled drugs

16. Controlled drugs register

17. Record of treatment

18. Medical report forms

19. Medical stores standards

20. Container packaging and labelling

21. Medicine storage

22. Replenishment of dated medicines

23. Inspections of medicines and medicine stores

PART III

MISCELLANEOUS

24. Offences

25. Inspection, improvement notices and detention of vessels

26. Permission for retail pharmacist to supply medicines

FIRST SCHEDULE

Medicines to be Carried on Ships Carrying Dangerous Cargoes

SECOND SCHEDULE

Requisition form for use when obtaining controlled drugs

THIRD SCHEDULE

First Aid Kits

FOURTH SCHEDULE

Medical Guides to be Carried

FIFTH SCHEDULE

Precautions Against Malaria

SIXTH SCHEDULE

Guide to the Use of Medicines

SEVENTH SCHEDULE

Additional Requirements for Passenger Vessels

EIGHTH SCHEDULE

Completion of the Controlled Drugs Register

NINTH SCHEDULE

Medical Stores

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (SHIPS' MEDICAL STORES) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Ships' Medical Stores) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"Category A vessel" means a sea-going or fishing vessel, with no limitation on the lengths of trips made;

"Category B vessel" means a sea-going or fishing vessel

(a) that makes trips of less than 150 nautical miles from the nearest port with adequate medical equipment; or

(b) that makes trips of less than 175 nautical miles from the nearest port that has adequate medical equipment and that remains continuously within range of helicopter rescue services;

"Category C vessel" means a harbour vessel, boat or craft that stays very close to shore or with no cabin accommodation other than a wheelhouse, and includes a lifeboat and life-raft;

"Class A" in relation to a drug or to medical stores, means a drug of that class listed in a merchant shipping notice;

"Class B" in relation to a drug or to medical stores, means a drug of that class listed in a merchant shipping notice;

"Class C" in relation to a drug or to medical stores, means a drug of that class listed in a merchant shipping notice;

"crew" in relation to a ship, means the master of the ship and all persons employed on board the ship;

"dangerous substance" means a substance listed in the *First Schedule*;

"expiry date" means the date indicated on a container after which the medical store contained in it is not to be used;

"harbour area" means a harbour in Barbados in respect of which a harbour authority has statutory powers or duties of improvement, maintenance or management;

"immediate family" in relation to an individual, means the husband or wife of the individual or the brother, sister, ancestor or lineal descendant of the individual or of the individual's husband or wife;

"merchant shipping notice" means a notice described as such that is issued in accordance with the Act, and includes a document amending or replacing such a notice;

"medical stores" includes medicines, medical equipment and antidotes;

"pleasure vessel" means

(a) a vessel defined as such in the *Shipping (Domestic Vessels) (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62); or

(b) a vessel that is

(i) wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure;

(ii) used only for sport or pleasure by a member of such a club or his immediate family;

(iii) for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

(iv) for which no other payments are made by or on behalf of users of the vessel other than by the owner;

"seafarer" has the meaning given to it in the Maritime Labour Convention 2006, as amended;

"Ship Captain's Medical Guide" means the publication of that name published on behalf of the Administration;

"shipowner" has the same meaning as in the Act;

"tug" means a vessel constructed solely for the purpose of, and normally used for, providing external motive power for floating objects or vessels; and

"voyage" means a journey from a port to the next port of call, or to the same port.

(2) A reference in these Regulations to the British Pharmacopoeia, the European Pharmacopoeia or the British National Formulary shall be construed as a reference to the latest edition of that publication.

(3) A reference to the United States Pharmacopoeia shall be construed as a reference to the edition that was published before the date on which these Regulations came into force, together with any amendments that are specified in a merchant shipping notice.

(4) A reference in these Regulations to any other publication includes a reference to an amendment that was published before the date on which these Regulations came into force.

Purpose

3. The purpose of these Regulations is to enhance safety in shipping by ensuring that ships are equipped with adequate medical stores in the event of illness or injury on board.

Application

4.(1) These Regulations apply to Barbados vessels other than

(a) pleasure vessels; or

(b) tugs operating in a harbour area.

(2) The Minister may grant an exemption from all or any of the provisions of these Regulations specified in the exemption for individual vessels or classes of vessels on such terms as he may specify and may, on giving 30 days' notice, alter or cancel such an exemption.

PART II

MEDICAL STORES ON SHIPS

Carriage of medical stores

5. Every ship shall carry on board medical stores in accordance with the *Ninth Schedule*.

Medical stores: additional requirements

6.(1) Notwithstanding regulation 5, on a passenger ship in which a qualified doctor is always employed, the medical stores carried may vary from those specified in regulation 5 in accordance with current medical practice or, where

improved medicines are available *in lieu* of those specified in the *Ninth Schedule*, may vary if the capability to deliver medical care is not in any way reduced.

(2) On a passenger ship in which a qualified doctor is always employed, the competent person specified in regulation 23 to inspect the ship's medical stores annually may be that doctor, in which case the doctor shall maintain proper records of the medical stores carried and the expiry dates of all medicines.

Ships carrying dangerous cargoes

7. In addition to the medical stores required under regulation 5, a ship carrying dangerous cargoes shall carry on board medical stores in accordance with the *First Schedule*.

Passenger vessels

8. In addition to the medical stores required under regulation 5, a passenger ship shall carry on board medical stores in accordance with the *Second Schedule*.

First aid kits

9. In addition to the medical stores required under regulation 5, a seagoing ship with a crew of more than 10 and every passenger ship shall carry on board a first aid kit in accordance with the *Third Schedule*.

Medical guides

10. The master of every vessel shall carry on board the guides to the use of medical stores listed in the *Fourth Schedule*, including instructions for the use of antidotes where specified in a merchant shipping notice.

Precautions against malaria

11. The master of every vessel voyaging in area susceptible to malaria shall provide a copy of the advice set out in the *Fifth Schedule* to all passengers and crew.

Class C medical store drugs

12. A ship shall not carry quantities of Class C medical store drugs greater than those recommended in the *Sixth Schedule*, unless required to do so by a doctor on the ship's complement or permitted under a license from the Administration.

Drug storage

13. Drugs shall be stored in a manner that ensures that they will meet the standards recommended in the *Sixth Schedule* at the time of use.

Obtaining controlled drugs

14. Controlled drugs shall be obtained only from a retail pharmacist or other person licensed to supply drugs, through the use of an order, signed by the vessel's owner or its master, or by a person authorized by him, in the form set out in the *Seventh Schedule*.

Security of controlled drugs

15.(1) Every ship shall have a lockable medical cabinet for the storage of medicines and drugs.

(2) The cabinet shall have an inner cupboard solely for the storage of controlled drugs, fitted with a door and a lock that cannot be opened by the key to the medical cabinet.

(3) Only the master or a person authorized by him may open the inner cupboard.

(4) No person shall destroy unwanted Class A or B drugs, but shall instead dispose of them only by giving them to a person who may lawfully supply them, such as a qualified pharmacist or qualified doctor, or to the police.

(5) A person disposing of drugs under paragraph (4) shall obtain a receipt from the recipient, and keep it with, or affixed to, the controlled drugs register.

Controlled drugs register

16.(1) The master of ship shall maintain, in a bound book or as a computer record, a register for controlled drugs in the form set out in the *Eighth Schedule.*

(2) The register shall detail why, when and in what quantity the master purchased controlled drugs and the history of the dispensing or disposal of those controlled drugs.

(3) The register shall be kept for 2 years after the date of the last entry.

Record of treatment

17. A record of any treatment given to a person on board a ship, including the type and quantity of any medicines and drugs supplied, shall be entered in the log book.

Medical report forms

18.(1) A ship shall use the medical report forms set out in the Ship Captain's Medical Guide for the purpose of reporting to medical authorities ashore, or use a format recognizably similar to it.

(2) The contents of medical report forms generated in accordance with paragraph (1) shall be kept confidential and shall be used only to facilitate the medical treatment of seafarers.

Medical stores standards

19. All medical stores required by these Regulations to be kept on board a vessel shall conform to the standards and requirements of the British National

Formulary, the British Pharmacopoeia, the European Pharmacopoeia or the United States Pharmacopoeia, and with the requirements and specifications of any merchant shipping notice in relation to such a vessel.

Container packaging and labelling

20.(1) A container of medical stores required by regulation 5 to be kept on board a ship

(a) shall have on it a label in English indicating the particulars specified in paragraph (3);

(b) in the case of a container of tablets or capsules, shall be capable of re-closure to prevent the ingress of moisture;

(c) in the case of a container of disinfectant, shall not show a deleterious reaction with the disinfectant after storage in normal conditions for 6 months;

(d) in the case of a container of insecticide, shall be air-tight, water-tight, packed in a suitable and sturdy case and, if the container is a pressure canister, have a cap or other means of protecting the valve against accidental opening when the canister is not in use; and

(e) in the case of medicine or disinfectant not in the container supplied by its manufacturer, shall be packed in a sturdy, brown-coloured or non-translucent container.

(2) A label referred to in paragraph (1)*(a)* shall be firmly affixed to the container and rendered resistant to moisture by varnish or another effective means, or be an integral part of the container.

(3) The following particulars shall be shown on labels referred to in paragraph (1)*(a)*:

(a) the ordering name by which the medical store is referred to, generally or specifically, in a merchant shipping notice;

(b) any storage requirements laid down in a publication referred to in regulation 19, elsewhere in these Regulations or in a merchant shipping notice;

(c) if the medical stores are perishable, the expiry date as defined in regulation 22;

(d) the name and address of the supplier of the medical stores, and the product license number and batch number;

(e) in the case of a container of a disinfectant or of an antiseptic prescribed, generally or specifically in a merchant shipping notice, the dilution recommended for any purpose stated on it;

(f) in the case of a container of an insecticide prescribed by an environmental health practitioner, or prescribed in a merchant shipping notice, instructions for use and precautions to be taken;

(g) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool dark place; and

(h) any further information required, generally or specifically, in a merchant shipping notice.

Medicine storage

21.(1) A medical store required to be carried by regulation 5 shall be stored in accordance with any instructions on its container.

(2) A controlled drug shall be stored in accordance with the requirements for controlled drugs contained in the Ship Captain's Medical Guide.

(3) Subject to paragraph (4), medicine referred to in paragraph (1), unless it is required to be kept in a refrigerator or in a first aid satchel or box, shall be stored

(a) in the ship's medical cabinet, where the ship has one on board; or

(b) otherwise, in a cool, dry, locked cabinet or locked container.

(4) Regulation 5 does not apply to any medical stores kept in a hyperbaric decompression chamber or otherwise in such a way as to not be readily accessible at all times to the master or a person authorized by him.

Replenishment of dated medicines

22.(1) Where

(a) a vessel is required under regulation 5 to have medical stores on board; and

(b) a label required by regulation 20(1)*(a)* to be borne by a container of the medical stores indicates an expiry date;

that medical store shall be replaced at the earliest possible opportunity after the expiry date.

(2) Medical stores that have passed their expiry date shall, once replacements have been obtained or after 3 months, whichever is the earlier, be disposed of in accordance with the Ship Captain's Medical Guide.

Inspections of medicines and medicine stores

23. The owner of every ship shall ensure that the medical stores are inspected by a competent person or authority at least once a year to ensure that

(a) the ship is carrying the medical stores that she is required to carry by regulation 5;

(b) the medical stores are correctly stored; and

(c) any perishable medicines have been replaced in accordance with the requirements of regulation 22.

PART III

MISCELLANEOUS

Offences

24.(1) If a requirement of any of regulations 5 to 23 is contravened, the owner of the ship commits an offence and is liable on summary conviction to a fine of $20 000.

(2) It is a defence for a person charged with a contravention of regulation 5 to show that the deficiency was caused by medicines and medical stores being used for their proper purpose and that it has not been practicable to replace them.

(3) It is a defence for a person charged under these Regulations, including a person charged under regulation 25, to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(4) Where an offence under these Regulations is committed, or would have been committed except for the operation of paragraph (3), by a person due to the act or default of another person, the other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Inspection, improvement notices and detention of vessels

25.(1) A person authorized by the Minister may inspect a ship and, if he is satisfied that there is a failure to comply in relation to that ship with the requirements of regulation 5, 10, 19, 20, 21 or 22, he may issue an improvement notice or detain the vessel until such requirements are met.

(2) Where a ship may be issued an improvement notice or detained under these Regulations, sections 1060 and 1221 of the Act apply in relation to the ship as if a reference to "this Act" were read as a reference to these Regulations.

Permission for retail pharmacist to supply medicines

26. On receipt of a written requisition, a retail pharmacist may supply medicines and equipment to the master or owner of a commercial vessel without a prescription from a registered medical practitioner.

FIRST SCHEDULE

(Regulation 7)

MEDICINES TO BE CARRIED ON SHIPS CARRYING DANGEROUS CARGOES

General

1. When a Barbados-registered vessel is carrying a dangerous substance in quantities in excess of those defined in Vol 1, Section 18 of the International Maritime Dangerous Goods Code as whole or part of the cargo, the vessel's master shall ensure that the correct antidote can be found in the International Maritime Organization's Medical First Aid Guide for Ships MFAG 1994 or a later edition. Any updating of that Code shall be taken into account when preparing the list of medicines to be carried.

2. The following substances are to be taken into account, in whatever form they are carried on board, including the form of waste or cargo residues:

   (a) explosive substances and objects;

   (b) gases that are compressed, liquefied or dissolved under pressure;

   (c) inflammable liquids;

   (d) inflammable solids;

   (e) substances liable to spontaneous combustion;

   (f) substances that on contact with water give off inflammable gases;

   (g) combustible substances;

   (h) organic peroxides;

   (i) toxic substances;

First Schedule - (Concl'd)

(j) infectious substances;

(k) radioactive substances;

(l) corrosive substances; and

(m) any other substances which experience has shown, or may show, to be dangerous, so that antidotes need to be carried.

3. The quantities of any medicines that need to be carried aboard should be based on an estimate of risks, taking into account such factors as number of crew, length of voyage and risk of accidental exposure.

Ferries

4. Whether or not the vessel is required to carry Class A or B stores, ferries or similar vessels whose operating arrangements do not allow sufficient forewarning of the nature of any dangerous substances that might be transported on them shall carry at least the antidotes and equipment listed below:

Antidotes:

(a) General;

(b) Cardio vascular;

(c) Gastro - intestinal system;

(d) Nervous system;

(e) Anti-infective; and

(f) For external use.

Equipment: for the administration of oxygen.

Where these substances are already included in the ship's medical store, separate stocks are not necessarily required. EC Directive 92/29/EEC provides that on a regular route where the crossing is due to last less than two hours, the antidotes may be limited to those that have to be administered in cases of extreme emergency within the period of time not exceeding the normal duration of crossing.

SECOND SCHEDULE

(Regulation 8)

ADDITIONAL REQUIREMENTS FOR PASSENGER VESSELS

Doctor's Bag

1. A doctor's bag is required for seagoing ships where there is no qualified medical practitioner among the crew, and the vessel carries more than 12 passengers.

2. All the medicines and equipment in the table below should be kept in a doctor's bag. The bag should be locked and kept in a locked cabinet and the keys held by the Master or someone nominated by him. The doctor's bag should be clearly labelled as follows:

> "The medicines in this case are only to be used by a qualified medical practitioner, qualified nurse with maritime-situational healthcare competence, qualified paramedic, or someone under the direct supervision of a medical practitioner on board the ship".

3. Where a vessel is required to carry specific items set out in a merchant shipping notice, except where indicated otherwise, the items specified in that notice are additional to those items listed in this *Schedule*. Where an injection is specified, a prefilled syringe is acceptable.

4. The obtaining, use and disposal of morphine from the doctor's bag should be recorded in the ship's.

5. A doctor or other authorized person using the doctor's bag should be made aware that radio-medical advice may be obtained, and if necessary medical evacuation arranged, by contacting Barbados Coast Guard.

Second Schedule - (Cont'd)

Statutory Treatments required for Doctor's Bag

Item	Ordering Size	Quantity required
Adrenaline/Epinephrine Adrenaline tartrate injection (1 in 1,000) 1.0 mg in 1 ml	1 ml ampoule	5
Aminophylline Aminophylline injection 25 mg in 1 ml	10 ml ampoule	5
Aspirin Dispersible aspirin 300 mg	300 mg tablets	50
Atropine Atropine sulphate	600 micrograms/ml 1 ml ampoule	5
Beclomethasone Diproponate Becolmethasone diproponate + SPACER	100 micrograms/200 metered doses	1
3rd Generation Cephalosporin Cefotaxime	1g injection vial for reconstitution	4
Chlorpromazine Chlorpromazine hydrochloride injection	25 mg in 1 ml ampoule	1
Cyclizine Cyclizine lactate	Injection 50 mg in 1 ml ampoule	2
Diazepam Diazemuls injection 5 mg in 1 ml	2 ml ampoule	5

Second Schedule - (Cont'd)

Statutory Treatments required for Doctor's Bag - *(Cont'd)*

Item	Ordering Size	Quantity required
Frusemide/Furosemide Frusemide injection 10 mg in 1 ml	2 ml ampoule	5
Glucagon Glucagon injection 1 mg with diluent	1 ml pre-filled Syringe	1
Glucose Glucose intravenous infusion 5%	1 ltr	1
Glucose 50% Intravenous injection	50 ml ampoule	2
Hydrocortisone Hydrocortisone sodium succinate powder for constitution with diluent	100 mg vial	1
Insulin Insulin injection, soluble, 100 units per ml	10 ml vial	1
Modified Gelatine Infusion solution (for plasma substitution)	500 ml container	2
Morphine Morphine sulphate	10 mg/ml 1 ml ampoule	5
Normal saline 0.9%	1 ltr	2

Second Schedule - (Cont'd)

Statutory Treatments required for Doctor's Bag - *(Cont'd)*

Item	Ordering Size	Quantity required
Paediatric Paracetamol elixir	250 mg / 5 ml	1 bottle
Prednisolone	5 mg tablet	28
Salbutomal Salbutomal aerosol inhaler unit, giving 100 micrograms per metered inhalation + SPACER	200 inhalations	1
Aneroid sphygmomanometer		1
First Aid Kit		1
Glucose in blood (1) Blood test sticks – glucose colorimetric (2) Blood lancets - sterile		10 10
Guedel Airway	Size 1	1
Intravenous Infusion giving sets with Cannulae Intravenous infusion IV giving set with filter	(1) cannula size 16G (1.7 mm x 45 mm) (2) cannula size 18G (1.2 mm x 45 mm)	2 2

Second Schedule - (Concl'd)

Statutory Treatments required for Doctor's Bag - *(Concl'd)*

Item	Ordering Size	Quantity required
Manual suction pump with two yankauer suction catheters and two flexible catheters FG 14 size		1
Oxygen resuscitator (disposable) Hand-operated manual adult bag resuscitator (bag to be of silicone rubber complete with oxygen reservoir of 2600 ml capacity and face masks sizes 5, 3 and 1		1
Pocket mask	With valve and O_2 inlet	1
Stethoscope		1
Swabs Alcohol impregnated swabs, sterile		50
Syringe and Needle, Hypodermic pack		
(1) 2 ml syringe with 0.8 mm (21G) x 4 cm needle		2
(2) 20 ml syringe with 0.8 mm (21G) x 4 cm needle		2
(3) 1 ml insulin syringe 100 units with 0.4 mm (27G) x 12 mm needle		2

THIRD SCHEDULE

(Regulation 9)

First Aid Kits

1. Seagoing ships with a crew of more than 10 shall carry first aid kits, distributed in appropriate locations on the ship, such as in the galley and engine room.

2. Passenger vessels shall carry one first aid kit for every 100 passengers or fraction of that number subject to a maximum requirement for 3 kits e.g. 250 persons require three kits. A first aid kit is to be included in the Doctor's Bag.

3. The first aid kit shall include the following items, kept in a portable waterproof container:

(a) 4 x triangular bandages;

(b) 6 x medium sterile bandages with non-medicated dressings;

(c) 2 x large sterile bandages with non-medicated dressings;

(d) 2 x extra large non-medicated dressings;

(e) 6 medium safety pins, rustless;

(f) 20 assorted elastic adhesive dressings medicated;

(g) 2 x sterile eye pads with attachment;

(h) 2 x packages containing sterile gauze swabs;

(i) 5 pairs large size disposable latex-free examination gloves; and

(j) sterile eye wash in eye wash bottle.

FOURTH SCHEDULE

(Regulation 10)

Medical Guides to be Carried

Vessel Category	Publication
Category A	Controlled Drugs Register Ship Captain's Medical Guide
Category B	Ship Captain's Medical Guide
Category C	First Aid Manual (Red Cross) or First Aid Instructions (in English) on waterproof paper – life boats and life-rafts only

In addition, vessels in all categories, other than lifeboats and life-rafts, shall carry a copy of these Regulations.

FIFTH SCHEDULE

(Regulation 11)

PRECAUTIONS AGAINST MALARIA

Preventive Measures

Avoid mosquito bites

1. Mosquitoes are most active after dusk. Cabin and working accommodation doors, windows and ventilators should be kept shut. Any mosquitoes found in compartments should be killed using "knockdown" insecticide spray. If you go on deck or ashore after dusk keep your arms, legs and feet covered and use insect repellents e.g. containing diethyltoluamide known as DEET, on any remaining exposed areas. If you have to stay ashore in non-air conditioned accommodation make sure that the beds have nets, preferably impregnated with permethrin, that they have no tears or holes and are well tucked in.

Medication

2. Anti-malarial tablet treatment varies depending on the nature and resistance of local malarial parasites. You should take the treatment strictly in accordance with the specific instructions for the medication prescribed. Most deaths occur in those who do not take the tablets for the required period or in the recommended dosages.

Warning signs

3. Anyone who develops a fever in a malarial area should obtain medical advice as soon as possible. It is important to consult a doctor immediately if any feverish illness develops within 12 months of return from a malarial area. Be sure to let the doctor know that you have been to a country where malaria is a health risk.

4. Anyone who has been treated for malaria or suspected malaria should have a medical examination at the next port of call, accompanied by a blood slide. Serious cases need urgent hospitalisation (See Ship Captain's Medical Guide for more details).

Fifth Schedule - (Concl'd)

KEY POINTS

- Travellers to malarial areas shall avoid mosquito bites, take anti-malarial medicines and urgently seek early diagnosis and treatment for any feverish illness.

- The key to preventing malaria is avoiding infective mosquito bites by using repellents, covering up at night and sleeping with bed-nets if mosquitoes cannot be excluded from the room.

- Appropriate anti-malarial medicine is essential when travelling to known malarial areas. Drug resistance is increasing in many areas so recommended regimens have changed.

- Doses and choice of medicine may have to be altered when someone has another illness or is taking treatment for another medical condition.

- Standby treatment may be given to those who will be unable to reach medical services for extended periods.

- No preventive treatment is infallible so all fever and flu like illnesses occurring within a year of returning from malarial regions need to be urgently investigated with malaria in mind.

- Diseases other than malaria can be transmitted by biting insects. Take local advice and observe recommended precautions.

SIXTH SCHEDULE

(Regulations 12 and 13)

GUIDE TO THE USE OF MEDICINES

General advice about medicines

Many over-the-counter medicines are now available with patient information leaflets and the advice on dose precautions and side effects should be consulted and retained for reference. Valuable guidance is also available from pharmacists or by seeking Radio Medical Advice. When obtaining medicinal products, prepared or dispensed by a pharmacist in a pharmacy, ensure that they are clearly labelled with their strength (e.g. 125 mg per tablet or 125 mg per 5 ml) and expiry date, and that they are packaged in accordance with international standards for packaging of medicines.

Medicines obtained abroad

Medicine supplies should be replenished wherever possible at the same strengths as specified in the British Pharmacopoeia. If medicines are obtained elsewhere, e.g. in the USA, they may be of different strength, and this shall be taken into account when administering them. The non-proprietary name (local pharmaceutical name) for some medicines bought abroad may differ from that used in the list of medical stores. The pharmacist should have a "translation" of the non-proprietary name, but if in doubt about a medicine, get radio medical advice.

Medicines obtained by seafarer from a doctor ashore

A seafarer who goes to a doctor ashore should be asked to obtain from the doctor a written note of the non-proprietary name of any prescribed medicine, details of how it is to be taken and any cautionary or advisory guidance e.g. may cause drowsiness. The details on the note from the doctor should be checked against the information on the medicine container to ensure that they match. In case of any problem or doubt it may be necessary to check the prescription with the radio medical doctor.

Sixth Schedule - (Concl'd)

Controlled drugs

When outside Barbados territorial waters you should, as far as possible, follow the same procedures. Controlled drugs are preparations subject to the international prescription requirements or prescription requirements otherwise specified by the Administration in a merchant shipping notice. The different drugs are graded according to the harmfulness attributed to the drug when it is misused and for this purpose there are three categories of drugs:

(a) Class A, which includes heroin, morphine and opium;

(b) Class B, which includes barbiturates, and codeine; and

(c) Class C, which includes, among other drugs, anabolic steroids.

Each of these categories contains many more drugs than those quoted. The drugs subject to the strictest controls are those specified in a merchant shipping notice.

The only controlled Class A drug listed is morphine sulphate in Category A vessels and in the doctor's bag.

Obtaining controlled drugs

Controlled drugs should be obtained only from a retail pharmacist or other person licensed to supply drugs, who will require a written requisition. An example of the wording to be used is given in the *Seventh Schedule*.

Storage and Security of Medicines

Storage of medicines

Where no specific storage temperature is given drugs should be stored at room temperature between 15 - 25º centigrade. Some of the drugs should be kept under refrigeration, 2 - 5º centigrade, but care shall be taken not to freeze them, otherwise they will lose their potency, or the ampoules will be broken.

SEVENTH SCHEDULE

(Regulation 14)

Merchant Shipping (Ships' Medical Stores) Regulations, 2025
(S.I. 2025 No. 32)

Requisition form for use when obtaining controlled drugs

Requisition

To: _____
(Name and address of authorized supplier)

_____

From: _____
(Name of Master or Ship owner)

Vessel Name: _____
(Name of vessel)

Address: _____
(Address of the Ship or the Ship owner)

Please supply: _____
(Name, strength and quantity of drugs in words and figures)

_____

The above drugs are required for the medical stores of the above vessel in compliance with the *Merchant Shipping (Ships' Medical Stores) Regulations, 2025* (S.I. 2025 No. 32).

Seventh Schedule - (Concl'd)

Signature: _____

Name (capital letters): _____

Occupation: _____

Date: _____

If the drugs are received by another person the requisition shall be endorsed as follows:

I empower _____ to receive the above drugs on my behalf.
(Name)

A specimen of their signature is provided below.

Specimen signature of person empowered: _____

Signature of Master/owner: _____

EIGHTH SCHEDULE

(Regulation 16(1))

Completion of the Controlled Drugs Register

Section 1 – Drugs obtained from authorized supplier or confiscated from seafarers

Example

Date obtained	Suppliers name and address	Amount obtained	Name of drug and form in which obtained
11/12/2020	B.W.I Chemists 13 Industrial Drive, St. Michael, Barbados, W.I.	10 ampoules	Morphine sulphate 10 mg in 1 ml (in glass ampoules)

Section 2 – Drugs dispensed or disposed of

Example

Date	Name and Address of Person giving Drug	Right of Person to have Drug	Amount supplied	Drug and Form in which supplied
11/12/2020	T.D. Lawrence Log book ref. 23	Injured crewman (fractured arm)	2 ampoules	Morphine sulphate 10 mg in 1 ml (in glass ampoules)
14/12/2020	B.W.I Chemists 13 Industrial Drive, St. Michael, Barbados, W.I.	Qualified retail pharmacist	8 ampoules	Morphine sulphate 10 mg in 1 ml (in glass ampoules)

NINTH SCHEDULE

(Regulation 5)

MEDICAL STORES

COLUMN 1 Ship Description	COLUMN 2 Category of Medicines and Medical Stores
1. A sea-going ship with no limitation on voyage length.	Medical stores as specified by a qualified medical practitioner or pharmacist for Category A vessels and published in a Merchant Shipping Notice.
2. A sea-going ship during voyages on which it is not more than 150 nautical miles from the nearest port with adequate medical equipment, or not more than 175 nautical miles from the nearest port with adequate medical equipment if the ship remains continuously within range of helicopter rescue services.	Medical stores as specified by a qualified medical practitioner or pharmacist for Category B vessels and published in a Merchant Shipping Notice.
3. A sea-going ship carrying a dangerous substance in her cargo, or any residue of a dangerous substance from an earlier cargo.	Medical stores as specified by a qualified medical practitioner or pharmacist in relation to such ships and published in a Merchant Shipping Notice.
4. A sea-going ship carrying more than 12 passengers but not a doctor as a member of the crew.	Medical stores as specified in the *Second Schedule*.

The requirements in entries 3 and 4 of the Table are in addition to those in entries 1 and 2, as the case may be.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL
Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 33

MERCHANT SHIPPING (MARITIME ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, 2025

Arrangement of Regulations

1. Citation

2. Definitions

3. Purpose

4. Application

5. Safety investigation objective

6. Duty to report maritime accidents and serious injuries

7. Preliminary assessments

8. Ordering a safety investigation

9. Subsequent or reopened investigations

10. Evidence preservation

11. Conduct of a safety investigation

12. State co-operation

13. Disclosure of records

14. Safety investigations reports

15. Other publication of safety investigations

16. Recommendations

17. Extension of time

18. Service of documents

19. Penalties

SCHEDULE

MARITIME CASUALTY OR INCIDENT NOTIFICATION DATA

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (MARITIME ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Merchant Shipping (Maritime Accident and Incident Investigation) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"access" means the process of embarking on or disembarking from a ship;

"accident" means

(a) a marine casualty;

(b) a serious marine casualty;

(c) a very serious marine casualty; or

(d) a marine incident;

but does not include a deliberate act or omission made with the intention to cause harm to the safety of a ship, an individual or the environment;

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Barbados ship" has the same meaning as in the Act;

"Chief Marine Surveyor" refers to a person appointed under section 33 of the Act;

"Council" means the Marine Accident and Incident Investigation Council established under the Act;

"hired on a bareboat basis" means hired without a professional master, skipper or crew;

"immediate family" in relation to a person, means the husband, wife or civil partner of the person or a brother, sister, ancestor or lineal descendant of the person or of the person's husband, wife or civil partner;

"incapacitation" in relation to a person, means the inability of the person to undertake his full range of normal activities;

"inspector" means

(a) the Chief Marine Surveyor;

(b) a person appointed by the Minister to conduct a safety investigation of an accident; or

(c) a person appointed to investigate an accident under regulation 11(2);

"International Maritime Organization guidelines" means the resolutions and guidelines of that Organization on the fair treatment of seafarers in the event of a maritime accident;

"marine casualty" means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship and that results in

(a) the death of, or a serious injury to, a person;

(b) the loss of a person from the ship;

(c) the loss, presumed loss or abandonment of the ship;

(d) material damage to the ship;

(e) the stranding or disabling of the ship, or the involvement of the ship in a collision;

(f) material damage to marine infrastructure external to the ship that could seriously endanger the safety of the ship, another ship or an individual; or

(g) pollution, or the potential for pollution, to the environment caused by damage to the ship or another ship;

"marine incident" means an event or sequence of events that

(a) is not a marine casualty, serious marine casualty or very serious marine casualty;

(b) occurs as a result of, or in connection with, the operation of a ship; and

(c) endangers or, if not corrected, would endanger the safety of a ship, its occupants, another person or the environment;

"Maritime Casualty Investigation Code" means the Code for the Investigation of Marine Casualties and Incidents annexed to Resolution A.849 (2.0) of the International Maritime Organization Assembly of 27th November, 1997, as amended;

"member state" means a member state of the International Maritime Organization;

"Minister" means the Minister responsible for Shipping;

"pleasure vessel" has the same meaning as in the *Shipping (Domestic Vessels) Act* (Act 2024-22);

"preliminary assessment" means a preparatory evaluation by the Council and the Chief Marine Surveyor that is intended to establish the likely causes and circumstances of an accident with a view to deciding whether a safety investigation should be undertaken;

"safety investigation" means an investigation or inquiry into an accident conducted with the objective of preventing future accidents;

"senior surviving officer" means the senior surviving officer in the deck department or, if there is no surviving officer in the deck department, the more senior of

(a) the senior surviving engineer officer; and

(b) the senior surviving electro-technical officer;

"serious injury" means an injury to a person employed or carried in a ship that occurs on board or during access and that results in

(a) a fracture, other than to a finger, thumb or toe;

(b) the loss of a limb or part of a limb;

(c) a dislocation of the shoulder, hip, knee or spine;

(d) a loss of sight, whether temporary or permanent;

(e) a penetrating injury to the eye;

(f) incapacitation of the person for more than 3 consecutive days after the day of the accident;

(g) hypothermia or unconsciousness;

(h) a need for resuscitation; or

(i) a need for admittance to a hospital or other medical facility as an inpatient for more than 24 hours;

"serious marine casualty" means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship, other than a very serious marine casualty, that involves

(a) fire;

(b) an explosion;

(c) a collision;

(d) the grounding of the ship;

(e) contact with another ship;

(f) heavy weather damage to the ship;

(g) ice damage to the ship, or a suspected hull defect, that results in

(i) immobilization of the ship's main engines;

(ii) extensive accommodation damage to the ship;

(iii) severe structural damage to the ship, including penetration of the hull under water rendering the ship unfit to proceed;

(iv) pollution; or

(v) a breakdown that necessitates towage or shore assistance;

"severe pollution" means pollution that, as evaluated by the coastal state affected or its flag administration, produces a major deleterious effect upon the environment, or that would produce such an effect without preventive action;

"ship's boat" includes a life-raft, painting punt and any other boat normally carried by a ship;

"substantial interest" has the same meaning as in paragraph 2.20 of the International Maritime Organization Code Casualty Related Matters MSC-MEPC.3/circ.2. of 13th June, 2008;

" very serious marine casualty" means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship and that results in

(a) the total loss of a ship;

(b) loss of life; or

(c) severe pollution; and

"voyage data recorder" means the electronic or mechanical equipment installed on a ship to record key navigational and control information.

(2) Where a ship is managed by a person other than by the owner – whether on behalf of the owner or some other person, or on his own behalf – a reference in these Regulations to the owner shall be construed as including a reference to that person.

Purpose

3. The purpose of these Regulations is to provide for matters relating to inquiries into, the reporting of, investigations into, and prevention of, maritime accidents and incidents.

Application

4.(1) These Regulations apply to all accidents involving, or occurring on board,

(a) a Barbados ship;

(b) any other ship within Barbados or Barbados' waters; or

(c) any other ship that, in the opinion of the Council and the Chief Marine Surveyor, involves the substantial interests of Barbados.

(2) Regulations 6 and 10(1), (2) and (3) apply in relation to a ship that is not a Barbados ship and that is within Barbados or Barbados' waters only if

(a) it is within the jurisdiction of a harbour master;

(b) it is employed in carrying passengers to or from a port in Barbados or a place referred to in subparagraph *(a)*; or

(c) an inspector, or other person acting on behalf of the Chief Marine Surveyor, requires that evidence referred to in regulation 10(1) or (2) be preserved.

Safety investigation objective

5.(1) The prime objective of a safety investigation into an accident under these Regulations is to be the prevention of future accidents by ascertaining its causes and circumstances.

(2) The purpose of such an investigation is not to determine liability or, except so far as is necessary to achieve its objective, to apportion blame.

Duty to report maritime accidents and serious injuries

6.(1) When an accident involving a ship occurs, the following persons associated with the ship shall notify the Council and the Chief Marine Surveyor, as soon as is practicable following the accident and by the quickest means available:

(a) the master or, if the master has not survived, the senior surviving officer; and

(b) the ship's owner, unless he has ascertained that the master or senior surviving officer has reported the accident under subparagraph *(a)*.

(2) In addition to a notification made under paragraph (1), the following persons shall notify the Council and the Chief Marine Surveyor, as soon as is practicable and by the quickest means available, of any accident of which they are aware:

(a) in the case of an accident within or adjacent to the limits of a harbour, the harbour authority for that harbour;

(b) in the case of an accident in any territorial waters in Barbados, the person, authority or body having responsibility for those waters; and

(c) in the case of an accident within Barbados' waters, the Administration.

(3) A person making a notification under paragraph (1) or (2) shall, as far as is practicable, include the information set out in the *Schedule*.

(4) In addition to making a notification under paragraphs (1) and (2), the persons referred to in paragraphs (1) and (2)*(a)* and *(b)* shall, so far as is reasonably practicable, ensure that the circumstances of every accident are examined and that a report giving the findings of the examination and stating any measures taken or proposed to be taken to prevent a recurrence is provided to the Council and the Chief Marine Surveyor as soon as is practicable.

(5) Paragraphs (1) to (4) do not apply in relation to

(a) a pleasure vessel;

(b) a recreational craft that is hired on a bareboat basis and that is in an accident that does not involve

(i) an explosion;

(ii) fire;

(iii) a death;

(iv) a serious injury;

(v) the capsize of a power-driven craft or boat;

(vi) severe pollution; or

(c) any other craft or boat not carrying passengers that is in commercial use in a harbour or on an inland waterway, that is less than 8 metres overall in length and that is in an accident that does not involve

(i) an explosion;

(ii) fire;

(iii) a death;

(iv) a serious injury;

(v) the capsize of a power-driven craft or boat; or

(vi) severe pollution.

Preliminary assessments

7.(1) Where a vessel is involved in a serious marine casualty, the Council, in consultation with the Chief Marine Surveyor, shall carry out a preliminary assessment, in order to decide whether to undertake a safety investigation.

(2) When carrying out a preliminary assessment, the Council and the Chief Marine Surveyor shall take into account

(a) the seriousness of the accident;

(b) the type of vessel or cargo involved; and

(c) the potential for the findings of a safety investigation to lead to the prevention of future accidents.

(3) For the purposes of a preliminary assessment, the Council may exercise the powers referred to in section 1058 of the Act.

(4) Following a preliminary assessment, the Council and the Chief Marine Surveyor shall decide, having regard to the objective set out in regulation 5, whether it is appropriate to conduct a safety investigation.

Ordering a safety investigation

8.(1) The Council and the Chief Marine Surveyor shall ensure a safety investigation of a ship is carried out in relation to every very serious marine casualty.

(2) The Council and the Chief Marine Surveyor may decide to undertake a safety investigation in relation to a serious marine casualty after a preliminary assessment has been carried out in accordance with regulation 7.

(3) The Minister may require a safety investigation to be undertaken into an accident involving, or occurring on board, a ship that is not a Barbados ship that at the time of the accident was not within Barbados or Barbados' waters.

(4) The Council and the Chief Marine Surveyor may carry out a safety investigation in relation to a marine casualty.

(5) A safety investigation shall include

(a) the collection and analysis of evidence;

(b) the identification of causal factors; and

(c) where appropriate, the making of safety recommendations.

(6) Where the Council and the Chief Marine Surveyor have received a notification under regulation 6(1) or (2) or a report under regulation 6(4), the Council, in consultation with the Chief Marine Surveyor, shall decide whether a safety investigation should be carried out and shall publish details of that decision as soon as is reasonably practical, in such manner as they see fit.

(7) Before deciding whether a safety investigation should be carried out and if so, what form it should take, the Council and the Chief Marine Surveyor may obtain such information as they consider necessary concerning the accident and any remedial action taken as a result.

(8) A person referred to in regulation 6(1) or (2), and any other person who is in possession of information requested by an inspector under paragraph (7), shall provide that information to the best of their ability and knowledge.

(9) Public notice that a safety investigation has been commenced may be given in such a manner as the Council and the Chief Marine Surveyor think fit, and they may invite any persons who desire to present relevant evidence to an inspector in such a manner and within such a time as is specified in the notice.

(10) A safety investigation shall be started by the Council and the Chief Marine Surveyor as promptly as is practicable after an accident occurs.

(11) Subject to paragraph (12), the Council and the Chief Marine Surveyor may decide to discontinue a safety investigation of any accident at any time and shall make any reasons for doing so publicly available.

(12) Paragraph (11) does not apply to the safety investigation of

(a) a very serious marine casualty; or

(b) a serious marine casualty, if, following a preliminary assessment made under regulation 7, a decision is made to conduct a safety investigation.

(13) The Council and the Chief Marine Surveyor may decide not to carry out a safety investigation of an accident, or to discontinue a safety investigation that has already commenced, including an investigation referred to in paragraph (12), if they are satisfied that

(a) any loss of life resulted from suicide or natural causes; or

(b) any serious injury resulted from an attempted suicide.

Subsequent or reopened investigations

9.(1) Where the Council and the Chief Marine Surveyor have decided not to investigate an accident, they may at a later time undertake a safety investigation if they are satisfied that there is good reason to do so in the interests of future safety.

(2) The Council and the Chief Marine Surveyor may re-open a safety investigation if, following its completion, new and important evidence is discovered that, in the opinion of the Council and the Chief Marine Surveyor, could have a material effect on any safety recommendations made.

(3) A safety investigation may be re-opened either in whole or in part and a re-opened investigation shall be subject to, and conducted in accordance with, these Regulations.

Evidence preservation

10.(1) Following an accident involving a ship that is reportable under regulation 6, the following persons shall ensure that evidence is preserved in accordance with paragraph (2):

(a) the master or, if the master has not survived, the senior surviving officer; and

(b) the ship's owner, unless the ship's owner has ascertained that the master or senior surviving officer has taken the action in question.

(2) A person referred to in paragraph (1) shall, so far as is practicable,

(a) ensure that the following information is kept and that no alteration is made to any recordings or entries:

(i) charts;

(ii) log books;

(iii) recorded information relating to the period preceding, during and after an accident, including information from a voyage data recorder and video recorders; and

(iv) documents or other records that might reasonably be considered pertinent to the accident;

(b) ensure that all information from a voyage data recorder or other recording system relating to the circumstances of the accident is saved and preserved, and take any steps necessary to prevent such information from being overwritten; and

(c) ensure that any other equipment that might reasonably be considered pertinent to the investigation of the accident is, as far as practicable, left undisturbed.

(3) The duty to ensure that documents, information or records are kept and not altered and to ensure that information is saved and preserved, or that equipment is left undisturbed, continues until

(a) a notification is published by the Council and the Chief Marine Surveyor that no safety investigation is to take place or that the investigation has been completed;

(b) 30 days have passed since the Council and the Chief Marine Surveyor received the report referred to in regulation 6(1) and no notice has been

published by the Council or the Chief Marine Surveyor that it has been decided to investigate the matter; or

(c) the Chief Marine Surveyor or an inspector carrying out the investigation provides a written notification that they are no longer required.

(4) Following an accident in Barbados waters involving a ship that is not a Barbados ship, the persons referred to in paragraph (1) shall comply with the requirements of paragraph (1) if required to do so by or on behalf of the Chief Marine Surveyor.

(5) An inspector may, pending investigation, prohibit persons from gaining access to, or interfering with a ship, ship's boat or other equipment that was involved in an accident.

(6) Subject to paragraph (8), the Council and the Chief Marine Surveyor may, if they consider it to be necessary for the collection or preservation of evidence in connection with a safety investigation or preliminary assessment relating to an accident, require the master of a ship or, if the master has not survived, the senior surviving officer and the ship's owner to ensure that the ship is accessible to an inspector engaged in the investigation of the accident, until the process of collecting or preserving evidence has been completed to the inspector's satisfaction.

(7) The Council and the Chief Marine Surveyor shall not require a ship to remain in Barbados waters any longer than is necessary for the collection or preservation of evidence referred to in paragraph (6) and shall take all reasonable steps to ensure that such evidence is collected or preserved expeditiously.

(8) Paragraph (6) does not apply unless the Council and the Chief Marine Surveyor have reasonable grounds for concern that, if a ship leaves Barbados waters, access to it, to a member of the crew or to any evidence on board relating to the investigation may subsequently be denied to the Council and the Chief Marine Surveyor or an inspector conducting an investigation.

Conduct of a safety investigation

11.(1) If the Council and the Chief Marine Surveyor decide in accordance with regulation 8 that a safety investigation is to be carried out, it shall be undertaken by an inspector at such times and places, and in such a manner, as appear to the Council and Chief Marine Surveyor to be most conducive to achieving the objective set out in regulation 5.

(2) The Council or the Chief Marine Surveyor may appoint a person who is not an inspector for the purpose of carrying out an investigation if an inspector is not conveniently available or if the person appointed has special qualifications or experience, and such a person may exercise the powers conferred on an inspector by section 1058 and Part XXXII of the Act.

(3) A safety investigation may extend to

(a) events and circumstances preceding the accident, in addition to subsequent events and circumstances;

(b) issues involving salvage and pollution connected with the accident; and

(c) the conduct of search and rescue operations;

if, in the opinion of the Council and the Chief Marine Surveyor, they are relevant to future safety.

(4) The Minister shall pay to a person required to attend before an inspector the reasonable expenses of attending.

(5) A person who is not a solicitor or other professional legal adviser acting solely on behalf of a person required to attend at a witness interview before an inspector, and who has been allowed by an inspector to be present or has been nominated to be present by a person required to attend, may at any time be excluded from being present by the inspector, with the agreement of the Council and the Chief Marine Surveyor, if both the inspector and Chief Marine Surveyor have reason to believe that the person's presence would hamper the investigation and hinder the objective in regulation 5.

(6) Where a person who is nominated to be present has been excluded under paragraph (5), the person required to attend is entitled to nominate another person to be present at the witness interview in place of the excluded person and paragraph (5) applies to the other person.

(7) A document, record or information referred to in regulation 10 that is required by an inspector to be produced for the purposes of a safety investigation, whether on board the ship involved or otherwise, may be retained by the inspector until the safety investigation is completed.

(8) In conducting a safety investigation into an accident, the Council and the Chief Marine Surveyor shall take into account the International Maritime Organization guidelines on the fair treatment of seafarers.

(9) An inspector may record a witness interview of a person who is assisting a safety investigation in any manner that the Council or the Chief Marine Surveyor considers reasonable.

(10) When the Council or the Chief Marine Surveyor is requested to assist another member state in a safety investigation in which Barbados is not involved, the costs of any such assistance provided shall be agreed between them.

State co-operation

12.(1) A safety investigation commenced by the Council or the Chief Marine Surveyor under regulation 8 shall, where appropriate, be conducted in cooperation with

(a) another member state; or

(b) another substantially interested state.

(2) A substantially interested state may, by mutual agreement, be allowed to participate in a safety investigation led by the Council or the Chief Marine Surveyor at any stage of that investigation.

(3) Where a safety investigation has been commenced under paragraph (1), the Council or the Chief Marine Surveyor, and any other states involved, shall agree without delay

(a) which of them is to lead the safety investigation; and

(b) the procedures to be adopted for the purposes of the investigation.

(4) For the purposes of this regulation,

(a) a substantially interested state has equal rights of access to witnesses and evidence involved in a safety investigation; and

(b) any representation that it makes to the lead investigating state shall be taken into consideration for the purposes of the safety investigation.

(5) Where a substantially interested state has been allowed to participate in a safety investigation and no agreement referred to in paragraph (3)*(a)* is reached, the Council or the Chief Marine Surveyor and the other member states or substantially interested states shall

(a) conduct parallel safety investigations;

(b) exchange evidence and information with each other for the purpose, as far as possible, of reaching shared conclusions; and

(c) where 2 member states conduct parallel safety investigations, notify the Minister of the reasons for doing so.

(6) The Council or the Chief Marine Surveyor may delegate the whole or any part of a safety investigation to another member state by agreement with that state.

(7) Where an investigation conducted under these Regulations involves a ro-ro ferry or a high-speed passenger craft, the Council or the Chief Marine Surveyor shall permit a substantially interested state to participate or cooperate in accordance with the Maritime Casualty Investigation Code.

(8) When a ro-ro ferry or high-speed passenger craft is involved in an accident in Barbados' waters or if Barbados was the last point of departure, the Council or the Chief Marine Surveyor shall conduct a safety investigation.

(9) Where a safety investigation is conducted in cooperation with a substantially interested state, Barbados remains responsible for the safety investigation unless it has been agreed with the substantially interested state that another member state will be responsible for leading the safety investigation.

Disclosure of records

13.(1) Subject to paragraphs (2) to (8), the names, addresses or other details of anyone who has given evidence to an inspector shall not be disclosed.

(2) Subject to paragraphs (3), (4), (7) and (8), the following documents or records shall not be made available for purposes other than a safety investigation, unless a court orders otherwise:

(a) a declaration or statement taken from a person by an inspector or supplied to an inspector in the course of an investigation, and notes or recordings of witness interviews;

(b) medical or confidential information regarding a person involved in an accident;

(c) a report made under regulation 6(4);

(d) copies of a report other than the final report, except as referred to in regulation 14(4)*(a)*, (5) or (12);

(e) correspondence received by the Council or the Chief Marine Surveyor from parties involved in a safety investigation;

(f) evidence from voyage data recorders;

(g) notes made by an inspector or person appointed under regulation 11(2), whether written or held electronically, and any recordings or photographs made by him;

(h) communications between persons involved in the operation of the ship or another ship; and

(i) an inspector's opinions expressed in the analysis of information.

(3) A person who has given a declaration or statement to an inspector in the course of a safety investigation may make available a copy of his statement or declaration to another person.

(4) An independent technical analysis commissioned by the Council or the Chief Marine Surveyor, and any opinions expressed in the analysis, may be made publicly available if the Council or the Chief Marine Surveyor considers it appropriate to do so.

(5) Subject to paragraph (6), no order shall be made by a court under paragraph (2) unless the court is satisfied, having regard to the views of the Council or the Chief Marine Surveyor, that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to

(a) the safety investigation into the accident to which the document or record relates;

(b) any future accident safety investigation undertaken in Barbados; or

(c) relations between Barbados and any other state or international organization.

(6) This regulation applies subject to any rule of law that authorizes or requires the withholding of a document or record or part of it, on the ground that disclosure of it would be injurious to the public interest.

(7) The Council or the Chief Marine Surveyor may provide to the police or other official authorities copies of information obtained from a voyage recorder, or from other recording systems pertinent to an accident, including voice recordings, video recordings and other electronic or magnetic recordings, and any transcripts made from such information or recordings, other than recordings referred to in paragraph (2)*(a)*.

(8) The Council or the Chief Marine Surveyor may provide information obtained from a voyage data recorder to the ship's owner.

Safety investigations reports

14.(1) Subject to paragraph (4), the Council or the Chief Marine Surveyor shall submit to the Minister a report of any safety investigation conducted in accordance with regulation 11.

(2) The Council or the Chief Marine Surveyor shall make every effort to make a report of a safety investigation publicly available in the shortest possible time after an accident is notified to the Council and the Chief Marine Surveyor.

(3) Where it is not possible to produce such a report within 12 months after the date an accident is notified to the Council and the Chief Marine Surveyor, an interim report shall be published within that period.

(4) A report in relation to an accident shall include the following information:

(a) a summary of the basic facts;

(b) a description of the accident;

(c) the ship's particulars;

(d) the voyage particulars;

(e) marine casualty or incident information;

(f) shore authority involvement and emergency response;

(g) conclusions relating to the facts of the evidence;

(h) where the facts cannot be clearly established, an analysis and professional judgement to determine the probable facts; and

(i) recommendations for future safety, where appropriate.

(5) A report shall not be made publicly available until the Council and the Chief Marine Surveyor have

(a) served a notice upon any person or organization that could be adversely affected by the report or, if that person is deceased, upon a person that the Council and the Chief Marine Surveyor consider to best represent the interests and reputation of the deceased in the matter; and

(b) considered the representations relating to the facts or analysis contained in any report made to the Council and the Chief Marine Surveyor in accordance with paragraph (6) by or on behalf of the persons served with the notice and have amended the report in such a manner as the Council and the Chief Marine Surveyor think fit.

(6) A notice referred to in paragraph (5)*(a)* shall be accompanied by a draft copy of the report.

(7) Representations referred to in paragraph (5)*(b)* shall be in writing and shall be served on the Council or the Chief Marine Surveyor within 30 days of service of the notice referred to in paragraph (5)*(a)* or within such further period as may be allowed under regulation 17.

(8) When a substantially interested state requests the Council and the Chief Marine Surveyor to supply it with a draft safety investigation report, the Council and the Chief Marine Surveyor shall not do so unless that state has agreed in writing to comply with Chapter 13 of the Maritime Casualty Investigation Code.

(9) Where the Council and the Chief Marine Surveyor are of the view that a safety investigation will not have the potential to lead to the prevention of future accidents, they may publish a simplified report in such a manner as they think fit.

(10) For the purposes of paragraph (2), a report may be published in such a manner as the Council and the Chief Marine Surveyor see fit.

(11) Subject to any court order referred to in regulation 13, except with the prior written consent of the Council and the Chief Marine Surveyor, no person shall disclose or permit to be disclosed any information

(a) furnished to him in accordance with paragraph (4); or

(b) otherwise furnished to him by or on behalf of the Council and the Chief Marine Surveyor in advance of the publication of a report and whose confidentiality is protected by regulation 13;

to any person other than to such advisers as are necessary in order to make representations to the Council and the Chief Marine Surveyor referred to in paragraph (5)*(b)*.

(12) An adviser to whom information referred to in paragraph (11) has been provided shall not disclose the information or permit it to be disclosed.

(13) A copy of a report that is made publicly available shall be given by the Council and the Chief Marine Surveyor to

(a) any person who has been served with a notice in accordance with paragraph (5)*(a)*;

(b) persons or bodies to whom recommendations have been addressed in that report;

(c) the Minister;

(d) the International Maritime Organization; and

(e) any person or organization that the Council and the Chief Marine Surveyor consider may find the report useful or of interest.

(14) Where an inquest or fatal accident inquiry is to be held following an accident that has been subject to a safety investigation, a draft report may be made available in confidence to the coroner by the Council and the Chief Marine Surveyor.

(15) If part of a publication produced by the Council and the Chief Marine Surveyor as a result of a safety investigation, or the analysis it contains, is based on information obtained in the exercise of an inspector's powers under section 1058 or Part XXXII of the Act, that part is inadmissible in any judicial proceedings whose purpose is to attribute or apportion liability or blame, unless the court determines that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to

(a) any future accident safety investigation undertaken in Barbados; or

(b) relations between Barbados and any other state or international organization.

(16) Where an inspector is required to attend judicial proceedings, the inspector is not required to provide an opinion, evidence or an analysis of information provided to him, or to provide information obtained in accordance with an inspector's powers under section 1058 or Part XXXII of the Act, if a purpose of those proceedings is to attribute or apportion liability or blame, unless the court determines that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to

(a) any future accident safety investigation undertaken in Barbados; or

(b) relations between Barbados and any other state or international organization.

(17) In this regulation "judicial proceedings" includes any civil or criminal proceedings before a court or before a person having, by law, the power to hear, receive and examine evidence on oath.

Other publication of safety investigations

15.(1) The Council or the Chief Marine Surveyor may from time to time publish a collection of short reports of accidents that have not been the subject of a report published under regulation 14.

(2) The Council or the Chief Marine Surveyor may submit a report to the Minister on any matter arising from an accident or incident or the Chief Marine Surveyor's analysis of marine accident investigations.

Recommendations

16.(1) The Council or the Chief Marine Surveyor may at any time make recommendations as to how future accidents may be prevented to those persons who, in the opinion of the Council or Chief Marine Surveyor, are the fittest to implement them.

(2) Recommendations made under paragraph (1) shall be made publicly available if the Council or the Chief Marine Surveyor considers it to be in the interests of safety or preventing pollution.

(3) A person to whom a recommendation is addressed under paragraph (1) shall

(a) as soon as is reasonably practical, take the recommendation into consideration;

(b) within 30 days following receipt of the recommendation, send to the Council or the Chief Marine Surveyor

(i) details of any measures taken or proposed to implement the recommendation, and the timetable for implementing it; or

(ii) an explanation as to why the recommendation is not to be implemented; and

(c) give notice to the Chief Marine Surveyor if at any time information provided to the Council or the Chief Marine Surveyor in accordance with subparagraph *(b)*(i) concerning the proposed measures or the timetable for implementing it is rendered inaccurate by a change of circumstances.

(4) Without prejudice to paragraph (1), if the Council or the Chief Marine Surveyor is of the view at any stage of a safety investigation that urgent action

is required to be taken to prevent the risk of further accidents occurring, the Council or the Chief Marine Surveyor shall inform the Minister as soon as possible regarding what urgent action should be taken by other states or other relevant parties.

Extension of time

17.(1) The Council or the Chief Marine Surveyor may extend the period of 30 days referred to in regulation 14(6), having regard to the requirements for a report of a safety investigation to be made available in the shortest time possible.

(2) The Council or the Chief Marine Surveyor may extend the period of 30 days referred to in regulation 16(4).

(3) An extension under paragraph (1) or (2) may be given notwithstanding that the original period has expired.

Service of documents

18.(1) A notice or other document required or authorized by these Regulations to be served on or given to a person may be served or given

(a) by delivering it to that person;

(b) by leaving it at the person's usual or last known residence or place of business, whether in Barbados or elsewhere;

(c) by sending it to the person by post at that address; or

(d) by sending it to the person by facsimile, by electronic mail or by any other means that is capable of producing a document containing a text of the communication.

(2) A notice or document referred to in subparagraph (1)*(c)* or *(d)* shall be regarded as having been served when it is sent.

Penalties

19.(1) A person referred to in regulation 6(1) or (2)*(a)* or *(b)* commits an offence and is liable on summary conviction to a fine of $50 000, if the person

(a) fails without reasonable cause to report an accident as required by regulation 6;

(b) fails without reasonable cause to provide information required by regulation 6(3); or

(c) falsely claims to have additional information or new evidence pertaining to an accident.

(2) A person who fails without reasonable cause to comply with regulation 11(1), (2), (6) or (7) commits an offence and is liable on summary conviction to a fine of $25 000 or, on conviction on indictment, to a fine of $75 000.

(3) A person who, without reasonable cause, discloses or permits to be disclosed information in contravention of regulation 13(1) or 14(10), or makes available a document or record in contravention of regulation 13(2), commits an offence and is liable on summary conviction to a fine of $20 000.

SCHEDULE

(Regulation 6(3))

MARITIME CASUALTY OR INCIDENT NOTIFICATION DATA

Information to be included in maritime casualty or incident notification:

(a) the name of the ship and International Maritime Organization official or fishing vessel number, including the flag of the country of registration;

(b) the type of ship;

(c) the date and time of the accident;

(d) the latitude and longitude of geographical position in which the accident occurred;

(e) the name and port of registry of any other ship involved;

(f) the number of people killed or seriously injured and associated type or types of casualty;

(g) brief details of the accident including ship, cargo or any other damage;

(h) if the ship is fitted with a voyage data recorder, the make and model of the recorder;

(i) the ports of departure and destination;

(j) the traffic separation scheme as appropriate;

(k) the place on board where the accident occurred; and

(l) the nature of any pollution that occurs as a result of an accident.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 34

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (ALLISION AND COLLISION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

1. These Regulations may be cited as the *Merchant Shipping (Allision and Collision) Regulations, 2025*.

2. In these Regulations,

"allision" means any accident involving a moving vessel and a stationary vessel or a moving vessel and a stationary object or structure whether that structure is partly or wholly in the sea, which causes loss or damage;

"collision" means any accident involving moving vessels or moving structures at sea, which causes loss or damage, even if no actual contact has taken place;

"COLREGs" means International Regulations for Preventing Collisions at Sea 1972, as amended, incorporated in the Act;

"maritime accident" has the same meaning as in PART XXXII of the Act.

3. The collision prevention rules contained in COLREGs apply *mutatis mutandis* to allisions.

4. The collision regime under Part XX of the Act and the maritime accident and incident investigation regime under Part XXXII of the Act, apply *mutatis mutandis* to allisions.

5. The *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30) applies *mutatis mutandis* to allisions and collisions.

6.(1) In a maritime accident resulting from an allision, there is a presumption of liability against the moving vessel.

(2) To avoid or reduce liability under paragraph (1), the moving vessel shall prove

(a) that notwithstanding the vessel was navigating in accordance with COLREGs, the accident was unavoidable;

(b) the vessel had to in the circumstances deviate from one or more COLREGs rules, in attempt to avoid the accident;

(c) the vessel was operating with reasonable care; or

(d) that the stationary vessel or other stationary object or structure caused the accident.

(3) Where both the moving vessel and the stationary object or structure contributed to the accident, liability shall be equally apportioned.

7. The Administration shall, in collaboration with relevant entities, develop maritime allision and collision accident management guidelines, addressing pre-and-post accident aspects.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

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Statutory Instrument

S.I. 2025 No. 35

MERCHANT SHIPPING (WRECK DISCOVERIES AND SUNKEN MILITARY CRAFT) REGULATIONS, 2025

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MERCHANT SHIPPING (WRECK DISCOVERIES AND SUNKEN MILITARY CRAFT) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Merchant Shipping (Wreck Discoveries and Sunken Military Craft) Regulations, 2025*.

Definitions

2. In these Regulations,

"abandoned shipwreck" means a shipwreck that has remained continuously upon the seabed within the exclusive economic zone limits of Barbados waters for a period of 50 years or more;

"associated contents" means

(a) in relation to an abandoned shipwreck, the equipment, cargo, remains, personal effects or other contents of the shipwreck; and

(b) in relation to a sunken military craft,

(i) the equipment, cargo and contents of the craft that are within its debris field; or

(ii) the remains and personal effects of the crew and passengers of the craft that are within its debris field;

"*in rem*" means a claim or suit against a vessel or other maritime property;

"sunken military craft" means all or any portion of

(a) a sunken warship, naval auxiliary ship or other vessel that was owned or operated by a government on military non-commercial service when it sank;

(b) a sunken military aircraft or military spacecraft that was owned or operated by a government when it sank; or

(c) the associated contents of a craft referred to in sub-paragraph *(a)* or *(b)*, if title to it has not been abandoned or transferred by the government concerned; and

"underwater cultural heritage" has the meaning assigned to it in the United Nations Educational, Scientific and Cultural Organization's Convention on the Protection of Underwater Cultural Heritage, 2001.

Purpose

3. The purpose of these Regulations is to

(a) protect historic shipwrecks in Barbados waters from unauthorized salvors and treasure hunters;

(b) protect recent shipwrecks that are classified as culturally or scientifically significant from unauthorized salvors and treasure hunters;

(c) protect and preserve from unauthorized disturbance all sunken military craft that are owned by the Barbados government, wherever located around the world, including foreign military craft that lie within Barbados waters;

(d) ensure the proper management of authorized excavations of shipwreck discoveries;

(e) generally protect underwater cultural heritage in the form of shipwrecks; and

(f) provide for related matters.

Application

4. These Regulations apply to

(a) historic shipwrecks;

(b) recent shipwrecks classified as culturally or scientifically significant;

(c) sunken military craft owned by the Government of Barbados, wherever such craft may be; and

(d) sunken foreign military craft in Barbados waters.

PART II

ABANDONED SHIPWRECKS

Prohibition on removal of abandoned shipwreck

5.(1) Subject to paragraph (2), no person shall remove a shipwreck or any associated contents that are abandoned in Barbados waters.

(2) A person wishing to remove an abandoned shipwreck or associated contents from an abandoned shipwreck shall obtain an Underwater Cultural Heritage Permit from the Minister responsible for Underwater Cultural Heritage.

(3) An applicant for an Underwater Cultural Heritage permit shall

(a) submit a written shipwreck excavation proposal to

(i) the Minister responsible for Underwater Cultural Heritage;

(ii) the Minister responsible for Shipping; and

(iii) the Barbados Museum and Historical Society;

(b) provide details on the find;

(c) outline the manner in which the find will be recovered, should permission for excavation and recovery be granted;

(d) specify the intended uses of the excavated find; and

(e) provide any other information requested by the Minister responsible for Underwater Cultural Heritage.

Issuance of permit

6.(1) In deciding whether to grant an Underwater Cultural Heritage permit for the excavation of a shipwreck, the following factors shall be considered:

(a) the ecological, educational, scientific and cultural value of the shipwreck;

(b) the educational and recreational opportunities afforded by the shipwreck to divers and other interest groups;

(c) the value to coastal and marine tourism provided by the shipwreck;

(d) the importance of the shipwreck as a habitat for marine life;

(e) whether the cultural, educational or other value of the shipwreck will be enhanced if excavated, restored and re-purposed; and

(f) any other relevant factors.

(2) On receipt of all relevant documentation, the Minister responsible for Underwater Cultural Heritage may issue the applicant with an Underwater Cultural Heritage Permit, after

(a) consultation with

(i) the Minister responsible for Shipping;

(ii) the Coastal Zone Management Unit;

(iii) the Environmental Protection Department;

(iv) the Barbados Museum and Historical Society; and

(v) the Barbados Coast Guard; and

(b) taking into consideration the factors referred to in paragraph (1).

(3) An Underwater Cultural Heritage Permit shall include

(a) marine environmental protection requirements;

(b) any maritime cultural heritage preservation requirements specified by the Barbados Museum and Historical Society;

(c) requirements relating to participation by local professional divers in the excavation venture;

(d) requirements relating to the sharing, post-excavation, of monetary and non-monetary benefits derived from the find with Barbados; and

(e) any other relevant conditions.

(4) The application and permit fees for a Underwater Cultural Heritage Permit shall be paid to the Minister responsible for Underwater Cultural Heritage.

Validity of permit

7.(1) An Underwater Cultural Heritage Permit remains valid for a period of 6 months.

(2) An Underwater Cultural Heritage Permit in respect of a find for which the permit was originally granted may be extended on written request to the Minister responsible for Underwater Cultural Heritage.

Limits on shipwreck excavation activities

8.(1) An Underwater Cultural Heritage Permit issued in relation to one shipwreck discovery shall not be used in respect of a subsequent shipwreck discovery by the same discoverer.

(2) Where a subsequent shipwreck is discovered and the discoverer desires to excavate the find, the discoverer shall submit a new shipwreck excavation proposal under regulation 5(3).

(3) On receipt of the new shipwreck excavation proposal, the Minister responsible for Underwater Cultural Heritage shall consult with

(a) the Minister responsible for Shipping;

(b) the Coastal Zone Management Unit;

(c) the Environmental Protection Department;

(d) the Barbados Museum and Historical Society; and

(e) the Barbados Coast Guard.

(4) On completion of consultation under paragraph (3), the Minister responsible for Underwater Cultural Heritage may

(a) vary the Underwater Cultural Heritage Permit initially issued in relation to the first shipwreck and extend it to include the subsequently discovered shipwreck; or

(b) issue a separate Underwater Cultural Heritage Permit in respect of the subsequently discovered shipwreck;

and may attach relevant conditions to the varied permit or separately issued permit.

(5) The fee to vary an initially issued Underwater Cultural Heritage Permit to include a subsequently discovered shipwreck shall be paid to the Minister responsible for Underwater Cultural Heritage.

Additional shipwreck excavation requirements

9.(1) The following shall be provided to the Coastal Zone Management Unit:

(a) environmental impact assessment documentation on the site, prior to excavation;

(b) environmental quality monitoring reporting in relation to minimizing impacts on adjacent seabed areas, based on environmental quality monitoring performed during excavation;

(c) GIS and GPS mapping data reports, based on GIS and GPS mapping onsite, post-excavation and recovery, to ensure proper documentation for marine spatial planning considerations and potential future area designation; and

(d) any other information requested by the Coastal Zone Management Unit or Environmental Protection Department.

(2) The Coastal Zone Management Unit shall collaborate with the Environmental Protection Department in relation to any excavation activities.

PART III

SUNKEN MILITARY CRAFT

Title to sunken military craft

10. The right, title and interest of Barbados in and to a Barbados sunken military craft

(a) shall not be extinguished except by an express divesture of title by the Government of Barbados; and

(b) is not extinguished by the passage of time, regardless of when the military craft sank.

Unauthorized activities directed at sunken military craft

11.(1) No person shall engage in, or attempt to engage in, any activity directed at a sunken military craft that disturbs, removes, or injures the craft, except

(a) as authorized under a Sunken Military Craft Permit issued by the Headquarters of the Barbados Defence Force;

(b) as authorized by a merchant shipping notice; or

(c) as authorized in writing by the Headquarters of the Barbados Defence Force.

(2) No person shall possess, disturb, remove or injure a sunken military craft in contravention of

(a) this regulation;

(b) a merchant shipping notice; or

(c) any other statutory instrument that applies under another applicable law.

Conditions – sunken military craft permit

12.(1) A Sunken Military Craft Permit shall have attached to it such terms and conditions as may be relevant.

(2) The Headquarters of the Barbados Defence Force shall specify to an applicant the fees payable in respect of a Sunken Military Craft Permit.

Limitations

13. This Part does not apply to actions taken by, or under the direction of, the Government of Barbados.

Foreign persons

14. This Part applies to an action by a person who is not a citizen, national or resident alien of Barbados, in accordance with

(a) generally recognized principles of international law;

(b) an agreement between Barbados and the foreign country of which the person is a citizen; or

(c) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between Barbados and the foreign vessel or aircraft that applies to the individual.

Application to foreign craft

15. At the request of a foreign state, the Headquarters of the Barbados Defence Force, in consultation with the Minister responsible for National Security, may enforce the requirements of this Part, or those set out in a merchant shipping notice, with respect to a sunken military craft of that foreign state located in Barbados waters.

Agreements with foreign countries – sunken military craft

16. The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs, may negotiate and conclude bilateral and multilateral agreements with foreign countries with regard to sunken military craft consistent with these Regulations.

PART IV

MISCELLANEOUS

Application of law of salvage and finds to PART II

17.(1) A court shall apply the requirements relating to salvage under the *Merchant Shipping Act, 2024* (Act 2024-28) to ensure that a person who discovers and salvages a wreck is compensated in his salvage efforts in relation to the shipwreck discovery.

(2) A salvage award to a person who discovers and salvages a wreck does not vest title of the shipwreck in the salvor, and title in the shipwreck remains vested in the Government of Barbados.

(3) A court shall apply the law of finds on a case-by-case basis in shipwreck discovery, particularly where

(a) the owners of the property have expressly and publicly abandoned their property; and

(b) no person makes a claim to the property; and

(c) the salvor has reduced the abandoned property to his possession.

(4) Where a successful claim based on the law of finds is made, the title to the shipwreck vests in the discoverer.

Non-application of law of salvage and finds to Part III

18.(1) The law of finds shall not apply to

(a) a Barbados sunken military craft, wherever located; or

(b) a foreign sunken military craft located in Barbados waters.

(2) No salvage rights or awards shall be granted in respect of

(a) a Barbados sunken military craft, unless express written permission is granted by the Government of Barbados; or

(b) a foreign sunken military craft located in Barbados waters, unless express written permission is granted by the relevant foreign state.

Offences

19. A person who contravenes a provision of these Regulations commits an offence and is liable on summary conviction to a fine of $100 000.

Continuing contraventions

20. Each day that a person continues to contravene these Regulations or a condition of a permit issued under these Regulations constitutes a separate offence for which the person is liable on summary conviction to a fine of $1 000 per day that the contravention continues.

***In rem* liability**

21. A vessel used to contravene these Regulations shall be liable on a judgment *in rem* to a fine of $150 000.

Other relief

22.(1) If there is an imminent risk of a disturbance of, removal of, or injury to a shipwreck to which Part II applies or a sunken military craft to which Part III applies, or if there has been actual disturbance of, removal of, or injury to a sunken military craft, the Attorney General, upon request of the relevant authority, may seek such relief as may be necessary to abate the risk or the actual disturbance, removal or injury and to return or restore the sunken military craft.

(2) The High Court shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

Limitations

23. An action to enforce a contravention of these Regulations or of the conditions of a permit issued under these Regulations shall not be brought more than 8 years after the date on which

(a) all the facts material to the right of action are known or should have been known; and

(b) the defendant became subject to the jurisdiction of a court of competent jurisdiction in Barbados or an administrative forum.

Liability for damages

24. A person who engages in an activity that contravenes these Regulations or the conditions of a permit issued under these Regulations and that disturbs, removes or injures a Barbados sunken military craft shall pay the Government of Barbados enforcement costs and damages resulting from the disturbance, removal or injury.

Included Damages

25. Damages referred to in regulation 24 may include

(a) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of a sunken military craft that is disturbed, removed or injured in contravention of these Regulations or of the conditions of a permit issued under these Regulations; and

(b) the cost of retrieving, from the site where the sunken military craft was disturbed, removed or injured, information of an archaeological, historical or cultural nature.

Relationship to international law

26.(1) Except to the extent that an activity is undertaken as a subterfuge for activities prohibited by these Regulations, nothing in these Regulations is intended to affect

(a) an activity that is not directed at a sunken military craft; or

(b) the traditional high seas freedoms of navigation, including

(i) the laying of submarine cables and pipelines;

(ii) the operation of vessels;

(iii) fishing; or

(iv) any other internationally lawful uses of the sea related to such freedoms.

(2) These Regulations and any merchant shipping notice made in relation to these Regulations shall be applied in accordance with generally recognized principles of international law and in accordance with the treaties, conventions, and other agreements to which Barbados is a party.

International law of capture or prize

27. Nothing in these Regulations is intended to alter the international law of capture or prize with respect to shipwrecks or sunken military craft.

Authorities of Barbados Defence Force

28. Nothing in these Regulations is intended to preclude or limit the application of any other law enforcement authorities of the Barbados Defence Force.

Prior delegations and authorizations

29. Nothing in these Regulations invalidates any prior delegation or authorization that is consistent with these Regulations.

Criminal law

30. Nothing in these Regulations is intended to prevent Barbados from pursuing criminal sanctions for the plundering of wrecks, the larceny of Government property, or the violation of any applicable criminal law.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 36

MERCHANT SHIPPING (SHIP AND PORT FACILITY SECURITY) REGULATIONS, 2025

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (SHIP AND PORT FACILITY SECURITY) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Ship and Port Facility Security) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Barbados ship" has the same meaning as in the Act;

"cargo ship" means a ship that is not a passenger ship;

"company security officer" means a person designated by a shipowner

(a) to ensure that a ship security assessment is carried out and that a ship security plan is developed, submitted for approval, implemented and maintained; and

(b) for liaison with port facility officers and the ship security officer;

"declaration of security" means an agreement reached between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement;

"designated authority" means the Chief Executive Officer of Barbados Port Inc. or any other person designated in writing by him;

"high speed craft" means a craft capable of a maximum speed in metres per second equal to or exceeding $3.7^{0.1667}$;

"International Convention for the Safety of Life at Sea 1974" means that Convention as amended from time to time by the International Maritime Organization;

"International Ship and Port Facility Security Code" means that Code as amended from time to time by the International Maritime Organization;

"maritime law enforcement officer" means

(a) an officer of the Marine Police Unit of the Barbados Police Service; or

(b) an officer or soldier of the Barbados Defence Force serving as a member of the Coast Guard;

"Minister" means Minister responsible for Shipping;

"mobile offshore drilling unit" means a mechanically propelled mobile offshore drilling unit that is not on location;

"non-Barbados ship" means a ship other than a Barbados ship;

"owner" in relation to a port facility security plan, means the person who submits the port facility security plan, or the person on whose behalf that plan is submitted, to the Administration for approval under Part A of the International Ship and Port Facility Security Code;

"port facility" means a location, determined by a designated authority, where a ship-port interface takes place, and includes areas such as anchorages, waiting berths and approaches from seaward;

"port facility security officer" means a person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with ship security officers and company security officers;

"restricted area" means an area in a ship or port facility that is identified as such in a ship security plan or port facility security plan, respectively;

"ship-port interface" means the interactions that occur when a ship is directly and immediately affected by the movement of persons or goods, or the provision of port services, to or from a ship;

"shipowner" means the owner of a ship or any other organization or person, such as a manager, or bareboat charterer, who has assumed responsibility for operation of a ship and has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code; and

"ship security officer" means a person on board a ship who is accountable to the master and designated by the shipowner as responsible for the security of the ship, including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers.

Purpose

3. The purpose of these Regulations is to enhance the security of ship and port facilities, in accordance with the International Ship and Port Facility Security Code.

Application

4.(1) Subject to paragraph (2), these Regulations apply to

(a) passenger ships, including high speed craft, carrying more than 12 passengers;

(b) cargo ships, including high speed craft, of 500 GT and above;

(c) mobile offshore drilling units; and

(d) port facilities serving ships and units referred to in subparagraphs *(a)* to *(c)*.

(2) These Regulations do not apply to

(a) war ships;

(b) cargo ships of less than 500 GT;

(c) ships not propelled by mechanical means;

(d) wooden ships of primitive build;

(e) pleasure yachts not engaged in trade;

(f) fishing vessels; or

(g) vessels not engaged in commercial activities.

(3) These Regulations shall be applied in tandem with Division 2 of Part XXVII of the Act.

Designations

5. The Barbados Coast Guard is hereby designated as

(a) the focal point for maritime security for the purposes of enforcing the International Ship and Port Facility Security Code;

(b) the competent authority for maritime security for the purposes of implementation of the International Ship and Port Facility Security Code; and

(c) the designated authority for the purposes of Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974 and the International Ship and Port Facility Security Code.

PART II

INSPECTIONS

Ship and port facilities inspections

6.(1) For the purpose of enabling a maritime law enforcement officer to verify that a ship or port facility complies with the requirements of the International Ship and Port Facility Security Code or of ascertaining whether an enforcement notice has been complied with, a maritime law enforcement officer may, on the production on request of his credentials, inspect

(a) a Barbados ship;

(b) a non-Barbados ship that is in a Barbados port facility;

(c) a non-Barbados ship in Barbados waters that has communicated her intention to enter a port in Barbados; or

(d) a Barbados port facility.

(2) A maritime law enforcement officer may, for the purpose of an inspection,

(a) subject any property found by him on a ship, or any apparatus or equipment installed on a ship that is required by or approved in the ship's security plan, to such tests as the officer considers necessary;

(b) subject any part of a port facility, any property found by him in a port facility, or any apparatus or equipment installed in a port facility that

is required by or approved in the port facility's security plan, to such tests as the officer considers necessary;

(c) ascertain what practices or procedures are being followed in relation to security;

(d) test the effectiveness of any practice or procedure relating to security; and

(e) require the shipowner, the company security officer, the ship security officer or master of a ship, a port facility security officer or the owner of the port facility security plan, or a person acting on behalf of such a person, to furnish to him such information as the officer considers necessary for the purpose for which the inspection is carried out.

(3) Subject to paragraph (4), a maritime law enforcement officer, in the exercise of a power under paragraph (1) or (2), may

(a) for the purpose of inspecting a ship, go on board the ship and take any steps necessary to ensure that it is not moved; or

(b) for the purpose of inspecting a port facility, enter a building or works in the port facility and enter upon any land in the port facility.

(4) A maritime law enforcement officer shall not use force for the purpose of going on board a ship, entering a building or works or entering upon any land.

(5) A person commits an offence who

(a) without reasonable excuse, fails to comply with a requirement imposed on him under paragraph (2)*(e)*; or

(b) in furnishing any required information, makes a statement that he knows to be false in a material particular.

(6) A person who commits an offence under paragraph (5) is liable

(a) on summary conviction, to a fine of $25 000; or

(b) on conviction on indictment, to a fine of $50 000.

Inspection of companies and port facilities by the administration

7.(1) The following persons are required to submit to an inspection of a ship that is conducted by a recognized security organization acting on behalf of the Administration:

(a) the shipowner;

(b) the company's security officer;

(c) the ship's security officer; and

(d) the master of the ship.

(2) The following persons are required to submit to an inspection of a port facility that is conducted by a recognized security organization acting on behalf of the Administration:

(a) the port facility's security officer; and

(b) the owner of the port facility's security plan.

(3) A person referred to in paragraph (1) or (2) shall take all necessary steps to remedy any shortcomings identified by the recognized security organization during an inspection, on receipt of notification of them in writing by the Administration, within the period required in the notification.

PART III

SHIP DETENTION

Detention notices

8.(1) Where a maritime law enforcement officer proposes to detain a ship pursuant to the control and compliance measures specified in Regulation 9 of Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974,

he shall serve on the master of the ship a detention notice that states that the officer is detaining the ship because he has grounds to believe that

(a) the ship does not comply with Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974;

(b) the ship does not comply with Part A of the International Ship and Port Facility Security Code; or

(c) there has been a failure to make available for inspection a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under Part A of the International Ship and Port Facility Security Code.

(2) A detention notice shall specify the steps that the maritime law enforcement officer requires to be taken in respect of the ship in order to secure its release from detention.

(3) A detention notice shall require the master to take steps to ensure that the ship does not proceed to sea while the detention notice is in force.

(4) The master of a ship in respect of which a detention notice is served may object to the notice in writing to another maritime law enforcement officer.

(5) On receipt of an objection to a detention notice, the other maritime law enforcement officer shall

(a) consider the objection;

(b) allow the person making the objection and the maritime law enforcement officer who gave the notice an opportunity to make written or oral representations to that other officer or to a person nominated by that other officer;

(c) confirm, modify or cancel the notice; and

(d) give notice of his decision in writing to the person who made the objection.

(6) The other maritime law enforcement officer shall include in his decision a finding as to whether, in relation to any of the matters specified in respect of a ship in a detention notice under paragraph (1), there was a valid basis for the detention of the ship.

(7) A detention notice in respect of a ship continues in force until a maritime law enforcement officer cancels it by notice in writing or under paragraph (5) *(c)*.

(8) A person commits an offence if without reasonable excuse he fails to comply with a requirement of a detention notice and is liable

(a) on summary conviction, to a fine of $75 000; or

(b) on conviction on indictment, to a fine of $200 000.

Compensation for invalid ship detention

9.(1) If, on consideration of an objection in respect of a detention notice relating to a ship under regulation 8, the maritime law enforcement officer finds that there was no valid basis for the detention, the owner of the ship is entitled, upon application, to receive compensation for any loss or damage suffered by him that is directly attributable to the detention of the ship.

(2) A claim for compensation under paragraph (1) shall be made in writing to the maritime law enforcement officer within 3 months from the date on which that officer serves notice of his decision under regulation 8(5)*(d)*.

(3) A person claiming compensation under paragraph (1) shall provide any information in respect of the loss or damage incurred that the maritime law enforcement officer reasonably requires, including the production of original documents in his possession or control.

(4) The maritime law enforcement officer shall verify the accuracy of any information provided under paragraph (3).

(5) Any dispute as to the right to, or the amount of, compensation payable under paragraph (1) shall be referred to a single arbitrator appointed by agreement between the parties.

(6) Any compensation granted under paragraph (1) shall be paid by the Minister.

PART IV

RESTRICTED AREAS

Unauthorized presence in a restricted area of a ship

10.(1) A person shall not

(a) go onto or into a restricted area of a ship except with the permission of the ship's master, the ship security officer or a person acting on his behalf, and except in accordance with any conditions subject to which that permission is granted; or

(b) remain in a restricted area after being requested to leave by the ship's master, the ship security officer or a person acting on his behalf.

(2) A person does not contravene paragraph (1)*(a)* unless it is proved that, at the material time, notices stating the area concerned was a restricted area were posted so as to be readily seen by persons entering the restricted area.

(3) A person who contravenes paragraph (1) without lawful authority or a reasonable excuse commits an offence and is liable on summary conviction to a fine of $50 000.

(4) A law enforcement officer, the ship's master or security officer, or a person acting on behalf of the master or the security officer may use such force as is reasonable in the circumstances to remove from a restricted area a person who remains there in contravention of paragraph (1)*(b)*.

Unauthorized presence in a restricted area of a port facility

11.(1) A person shall not

(a) go onto or into a restricted area of a port facility except with the permission of the port facility security officer or a person acting on his behalf, and except in accordance with any conditions subject to which that permission is granted; or

(b) remain in a restricted area after being requested to leave by the port facility security officer or a person acting on his behalf.

(2) A person does not contravene paragraph (1)*(a)* unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen by persons entering the restricted area.

(3) A person who contravenes paragraph (1) without lawful authority or a reasonable excuse commits an offence and is liable on summary conviction to a fine a of $50 000.

(4) A law enforcement officer, port facility security officer, or a person acting on his behalf may use such force as is reasonable in the circumstances to remove from a restricted area a person who remains there in contravention of paragraph (1)*(b)*.

PART V

OFFENCES RELATING TO AUTHORIZED OFFICERS

Offences and penalties

12.(1) A person commits an offence who

(a) intentionally obstructs a maritime law enforcement officer acting in the exercise of a power conferred upon him under these Regulations; or

(b) impersonates an authorized officer.

(2) A person who commits an offence under paragraph (1)*(a)* is liable

(a) on summary conviction, to a fine of $50 000; or

(b) on conviction on indictment, to a fine of $150 000.

(3) A person who commits an offence under paragraph (1)*(b)* is liable on summary conviction to a fine of $250 000.

PART VI

ENFORCEMENT AND PENALTIES

Enforcement notices

13.(1) A maritime law enforcement officer may serve an enforcement notice on a person referred to in paragraph (2) where it appears to him that the person has failed to comply with

(a) the requirements of Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974;

(b) the requirements of Part A of the International Ship and Port Facility Security Code;

(c) the requirements of paragraphs 1.12, 6.1, 8.3, 8.5, 8.7, 8.8, 8.9, 8.10, 13.6, 13.7, 18.5 or 18.6 of Part B of the International Ship and Port Facility Security Code;

(d) the requirement to submit to an inspection by the Administration, and to rectify any deficiencies identified following such an inspection; or

(e) the requirement to submit specified changes or amendments to a ship security plan or a port facility security plan in accordance with Part XXVII of the Act.

(2) An enforcement notice under paragraph (1) in relation to a ship may be served on

(a) the shipowner;

(b) the company's security officer;

(c) the ship's security officer; or

(d) the master of the ship.

(3) An enforcement notice under paragraph (1) in relation to a port facility may be served on

(a) the port facility's security officer;

(b) the owner of the port facility security plan; or

(c) a person who carries on port operations in a port facility.

Content of enforcement notice

14.(1) An enforcement notice shall state the matters that appear to the maritime law enforcement officer to constitute a failure to comply with the requirements specified in regulation 13.

(2) An enforcement notice shall specify the steps that the maritime law enforcement officer requires to be taken, or an activity that the maritime law enforcement officer requires to cease, in order to achieve compliance with the requirements specified in regulation 13.

(3) An enforcement notice may specify different ways of complying with the requirements set out in the notice.

(4) An enforcement notice takes effect on the date specified in the notice.

(5) An enforcement notice shall specify the period within which any required steps are to be taken or any activities are required to cease, and may specify different periods for different steps or activities.

(6) Where different periods apply to different steps or activities, references in these Regulations to the period for compliance with an enforcement notice, in relation to a step or activity, are to the period within which the step is required to have been taken or the activity is required to have ceased.

(7) An enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all steps in the circumstances that are practicable and necessary to prevent that thing from being done.

Offences relating to enforcement notices

15.(1) A person, who without reasonable excuse, fails to comply with an enforcement notice served on him commits an offence and is liable

(a) on summary conviction, to a fine of $75 000; or

(b) on conviction on indictment, to a fine of $250 000.

(2) Where a person convicted of an offence under paragraph (1) continues after the conviction without a reasonable excuse to engage in the conduct in respect of which he was convicted, he commits a further offence and liable on summary conviction to a fine of $1 000 for each day on which the failure continues.

Objection to enforcement notice

16.(1) A person on whom an enforcement notice is served may serve on the Administration a notice in writing of his objection to the enforcement notice on the ground that

(a) the steps required by the notice to be taken for the purposes of regulation 13 have been complied with; or

(b) a requirement of the notice

(i) is unnecessary in order to comply with the requirements specified in regulation 13 and should be dispensed with; or

(ii) is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection.

(2) An objection to an enforcement notice shall be served on the Administration within 7 days from the date on which the enforcement notice was served.

(3) A person making an objection to an enforcement notice shall submit to the Administration, either when making the objection or within the 7 days referred to in paragraph (2), a statement in writing

(a) specifying the grounds on which he is objecting to the enforcement notice; and

(b) providing such further information as may be appropriate.

(4) Where a person on whom an enforcement notice is served serves a notice under paragraph (1), the Administration shall

(a) consider the grounds of the objection and, if so requested by the objector, shall afford to him an opportunity to appear before and be heard by a person appointed by the Administration for the purpose; and

(b) serve on the objector a notice in writing

(i) confirming the enforcement notice as originally served;

(ii) confirming it subject to one or more modifications specified in the notice; or

(iii) cancelling the enforcement notice.

(5) An enforcement notice to which an objection has been made under paragraph (1) does not take effect until it has been confirmed, with or without modification, by a notice under paragraph (4).

(6) An enforcement notice served on a person

(a) may be revoked by a notice served on him by a maritime law enforcement officer; or

(b) may be varied by a further enforcement notice served on him by a maritime law enforcement officer.

PART VII

MISCELLANEOUS

Minimum period for retention of records

17.(1) A declaration of security that is completed in respect of a ship or a port facility shall be retained for a period of at least 3 years after it was last used

(a) in respect of a ship, on board the ship by the master; and

(b) in respect of a port facility, by the port facility security officer.

(2) A completed declaration of security relating to a ship's last 10 calls at port facilities shall be retained on board the ship by the master, even where the period over which those calls extend exceeds the 3-year period referred to in paragraph (1).

Amendments to plans

18.(1) The owner of a ship may apply to the Administration for approval of an amendment to an approved ship security plan.

(2) The owner of a port facility security plan may apply to the Administration for approval of an amendment to an approved port facility security plan.

(3) An amendment referred to in paragraph (1) shall not be implemented by the shipowner or owner of the port facility security plan unless it is approved by the Administration.

Service of documents

19.(1) A notice, notification or other document authorized or required under these Regulations to be served on or given to a person may be served on or given to the person

(a) by delivering it to him;

(b) by leaving it at his proper address;

(c) by sending it by post to him at that address;

(d) by transmitting it to him at that address, by fax or other similar means that is capable of producing a document containing the text of the communication; or

(e) where the person maintains an e-mail address, by sending an electronic copy of the document to that e-mail address.

(2) A document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(3) For the purposes of this regulation, the proper address of a person to whom a document is to be given or on whom a document is to be served is

(a) his usual or last known address or place of business, whether in Barbados or elsewhere;

(b) in the case of a body corporate, the address of the registered or principal office of that body in Barbados or, if it has no office in Barbados, the address of its principal office wherever that may be; or

(c) in the case of a person registered under the Act as the owner of a ship, the address recorded in relation to him in the register.

(4) If the person to or on whom a document is to be given or served has notified the Administration of an address within Barbados, other than an address determined under paragraph (3), as the one at which he or someone else on his behalf will accept such documents, that address shall be treated for the purposes of this regulation as his proper address.

(5) Where there are 2 or more owners of a ship who are registered under the Act, a document shall be treated as being duly served on the owners if it is served on one of those owners.

(6) Where a document is to be served on the master of a ship, it shall be treated as being duly served if it is left on board that ship with the person being, or appearing to be, in command or charge of the ship.

Drills and exercises

20.(1) All port facility personnel shall

(a) receive port security familiarization and port security awareness training or instruction in accordance with Part A of the International Ship and Port Facility Security Code;

(b) if assigned specific port security duties and responsibilities, understand their responsibilities for port security as described in the port facility security plan; and

(c) have sufficient knowledge and ability to perform their assigned duties.

(2) A port facility operator shall ensure that drills and exercises in port facility security are conducted at appropriate intervals, taking into account the types of ship the port facility is serving and the guidance given in Part B of the International Ship and Port Facility Security Code.

(3) The port facility security officer shall participate in the drills and exercises referred to under paragraph (2) at appropriate intervals to ensure the effective coordination and implementation of the port facility security plan.

Continuous synopsis record

21.(1) The Administration, or a recognized organization acting on behalf of the Administration, shall issue a continuous synopsis record in accordance with regulation 5 of Chapter XI-1 of the International Convention for the Safety of Life at Sea 1974.

(2) A shipowner and the master of a ship shall ensure that the continuous synopsis record is on board the ship and available for inspection at all times.

(3) The continuous synopsis record shall be left on board a ship when

(a) the ship is transferred to the flag of another state;

(b) the ship is sold to another owner;

(c) the ship is taken over by a bareboat charterer; or

(d) another company assumes responsibility for the operation of the ship.

(4) The shipowner shall promptly notify the Administration of any changes to the information recorded in the continuous synopsis record.

(5) The Administration, or a recognized organization acting on behalf of the Administration, shall issue an updated continuous synopsis record within 3 months of receipt of a notification referred to in paragraph (4).

(6) Previous entries in the continuous synopsis record shall not be modified, deleted or in any way erased or defaced.

Ship identification numbers

22.(1) This regulation applies to

(a) passenger ships of 100 GT or above; and

(b) other ships of 300 GT or above.

(2) A ship referred to in paragraph (1) shall be provided by the ship's flag administration with an identification number that conforms to the International Maritime Organization ship identification number scheme.

(3) The identification number shall be inserted on the ship's certificates and certified copies of it shall be issued under regulation 12 or 13 of Chapter I of the International Convention for the Safety of Life at Sea 1974.

(4) The identification number of a ship shall be permanently marked

(a) 200 millimetres or more in height, in a visible place on

(i) the stern of the ship;

(ii) either side of the hull, amidships port and starboard, above the deepest assigned load line;

(iii) both sides of the superstructure, port and starboard;

(iv) the front of the superstructure; or

(v) in the case of a passenger ship, on a horizontal surface visible from the air; and

(b) 100 millimetres or more in height, in an easily accessible place

(i) on one of the end traverse bulkheads of the machinery spaces;

(ii) on one of the hatchways;

(iii) in the case of a tanker, in the pump-room; or

(iv) in the case of a ship with ro-ro spaces, on one of the end traverse bulkheads of the ro-ro spaces.

(5) The permanent marking shall be

(a) plainly visible, clear of any other markings on the hull;

(b) painted in a contrasting colour;

(c) made by raised lettering, cutting it in, centre punching it or any other equivalent method of marking the ship's identification number that is not easily expunged; and

(d) proportionate in height to its width.

(6) Where a ship is constructed of a material other than steel or metal, the Administration, or a recognized organization acting on behalf of the Administration, shall approve the method of marking the ship's identification number.

Guidance on the ISPS Code

23. The Barbados Coast Guard may provide guidance to ships, in the form of Marine Guidance Notes, on compliance with the International Ship and Port Facility Security Code.

PART VIII

SUPPLEMENTARY SECURITY MEASURES

Alternative security agreements

24.(1) The Minister, after Cabinet approval, may conclude in writing bilateral or multilateral agreements with other contracting governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within the Caribbean space.

(2) An agreement made under paragraph (1) shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

(3) A ship covered by an agreement made under paragraph (1) shall not conduct ship-to-ship activities with a ship not covered by the agreement.

(4) An agreement made under paragraph (1) shall be reviewed periodically, taking into account the experience gained and any changes in the circumstances or the assessed threats to the security of the ship, port facility or routes covered by the agreement.

Equivalent security arrangements

25. The Administration may permit a Barbados ship to implement other security measures equivalent to the security measures specified under the Act, these Regulations and the International Ship and Port Facility Security Code, if such security measures are at least as effective as the security measures in the Act, these Regulations and that Code.

Communication to the International Maritime Organization

26.(1) The Administration shall communicate to the International Maritime Organization and make available for the information of companies and ships

(a) the names and contact details of each national authority responsible for ship and port facility security;

(b) the locations within its territory covered by the approved port facility security plans;

(c) the names and contact details of persons who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts;

(d) the names and contact details of persons who have been designated to be available at all times to receive and act upon communications from contracting governments exercising control and compliance measures; and

(e) the names and contact details of persons who have been designated to be available at all times to provide advice or assistance to ships and to whom ships may report any security concerns.

(2) The Administration shall update the information referred to in paragraph (1) when changes related to it occur.

(3) The Administration shall communicate to the International Maritime Organization the names and contact details of any recognized security organization authorized to act on behalf of a designated authority, and the details of the specific responsibility and conditions of authority delegated to such organizations.

(4) The information referred to under paragraph (3) shall be updated when changes relating to it occur.

(5) The Administration shall communicate to the International Maritime Organization a list showing the approved port facility security plans for the port facilities located within Barbados, together with the location covered by each approved port facility security plan and the corresponding date of approval.

(6) The Administration shall notify the International Maritime Organization

(a) of any change in the location covered by an approved port facility security plan and the date on which the change is to be introduced or was implemented;

(b) as soon as is practicable, if an approved port facility security plan previously included in the list submitted to the International Maritime Organization is to be withdrawn or has been withdrawn, and indicate the date on which the withdrawal will take effect or was implemented; and

(c) of any addition to be made to the list of approved port facility security plans.

(7) A port security officer shall communicate to the International Maritime Organization a revised and updated list showing all the approved port facility security plans for the port facility, together with the location covered by each approved port facility security plan, the corresponding date of approval and the date of approval of any amendments to it.

(8) The Administration shall notify the International Maritime Organization if an agreement under regulation 24 has been entered into, amended or terminated.

(9) A notification under paragraph (8) shall include

(a) the names of the governments that have concluded the agreement;

(b) the port facilities and the fixed routes covered by the agreement;

(c) the periodicity of review of the agreement;

(d) the date of entry into force of the agreement; and

(e) information on any consultations that have taken place with other governments.

(10) Where an equivalent security arrangement with respect to a Barbados ship is permitted, details of the equivalent security arrangement shall be reported to

the Administration in writing, and the Administration shall communicate the particulars of the agreement to the International Maritime Organization.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 37

MERCHANT SHIPPING (FERRYING) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (FERRYING) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Ferrying) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Barbados-based ferry service" means a maritime ferry service or combined aviation-maritime cargo and passenger ferry service commencing from ferry facilities in Barbados and engaged on voyages only within

(a) Barbados' waters; or

(b) the waters of the Caribbean Trading Area;

"Barbados ferry facilities permit" means a permit issued under regulation 6(1)*(b)* (i);

"Barbados ferry service license" means a license issued under regulation 6(1)*(b)* (ii);

(a) within Barbados; and

(b) between Barbados and the Caribbean Trading Area;

"Caribbean Trading Area" means the Gulf of Mexico and Caribbean Sea proper, including the bays and seas in them and that portion of the Atlantic Ocean within the boundary constituted by a rhumb line from a point on the east coast of the United States of America in latitude 32° 00' north to the intersection 20° 00' north, 59° 00' west, thence a rhumb line to the intersection of 7° 20' north, 50° west, and thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana;

"Director" means the Director of Ocean Affairs;

"domestic ferry" means a vessel flying the Barbadian flag that carries cargo and passengers on a regular schedule and operates on routes to destinations within Barbados' waters;

"ferry facilities" mean facilities used in connection with ferries, including facilities for

(a) loading and unloading of cargo;

(b) embarking and disembarking passengers;

(c) ferry docking;

(d) ferry maintenance; and

(e) ferry haul-out;

"ferry service" means a water-based transport service for the transportation of persons and cargo, including vehicles;

"inter-regional ferry" means a vessel flying the Barbadian flag that carries cargo and passengers on a regular schedule and operates on routes to destinations within waters in the Caribbean Trading Area;

"maritime security level" means

(a) maritime security level 1;

(b) maritime security level 2; or

(c) maritime security level 3;

"maritime security level 1" means the maritime security level in force under section 650 of the Act;

"maritime security level 2" means the maritime security level 2 as in force under section 650 of the Act;

"maritime security level 3" means the maritime security level 3 as in force under section 650 of the Act; and

"Minister" means the Minister responsible for Shipping.

"special ferry service licence" means a licence issued under regulation 6(5);

"surveyor" means a surveyor selected from an approved list of marine surveyors issued by the Administration via a Merchant Shipping Notice.

Purpose

3. The purpose of these Regulations is to create the enabling environment for the development of Barbados' ferrying industry.

Application

4.(1) These Regulations apply to privately owned passenger and cargo ferries above 150 GT operating in Barbados and or the Caribbean Trading Area, whether solely by sea or via combined air-to-sea or sea-to-air ferrying.

(2) Except where expressly provided otherwise in a Marine Notice, these Regulations do not apply to

(a) government-owned ferries; or

(b) a ferry operating under a ferry service arrangement between the Government of Barbados and one or more foreign governments.

Compliance by ferries with international maritime standards

5. Ferries referred to in paragraph 4(2), when trading in whole or in part in Barbados waters as part of a ferry service arrangement, shall comply with international maritime safety, security and marine pollution prevention standards and, when in Barbados waters, shall be subject to port state control inspections in accordance with

(a) the Act;

(b) the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40);

(c) the Caribbean Memorandum of Understanding on Port State Control; and

(d) the Maritime Labour Convention 2006, as amended.

Requirements to establish and operate a Barbados-based ferry service

6.(1) A person wishing to establish and operate a ferry service in Barbados shall

(a) register the ferry under the Barbados flag, as either

(i) a domestic ferry service line; or

(ii) an inter-regional ferry service line, with voyages commencing or concluding in Barbados;

(b) apply to the Minister for a

(i) Barbados ferry facilities permit, for the establishment of ferry facilities in Barbados, where such facilities will be established or operated by a private person; or

(ii) Barbados ferry service license, for operating a ferry service

(A) in Barbados' waters; or

(B) between Barbados and the Caribbean Trading Area; and

(c) pay the fees specified in the *Second Schedule* to these Regulations, or in a Shipping (Fee) Notice, as the case may be.

(2) Regulation 6(1)*(b)*(i) applies to the owner or operator of a privately owned or managed ferry terminal or other facility used to accommodate ferries for berthing, docking, repairing or other activities relating to ferries.

(3) Regulation 6(1)*(b)*(ii) applies to owners or operators of ferries.

(4) The owner of a foreign-registered ferry wishing to operate a ferry service in Barbados, shall

(a) register the ferry in Barbados, in accordance with regulation 6(1)*(a)*; or

(b) bareboat charter-in the ferry under the Barbados flag, in accordance with PART VII of the Act; and

(c) obtain, after a registration pursuant to *(a)* or *(b)*, a Barbados ferry service licence.

(5) Non-commercial ferry services, including ferry services for

(a) recreation;

(b) research;

(c) training; or

(d) other non-commercial ferry services not falling under sub-regulation (6),

require a special ferry service licence.

(6) Non-commercial ferry services for

(a) medical, disaster relief and humanitarian purposes; or

(b) other related purposes,

only require written communication and notification to the Administration.

(7) The Administration on receiving a communication or notification, pursuant to sub-regulation (6) shall notify the Minister, and the Minister may issue such further directions as he deems necessary in the circumstances.

(8) A holder of a permit or licence issued under these Regulations may be subject to such terms and conditions as may be specified by the Administration.

(9) It shall be an offence to

(a) establish or operate a ferry terminal or other facility used to accommodate ferries, in contravention of regulation 6(1)*(b)*(i);

(b) operate a ferry service in contravention of regulations 6(1)*(a)* and 6(1)*(b)*(ii);

(c) operate under an expired permit or licence, as the case may be;

(d) where a foreign-registered ferry, operate a ferry in Barbados in contravention of regulation 6(4);

(e) operate a non-commercial ferry service, in contravention of regulation 6(5);

(f) operate contrary to permit or licence terms and conditions, in contravention of regulation 6(8).

(10) A person who commits an offence in relation to

(a) sub-regulation (9)*(a)* is liable to suspension or revocation of the permit and/or to a fine of $50 000;

(b) sub-regulation (9)*(b)* is liable to suspension or revocation of the licence and/or a fine of $50 000;

(c) sub-regulation (9)*(c)* is liable to a fine of $100 000;

(d) sub-regulation (9)*(d)* is liable to a fine of $200 000;

(e) sub-regulation (9)*(e)* is liable to a fine of $50 000; and

(f) sub-regulation (9)*(f)* is liable to a fine of $200 000.

PART II

FERRY SURVEYS

Surveys of ferries

7.(1) Every Barbados-registered ferry shall be subject to an annual inspection of the ferry's bottom, of which 2 inspections within any 5-year period are to take place out of the water at intervals not exceeding 36 months.

(2) Every Barbados-registered ferry shall be subject to

(a) before the ferry is put in service, a ferry initial survey; and

(b) before the end of every period of 12 months following the issuance of a

(i) ferry safety certificate, a ferry renewal survey;

(ii) ferry safety radio certificate, a ferry renewal survey;

(iii) ferry maritime labour certificate, a ferry renewal survey;

(iv) ferry security certificate, a ferry renewal survey;

(v) ferry marine pollution prevention certificate, a ferry renewal survey; and

(vi) ferry energy efficiency certificate, a ferry renewal survey.

(3) Certificates referred to in paragraph (2) shall be in the form set out in the *First Schedule*.

(4) An endorsement on a certificate shall be in the form prescribed by the Administration.

Surveys of ferry structure, machinery and equipment

8.(1) A Barbados-registered ferry shall be subject to the following surveys of her structure, machinery and equipment, other than equipment to which regulation 9 applies:

(a) before the ferry is put in service, an initial survey;

(b) every 5 years, a ferry renewal survey;

(c) within three months before or after the second or third anniversary date of a ferry safety certificate, a ferry intermediate survey;

(d) within three months before or after each anniversary date of the ferry safety certificate, other than where a renewal or intermediate survey is required to be carried out within that period, an annual survey; and

(e) subject to paragraph (2), 2 inspections of the ferry's bottom, to take place out of the water within any 5-year period, and at intervals not exceeding 36 months.

(2) For the purpose of paragraph (1)*(e)*, where a ferry renewal survey takes place within 3 months after the end of the 5-year period of validity of a ferry safety certificate, and that certificate has been extended in accordance with regulation 24(3) or (4), the period of extension of the certificate shall be deemed to be within the 5-year period.

Surveys of ferries: radio installations

9. A Barbados-registered ferry shall be subject to the following surveys of her radio installations:

(a) before the ferry is put in service, a ferry radio installation initial survey;

(b) every 5 years, a ferry radio installations renewal survey; and

(c) within 3 months before or after each anniversary date of the ferry safety radio certificate, a ferry radio installations periodical survey.

Surveys of ferry occupational and maritime labour elements

10. A Barbados-registered ferry shall be subject to the following surveys of her occupational and maritime labour safety elements:

(a) before the ferry is put in service, a ferry occupational and maritime labour safety assessment initial survey;

(b) every 5 years, a ferry occupational and maritime labour safety assessment renewal survey; and

(c) within 3 months before or after each anniversary date of the ferry security certificate, a ferry occupational and maritime labour safety assessment periodical survey.

Surveys of ferry security

11. A Barbados-registered ferry shall be subject to the following surveys of her security arrangements:

(a) before the ferry is put in service, a ferry security assessment initial survey;

(b) every 5 years, a ferry security assessment renewal survey; and

(c) within 3 months before or after each anniversary date of the ferry security certificate, a ferry security assessment periodical survey.

Surveys of ferry marine environmental performance

12. A Barbados-registered ferry shall be subject to the following surveys of her marine pollution prevention arrangements:

(a) before the ferry is put in service, a ferry marine environmental performance initial survey;

(b) every 5 years, a ferry marine environmental performance renewal survey; and

(c) within 3 months before or after each anniversary date of the ferry marine pollution prevention certificate, a ferry marine environmental performance periodical survey.

Surveys of ferry energy efficiency performance

13. A Barbados-registered ferry shall be subject to the following surveys of her energy efficiency arrangements:

(a) before the ferry is put in service, a ferry energy efficiency performance initial survey;

(b) every 5 years, a ferry energy efficiency performance renewal survey; and

(c) within 3 months before or after each anniversary date of the ferry energy efficiency certificate, a ferry energy efficiency performance periodical survey.

Ferry-specific operational management plans

14.(1) All Barbados-registered ferries shall operate in accordance with their individual ferry-specific operational management plans, which shall be developed by the ferry company or an entity authorized in writing by the ferry company.

(2) The ferry-specific operational management plan shall contain technical and operational measures for improving the ferry's safety and security and the marine environmental and energy efficiency performance of a ferry.

(3) Ferry-specific operational management plans are subject to review during a ferry survey, and a surveyor may require amendments to a ferry-specific operational management plan necessary for reasons of ferry safety, security or marine environmental or energy efficiency performance.

Owner and operator responsibilities

15.(1) The owner and the operator of a ferry shall ensure that

(a) the ferry and her equipment are maintained so as to ensure that the ferry in all respects remains fit to proceed to sea without danger to the ferry or persons on board;

(b) after any survey of the ferry required by these Regulations has been completed, no change is made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the Administration, except by direct replacement; and

(c) whenever an accident occurs to a ferry or a defect is discovered that affects the safety of the ferry or the efficiency or completeness of her life-saving appliances or other equipment

(i) it is reported at the earliest opportunity to the Administration, or to a proper officer; and

(ii) if the ferry is a Barbados-registered ferry in a port outside Barbados, it is also reported to the appropriate authorities of the country in which the port is situated.

(2) If a report is made under paragraph (1)*(c)*(i), the Administration or proper officer shall determine whether a survey is necessary and, if so, require one to be carried out.

(3) If a survey referred to in paragraph (2) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ferry or her equipment, a further survey shall be carried out on the completion of those repairs or renewals.

(4) This regulation applies to

(a) Barbados-registered ferries; and

(b) except as regards paragraph (1)*(a)*, other ferries that have been surveyed pursuant to these Regulations.

Deficient ferry: procedure to be adopted

16.(1) Where a surveyor determines that the condition of a Barbados-registered ferry, or another ferry that has been surveyed pursuant to these Regulations, does not correspond substantially with the particulars on one or more of the certificates referred to in these Regulations or is such that the ferry is not fit to proceed to sea without danger to the ferry or persons on board, the surveyor shall advise the owner or operator of the corrective action that in the surveyor's opinion is required, and shall notify the Administration.

(2) If such corrective action is not taken within 3 months, the surveyor or the Administration shall notify the Minister, who may suspend the validity of the certificate issued to the ferry.

(3) The Minister shall give notice of any such suspension to the owner, to the surveyor, and to the Administration, who in turn shall notify the ferry operator.

PART III

FERRY CERTIFICATES

Requirement for certificates: initial ferry surveys

17. A Barbados-registered ferry shall not be put into service, or if she is already in service, continue in service, unless

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

(b) at the date of the initial survey, the surveyor is satisfied that the ferry is seaworthy in relation to maritime safety, including maritime labour safety, maritime security and marine environmental and energy efficiency performance;

(c) there is on board the ferry a ferry-specific operational management plan that has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to maritime safety, including maritime labour safety, maritime security and marine environmental and energy efficiency performance; and

(d) in consequence of that initial survey, the following certificates have been issued in respect of that ferry and are still valid:

(i) a ferry safety certificate;

(ii) a ferry safety radio certificate;

(iii) a ferry maritime labour certificate;

(iv) a ferry security certificate;

(v) a ferry marine pollution prevention certificate; and

(vi) a ferry energy efficiency certificate.

Requirement for certificates: renewal ferry surveys

18.(1) No Barbados-registered ferry shall proceed to sea or, if she is already at sea, remain at sea, after the date of an expiry of a certificate specified in these Regulations in respect of that ferry, unless

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

(b) at the date of the renewal survey, the surveyor is satisfied that the ferry is seaworthy in relation to maritime safety, including maritime labour safety, maritime security and marine environmental and energy efficiency performance;

(c) there is on board the ferry a ferry-specific operational management plan that has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to maritime safety, including maritime labour safety, maritime security and marine environmental and energy efficiency performance; and

(d) in consequence of that renewal survey, the following certificates have been issued in respect of that ferry and are still valid:

(i) a ferry safety certificate;

(ii) a ferry safety radio certificate;

(iii) a ferry maritime labour certificate;

(iv) a ferry security certificate;

(v) a ferry marine pollution prevention certificate; and

(vi) a ferry energy efficiency certificate.

(2) Renewal surveys are to be carried out every 5 years on ferries, except as follows:

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

(b) when the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing certificate; or

(c) when the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey.

(3) If a ferry is not in a place where she is to be surveyed when a certificate expires, the period of validity of the certificate may be extended by the Administration for the purpose of allowing the ferry to complete her voyage to the port in which she is to be surveyed.

(4) No certificate shall be extended for a period longer than 3 months, and a ferry to which an extension is granted shall not, on her arrival to the place in

which she is to be surveyed, be entitled by virtue of the extension to leave that place without having a new certificate.

(5) When the renewal survey of a ferry referred to in paragraph (3) is completed, the new certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

(6) A certificate issued to a ferry engaged on short voyages that has not been extended under paragraph (3) may be extended by the Minister for a period of up to one month from the date of expiry stated on it.

(7) Subject to paragraph (8), when the renewal survey of a ferry referred to in paragraph (6) is completed, the new certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

(8) The Director may date a new certificate on a date other than the date of expiry of the existing certificate, in which case the new certificate shall be valid to a date not exceeding 5 years from the date of completion of the renewal survey.

Requirement for certificates: annual ferry surveys

19. No Barbados-registered ferry shall proceed to sea or, if she is already at sea, remain at sea, after the end of any annual survey period for that ferry unless

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

(b) at the date of the annual survey, the surveyor is satisfied that the ferry is seaworthy in relation to maritime safety, including maritime labour safety, maritime security and marine environmental and energy efficiency performance; an

(c) in consequence, the following certificates in respect of that ferry have been endorsed and are still valid:

(i) a ferry safety certificate;

(ii) a ferry safety radio certificate;

(iii) a ferry maritime labour certificate;

(iv) a ferry security certificate;

(v) a ferry marine pollution prevention certificate; and

(vi) a ferry energy efficiency certificate.

Duties of ferry company and operator

20.(1) The company and the operator of a Barbados-registered ferry shall ensure that the ferry and her equipment are maintained in compliance with these Regulations, so as to ensure that the ferry in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment and to the atmosphere.

(2) The company and the operator of a Barbados-registered ferry shall ensure that after any survey of the ferry, no change except by way of direct replacement is made to the equipment, systems, fittings, arrangements and materials of that ferry covered by the survey, without the approval of

(a) the Administration, where the surveyor has been appointed by the Administration; or

(b) the Minister, where the relevant ferry certificates have been issued by the Minister at the request of a government of a state within the Caribbean Trading Area.

(3) Whenever an accident occurs on a ferry, or a defect is discovered in a ferry that substantially affects the integrity or efficiency of the ferry, the company and the ferry operator shall ensure that

(a) the accident or defect is reported at the earliest opportunity to the Administration; and

(b) in the case of a ferry outside Barbados, the accident or defect is also immediately reported to the maritime authorities in the country in which the ferry is situated.

(4) When an accident or defect is reported to the Administration in accordance with paragraph (3)*(a)*, the Administration shall

(a) cause an investigation to be initiated to determine whether an additional survey is necessary; and

(b) if the Administration considers that an additional survey is necessary, cause that survey to be carried out.

(5) When an accident or defect is reported to the Administration and the ferry in question is in a place outside of Barbados, the Administration shall ascertain that the requirement in paragraph (3)*(b)* has been complied with.

(6) In this regulation, "direct replacement" means the replacement with equipment, fittings, systems, arrangements and materials that conform to international maritime safety standards, including relevant International Standards Organization standards.

Additional ferry surveys

21.(1) This regulation applies to a Barbados-registered ferry where

(a) a repair resulting from an investigation referred to in regulation 20(4) has been made to the ferry; or

(b) an emergency repair or renewal has been made to the ferry.

(2) A ferry to which paragraph (1) applies shall not proceed to sea or, if she is already at sea, remain at sea, unless

(a) an additional survey has been carried out in respect of the ferry;

(b) at the date of the survey the surveyor is satisfied that

(i) the repair or renewal has been made effectively;

(ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and

(iii) the ferry complies in all respects with the requirements of these Regulations, or has been permitted to do so in writing by the Administration; and

(c) the surveyor has issued a survey report to the Administration expressing satisfaction required under subparagraph *(b)*.

Cancellation of a certificate

22.(1) The Administration may cancel a certificate issued to a Barbados-registered ferry, where there is reason to believe that

(a) the certificate was issued on false or erroneous information; or

(b) in the period after a survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) The Administration may require that a certificate issued to a Barbados-registered ferry that has expired or has been cancelled be surrendered.

(3) No person shall

(a) intentionally alter a certificate referred to in these Regulations;

(b) intentionally make a false certificate referred to in these Regulations;

(c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;

(d) with intent to deceive, use, lend or allow to be used by another person, a certificate referred to in these Regulations; or

(e) fail to surrender a certificate required to be surrendered under paragraph (2).

Availability of certificates

23. The owner and the operator of a ferry issued with a certificate specified in respect of ferries in these Regulations shall ensure that it is readily available for examination on board at all times.

Extensions and other provisions

24.(1) Where a ferry certificate, other than a ferry safety certificate, has been issued for a period of validity of less than 5 years and the surveys required under these Regulations have been satisfactorily completed, the surveyor may extend the validity of that certificate so that the certificate is valid for a maximum period of 5 years.

(2) Where a renewal survey required under these Regulations has been satisfactorily completed before the expiry of the relevant ferry certificate but the new certificate cannot be issued or placed on board the ferry before the expiry of the existing certificate, the surveyor may endorse the existing certificate as valid for a period not exceeding 5 months from the expiry date.

(3) Where a renewal survey required under these Regulations has not been satisfactorily completed before the expiry of the relevant ferry certificate and at the time of expiry the ferry is not in a place in which she is to be surveyed, the surveyor may extend the validity of the certificate solely for the purpose of allowing the ferry to complete her voyage to her place of survey.

(4) Where no other extension has been granted, the surveyor may extend the validity of a ferry certificate of a ferry engaged on short voyages for a period of not more than one month.

PART IV

EXEMPTIONS

Exemptions

25. The Minister may grant exemptions from all or any of these Regulations on any terms he may specify and may, subject to giving notice, alter or cancel any such exemption.

Exemption certificates: issue and duration

26.(1) When an exemption is granted to a ferry, an exemption certificate shall be issued in addition to any other certificate issued under these Regulations.

(2) The period of validity of an exemption certificate shall not be longer than the period of validity of the certificate to which it refers.

(3) An exemption certificate shall be subject to the same extension capability and other requirements as the certificate to which it refers.

PART V

FERRIES, FERRY FACILITIES AND MARITIME SECURITY

Application of this Part

27. This Part applies to

(a) Barbados-registered ferries; and

(b) domestic ferry facilities.

Ferry security levels

28.(1) Ferry security levels shall be commensurate with the maritime security levels specified in the International Ship and Port Facility Security Code.

(2) The operator of a domestic ferry or domestic ferry facility shall maintain maritime security level 1 at all times unless maritime security level 2 or 3 is required by a security measure formulated by the National Security Minister.

Ferry security equipment and systems

29. No person shall tamper with, damage or disrupt the normal operation of any security equipment or system on board a ferry or within a ferry facility.

Required security documentation

30.(1) Subject to paragraph (2), no person shall operate a ferry without a ferry security certificate.

(2) A ferry operator is deemed to comply with the requirements of paragraph (1) if

(a) a valid ferry security certificate or a valid interim ferry security certificate has been issued in respect of the ferry in accordance with these Regulations; or

(b) a valid international ship security certificate or a valid interim international ship security certificate has been issued in respect of the ferry in accordance with the International Ship and Port Facility Security Code.

Security requirements - domestic ferry facilities

31.(1) Subject to paragraph (2), no person shall operate a domestic ferry facility without a statement of compliance in respect of the ferry facility issued by the Administration.

(2) The operator of a domestic ferry facility is deemed to comply with the requirements of paragraph (1) if the Administration has issued a letter of approval in respect of the ferry facility.

Procedure for issuance of ferry security documentation

32.(1) In order to obtain a ferry security certificate or an international ship security certificate in respect of a Barbados-registered ferry, the ferry operator shall submit a security assessment report to the Administration in respect of the ferry.

(2) On receipt of the security assessment report , the Administration shall issue to the ferry operator a security assessment letter of approval in respect of the ferry.

(3) On receipt of the security assessment letter of approval, the ferry operator shall submit to the Administration a security plan in respect of the ferry.

(4) On receipt of the security plan, the Administration shall issue to the ferry operator an interim ferry security certificate in respect of the ferry if

(a) the ferry security plan is in force for the ferry, as part of the ferry-specific operational management plan;

(b) the ferry is not security-verified in accordance with the International Ship and Port Facility Security Code or these Regulations; and

(c) the Administration reasonably believes that, were the ferry to be inspected, the ferry would be security-verified in accordance with the International Ship and Port Facility Security Code or these Regulations.

(5) On ____, the Administration shall issue to the ferry operator a ferry security certificate in respect of the ferry.

Issuance of security documentation – domestic ferry facility

33. The procedure for the issuance of security documentation in respect of a domestic ferry facility is as follows:

(a) the ferry facility operator submits to the Administration a security assessment report in respect of the ferry facility;

(b) the Administration issues to the ferry facility operator a security assessment letter of approval in respect of the ferry facility;

(c) the ferry facility operator submits to the Administration a security plan in respect of the ferry facility; and

(d) the Administration issues to the ferry facility operator a statement of compliance in respect of the ferry facility.

PART VI

COMPLIANCE AND ENFORCEMENT

Powers to detain

34.(1) Where a ferry is to be detained under the Act, the detaining officer shall serve on the operator a detention notice, which shall

(a) state that a surveyor is of the opinion that, in relation to that ferry, there is a failure to comply with the requirements of these Regulations;

(b) specify the matters that, in the opinion of the surveyor, do not meet those requirements; and

(c) require the terms of the notice to be complied with before the vessel is released by a person referred to in section 1221(1) of the Act.

(2) Sections 454 and 455 of the Act apply in relation to a detention notice under this regulation in the same manner as those sections apply in relation to a detention notice under section 1221(4) of the Act, with the following modifications:

(a) the arbitrator shall have regard, in coming to a decision, to any other matters not specified in the detention notice that appear to be relevant to whether the ferry was in breach of a requirement of these Regulations; and

(b) the arbitrator shall include in the decision a finding whether there was a valid basis for the detention of the ferry for not complying with the requirements of these Regulations.

Arbitration

35.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a Barbados-registered ferry, the applicant may serve a written notice on the responsible person within 21 days of receiving notice of that outcome

(a) stating that there is a dispute in relation to the survey; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraphs (3), (4) and (6), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the parties.

(3) In default of an agreement between the parties, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch) or a recognized maritime industry-specific body, following a request by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency that is equivalent to such a certificate;

(b) a naval architect;

(c) a person who is qualified to be appointed to a high judicial office in Barbados;

(d) a person with experience of shipping matters; or

(e) a Member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a Marine Guidance Notice apply unless alternative arrangements are agreed between the applicant and the Minister before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations;

"party" means the applicant or the responsible person; and

"responsible person" means the surveyor responsible for the issuance of the certificate in connection with which a survey required by these Regulations is carried out.

PART VII

OFFENCES

Prohibition on proceeding to sea without the appropriate documentation

36.(1) No Barbados-registered ferry engaged on domestic voyages or voyages between Barbados and the Caribbean Trading Area shall proceed to sea unless she has been surveyed and there is in force the following certificates:

(a) a ferry safety certificate;

(b) a ferry safety radio certificate;

(c) a ferry maritime labour certificate;

(d) a ferry security certificate;

(e) a ferry marine pollution prevention certificate; and

(f) a ferry energy efficiency certificate.

(2) If a certificate is issued subject to conditions or specifies sea areas in which the ferry is certified to operate, the owner and the operator shall ensure that all conditions are complied with and that the ferry operates only in the specified sea areas.

Offence of fraudulent surveys

37.(1) No marine surveyor shall prepare or issue

(a) an untrue or inaccurate ferry survey;

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

(c) a report or record that falsely states that a ferry is seaworthy; or

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

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of $500 000.

Offence – false or misleading statements

38. A ferry operator commits an offence, and is liable on summary conviction to a fine of $200 000, if

(a) the ferry operator makes a statement in connection with whether a ferry safety certificate, ferry safety radio certificate, ferry security certificate, ferry marine pollution prevention certificate and ferry energy efficiency certificate is in force for the ferry, whether orally, in a document or in any other way; and

(b) the ferry operator does so knowing that the statement

(i) is false or misleading; or

(ii) omits any matter or thing without which the statement is misleading.

Limit on the number of passengers on ferries

39. The owner and the operator of a ferry shall ensure that there is not on board a greater number of passengers than that stated on the ferry's ferry safety certificate.

Limit on the amount of cargo on ferries

40. The owner and the operator of a ferry shall ensure that there is not on board a greater quantity of cargo than that stated on the ferry's ferry safety certificate.

Penalties

41.(1) If a ferry proceeds or attempts to proceed to sea without complying with the requirements of these Regulations, the owner and the operator of the ferry each commit an offence and are liable on summary conviction to a fine of $20 000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $50 000, or to both.

(2) Where a person contravenes regulation 15(1), 20 or 30, the owner and the operator both commit an offence and are liable on summary conviction to a fine of $20 000 or on conviction on indictment to imprisonment for a term of 2 years or a fine of $75 000, or to both.

(3) A person who contravenes regulation 22(3) commits an offence and is liable on summary conviction to a fine of $20 000 or, on conviction on indictment, to imprisonment for a term of 6 months or a fine of $50 000, or to both.

(4) If a ferry proceeds to sea in contravention of regulation 36, the owner and the operator of the ferry each commit an offence and are liable on summary conviction to a fine of $12 000.

(5) Where a person contravenes regulation 39 or 40, both the owner and the operator commit an offence and are liable on summary conviction to a fine of

$750 000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $150 000, or to both.

(6) It is a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

PART VIII

FERRY INDUSTRY ECONOMIC INCENTIVES PROGRAM

Establishment of ferry industry economic incentives program

42.(1) The Finance Minister, in consultation with the Minister responsible for Shipping, may establish and manage a program, to be known at the Ferry Industry Economic Incentives Program, to promote various types of ferry services in Barbados, and to generally encourage the sustainable development of the ferrying industry.

(2) Under the Ferry Industry Economic Incentives Program, the Finance Minister may grant incentives to ferry owners for projects aimed at

(a) increasing sustainable energy usage in the ferrying industry;

(b) enhancing the overall environmental performance of ferries;

(c) promoting research, development and innovation in ferry design;

(d) supporting technically challenging ferry projects that require the design or development of new and improved on board systems and components or new construction techniques;

(e) introducing artificial intelligence systems and robotics on ferries;

(f) introducing new safety and security control systems on ferries;

(g) bolstering ferry-oriented regional seaborne trade and commerce, including combined maritime-aviation ferrying trade and commerce; and

(h) promoting competence and skills in energy efficient ferry design, construction, operation, maintenance and management.

(3) The Finance Minister may also grant incentives

(a) for the import of ferries, ferry components and products into Barbados; and

(b) for the export of ferries or ferry components that were newly manufactured or retrofitted as part of a locally-based ferry project.

(4) This regulation does not preclude the Finance Minister from granting economic incentives to local ferry manufacturers whose ferry-building, repair or retrofitting activities are not part of a project referred to in paragraph (2), but who build ferries for export.

Qualifying for incentives

43. In order to qualify for incentives for a project under regulation 42(2),

(a) the purpose of the ferry project shall be specific to, or be related to, one or more of the aims set out in regulation 42(2);

(b) the ferry project shall be innovative and economically, environmentally, educationally, scientifically or socially beneficial;

(c) activities constituting the ferry project shall overcome some unknowns, such as uncertainty as to capability, feasibility, optimal design, optimal methodology, or optimal functioning; and

(d) experimentation shall be demonstrated through one or more of the following means:

(i) test batches;

(ii) simulations;

(iii) systematic trial and error; or

(iv) other methods, appropriate to the type of ferry project, capable of demonstrating that the desirable result will be achieved.

Applying for the incentives

44.(1) An application for an incentive under regulation 42 shall be made to the Ministry responsible for Finance.

(2) On review of an application submitted under paragraph (1), the Finance Minister may, if the application satisfies the requirements of regulation 43, grant an incentive after

(a) an analysis has been performed on the proposed ferry project; and

(b) identifying and collecting documentation that will support the incentive claim, including designs, test reports, evaluations and communications that detail the analysis that took place to overcome the challenges and develop solutions to successfully complete the ferry project.

Incentives recommendations

45. The Minister responsible for Shipping may recommend to the Finance Minister incentives referred to in regulation 44(2) to owners of ferries registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22).

PART IX

FERRY OPERATING FEES

Ferry operating fees

46. The fees in respect of ferry operations are as specified in the *Second Schedule*.

Fees in respect of surveys

47. Fees in respect of ferry surveys are as specified by surveyor of the ferry.

Shipping (Fee) Notice

48. Notwithstanding the *Second Schedule*

(a) modifications or additions to ferry operating fees may be issued via a Shipping (Fee) Notice;

(b) discounts;

(c) waivers; or

(d) other matters in relation to fees in relation to ferry operations,

may be specified in a Merchant Shipping Notice.

Application of certain provisions in the *Merchant Shipping (Vessel Fees) Regulations, 2024*

49. The following regulations in the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38) apply *mutatis mutandis* in respect of ferry operating fees

(a) regulation 4;

(b) regulation 6;

(c) regulation 7;

(d) regulation 8;

(e) regulation 9;

(f) regulation 10;

(g) regulation 11;

(h) regulation 12;

(i) regulation 13; and

(j) regulation 14.

Road vehicle ferry and drive requirements

50.(1) Subject to a written agreement between the Government of Barbados and the Government of a foreign country, a person may ferry their vehicle from

(a) a foreign country to Barbados; or

(b) Barbados to a foreign country,

and offload their vehicle and drive that vehicle in Barbados or the foreign country, as the case may be.

(2) A person authorized to ferry their vehicle and drive it in Barbados or a foreign country, as the case may be, shall

(a) have valid motor vehicle insurance;

(b) valid driver's licence; and

(c) any other documentation as may be requested.

FIRST SCHEDULE

(Regulation 7(3))

Merchant Shipping Act
(Act 2024-28)

FERRY SAFETY CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37) and in accordance with the International Convention for the Safety of Life at Sea, 1974, as amended, and the 1988 Protocol relating to the International Convention for the Safety of Life at Sea, implemented by the *Merchant Shipping Act, 2024* (Act 2024-28).

2. That the survey showed that the ferry is safe in terms of her structure, machinery, equipment (including life-saving equipment), appliances (including life-saving appliances), systems (including fire safety systems), fittings and arrangements.

3. That an Exemption Certificate has/has not been issued.

4. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to maritime safety.

5. In all other aspects the ferry is compliant with general international maritime vessel safety standards.

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

This Certificate is valid until _____ subject to
(*yyyy/mm/dd*)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

Issued at: _____
(*Name of Place)*

_____
(Signature of duly authorized officer issuing the Certificate)

*The Surveyor's Report shall accompany this Certificate

First Schedule - (Cont'd)

Merchant Shipping Act
(Act 2024-28)

FERRY RADIO SAFETY CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37) and in accordance with Regulation I/9 of the International Convention for the Safety of Life at Sea, 1974 as amended, implemented into the *Merchant Shipping Act, 2024* (Act 2024-28).

2. That the survey showed that:

   - the ferry complies with the requirements of the SOLAS Convention as regards radio installations; and

   - the functioning of the radio installations used in life-saving appliances complied with the requirements of the SOLAS Convention.

3. That an Exemption Certificate has/has not been issued.

4. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to radio safety.

5. In all other aspects the ferry is compliant with general international maritime radio safety standards.

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

This Certificate is valid until _____ subject to
(yyyy/mm/dd)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

Issued at: _____
(Name of Place)

_____
(Signature of duly authorized officer issuing the Certificate)

*The Surveyor's Report shall accompany this Certificate

First Schedule - (Cont'd)

Merchant Shipping Act
(Act 2024-28)

FERRY MARITIME LABOUR CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S. I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025*, (S.I. 2025 No. 37) and in accordance with the Maritime Labour Convention, 2006, as amended, implemented into the *Merchant Shipping (Seafarers) Act* and *Merchant Shipping (MLC Inspections) Regulations*.

2. The ferry is found to be compliant with maritime labour standards in terms of

   (a) minimum age requirements;
   (b) medical certification requirements;
   (c) seafarers qualification requirements;
   (d) seafarers employment agreements;
   (e) use of any licensed or certified or regulated private recruitment and placement service;
   (f) hours of work and rest requirements;
   (g) manning levels for the vessel;
   (h) accommodation;
   (i) on-board recreational facilities;
   (j) food and catering;
   (k) health and safety and accident prevention;
   (l) on-board medical care;
   (m) on-board complaint procedures;
   (n) payment of wages;
   (o) financial security for repatriation; and
   (p) financial security relating to vessel owners' liability.

3. That an Exemption Certificate has/has not been issued.

4. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to maritime labour safety.

5. In all other aspects the ferry is compliant with general international maritime labour safety and protection standards.

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

First Schedule - (Cont'd)

This Certificate is valid until_____ subject to
(yyyy/mm/dd)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

Issued at:_____
(Name of Place)

_____
(Signature of duly authorized officer issuing the Certificate)

*The Surveyor's Report shall accompany this Certificate

First Schedule - (Cont'd)

Merchant Shipping Act
(Act 2024-28)

FERRY SECURITY CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37) and in accordance with the International Ship and Port Facility Security Code, implemented into the *Merchant Shipping Act, 2024* (Act 2024-28) and *Merchant Shipping (Ship and Port Facility Security) Regulations, 2025* (S. I. 2025 No. 36).

2. That the ferry security system and any associated security equipment of the ferry has been verified in accordance with section 19.1 of Part A of the International Ship and Port Facility Security Code.

3. That the verification showed that the ferry security system and any associated security equipment of the ferry is in all respects satisfactory, and the ferry complies (to the extent practicable) with the applicable requirements of Chapter XI-2 of the SOLAS Convention and Part A of the International Ship and Port Facility Security Code.

4. That an Exemption Certificate has/has not been issued.

5. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to maritime security.

6. In all other aspects the ferry is compliant with general international maritime security standards.

Completion date of survey on which this Certificate is based_____
(yyyy/mm/dd)

This Certificate is valid until _____ subject to
(yyyy/mm/dd)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

Issued at: _____
(Name of Place)

_____
(Signature of duly authorized officer issuing the Certificate)

*The Surveyor's Report shall accompany this Certificate

First Schedule - (Cont'd)

Merchant Shipping Act
(Act 2024-28)

FERRY MARINE POLLUTION PREVENTION CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37) and in accordance with the

   - International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL);

   - International Convention on the Control of Harmful Anti-fouling Systems on\ Ships (AFS), 2001, as amended; and

   - International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM), 2004, as amended, implemented into the *Merchant Shipping Act*, *2024* (Act 2024-28) and related regulations thereto.

2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ferry and the condition thereof are in all respects satisfactory, and the ferry complies (to the extent practicable) with the

   - International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL);

   - International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001, as amended; and

   - International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM), 2004, as amended.

3. That an Exemption Certificate has/has not been issued.

4. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to vessel-specific marine pollution control.

5. In all other aspects the ferry is compliant with general international vessel-specific marine pollution control standards.

Completion date of survey on which this Certificate is based_____

(yyyy/mm/dd)

First Schedule - (Cont'd)

This Certificate is valid until _____ subject to
(yyyy/mm/dd)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37).

Issued at: _____
(Name of Place)

_____
(Signature of duly authorized officer issuing the Certificate)

*The Surveyor's Report shall accompany this Certificate

First Schedule - (Cont'd)

Merchant Shipping Act
(Act 2024-28)

ENERGY EFFICIENCY CERTIFICATE

Issued under the authority of the Government of Barbados under the *Merchant Shipping (Ferrying) Regulations, 2025* (S. I. 2025 No. 37).

By: _____
(Full designation of officer signing on behalf of the Administration)

Particulars of Ferry

Name of Ferry: _____

Type of Ferry: _____

Distinctive Numbers or Letters: _____

Ferry Official Number: _____

Port of Registry: _____

Gross Tonnage: _____

Ferry Area of Operation (Domestic/Caribbean Trading Area): _____

First Schedule - (Cont'd)

THIS IS TO CERTIFY:

1. That the ferry has been surveyed in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37), in accordance with the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships (MARPOL, Annex VI), implemented into the *Marine Transport (Emissions Control) Act, 2024* (Act 2024-25) and *Marine Transport (Air Pollution Prevention) Regulations, 2025* (S. I. 2025 No.).

2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ferry and the condition thereof are in all respects satisfactory, and the ferry complies (to the extent practicable) with the *Marine Transport (Emissions Control) Act, 2024* (Act 2024-25) and *Marine Transport (Air Pollution Prevention) Regulations, 2025* (S. I. 2025 No.).

3. That an Exemption Certificate has/has not been issued.

4. There is in respect of the ferry, a ferry-specific operational management plan, which has been reviewed and verified by the surveyor as appropriate for effective management of the ferry in relation to energy efficiency and emissions control into the atmosphere.

5. In all other aspects the ferry is compliant with general international vessel-specific marine pollution control standards.

Completion date of survey on which this Certificate is based_____
(yyyy/mm/dd)

This Certificate is valid until_____ subject to
(yyyy/mm/dd)
such surveys in accordance with the *Merchant Shipping (Ferrying) Regulations, 2025*.

Issued at _____
(Name of Place)

_____
(Signature of duly authorized officer issuing the Certificate)

First Schedule - (Concl'd)

ENDORSEMENT FOR ANNUAL SURVEYS

THIS IS TO CERTIFY that on completion of a survey required by regulation 19(2)*(c)* of the *Merchant Shipping (Ferrying) Regulations, 2025* (S.I. 2025 No. 37) the ferry was found to comply with the requirements of those Regulations.

Annual survey: Signed: _____
(Signature of duly authorised officer)

Place: _____

Date: _____

Annual survey: Signed: _____
(Signature of duly authorised officer)

Place: _____

Date: _____

Annual survey: Signed: _____
(Signature of duly authorised officer)

Place: _____

Date: _____

Annual survey: Signed: _____
(Signature of duly authorised officer)

Place: _____

Date: _____

SECOND SCHEDULE

(Regulations 6 and 46)

Ferry Operating Fees

1.	Annual registration fees for ferries	
	(a) Ferries above 150 GT but not exceeding 300 GT	$ 150
	(b) Ferries above 300 GT but not exceeding 1,000 GT	$ 200
	(c) Ferries above 1,000 GT but not exceeding 5,000 GT	$ 250
	(d) Ferries above 5,000 GT	$ 300
2.	Annual Barbados Ferry Facilities Permit fee	$ 2,000
3.	Barbados Ferry Service Licence (Ferries above 150 GT but not exceeding 300 GT)	
	(a) 1-year Licence fee	$ 400
	(b) 3-year Licence fee	$ 1,000
	(c) 5-year Licence fee	$ 1,800
	(d) 7-year Licence fee	$ 2,500
	(e) 10-year Licence fee	$ 3,500
	Barbados Ferry Service Licence (Ferries above 300 GT but not exceeding 1,000 GT)	
	(a) 1-year Licence fee	$ 500
	(b) 3-year Licence fee	$ 950
	(c) 5-year Licence fee	$ 2,300
	(d) 7-year Licence fee	$ 3,000
	(e) 10-year Licence fee	$ 4,500
	Barbados Ferry Service Licence (Ferries above 1,000 GT but not exceeding 5,000 GT)	
	(a) 1-year Licence fee	$ 600
	(b) 3-year Licence fee	$ 1,500
	(c) 5-year Licence fee	$ 2,700
	(d) 7-year Licence fee	$ 4,000
	(e) 10-year Licence fee	$ 5,500

Second Schedule - (Concl'd)

Barbados Ferry Service Licence (Ferries above 5,000 GT)

(a)	1-year Licence fee	$ 700
(b)	3-year Licence fee	$ 1,900
(c)	5-year Licence fee	$ 3,000
(d)	7-year Licence fee	$ 4,500
(e)	10-year Licence fee	$ 6,500

4. Special Ferry Service Licence

(a)	Recreation	$ 350
(b)	Research	$ 500
(c)	Training	$ 700
(d)	Other - (as specified in Licence terms/conditions, based on nature of activity)	

Made by the Minister this 23rd day of April, 2025.

G.P.I GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 38

MERCHANT SHIPPING (VESSEL FEES) REGULATIONS, 2025

Arrangement of Regulations

1. Citation

2. Definitions

3. Purpose

4. Guiding principles

5. Shipping (fee) notice

6. Late payment penalties

7. Failure to pay tonnage tax

8. Fees – authorization

9. Collection of fees

10. Tax, fees and penalties

11. Fees subject to change

12. Discounts subject to change

13. Services and fees not specified

14. Contributory Fees to Barbados' International Participation

15. Fee Waivers

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (VESSEL FEES) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Merchant Shipping (Vessel Fees) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Ministry responsible for Shipping;

"GT" means gross tonnage;

"Minister" means the Minister responsible for Shipping; and

"shipping (fee) notice" means a notice specifying services and fees in relation to a shipping business and issued pursuant to these Regulations.

Purpose

3. The purpose of these Regulations is to provide for the charging of fees in respect of maritime activities engaged in by

(a) vessles above 150 GT;

(b) ferries above 150 GT; and

(c) yachts above 24 metres in length

and other incidental matters.

Guiding principles

4.(1) The following guiding principles shall be applied in setting any fees in respect of services provided to Barbados-registered vessels:

(a) maintaining economic attractiveness of the Barbados Ships' Registry;

(b) ensuring economic competitiveness of the Barbados Registry;

(c) providing affordable rates commensurate with services offered to clients of the Registry; and

(d) continuing to provide an economically viable environment for owners of Barbados-registered vessels to operate in.

(2) Fees imposed on vessels to which these regulations apply shall be proportionate to the gross or net tonnage of the vessel, as the case may be.

Shipping (fee) notice

5.(1) Fees in respect of shipping-related services provided by or on behalf of the Administration shall be published by the Minister in a shipping (fee) notice.

(2) Fees specified in a shipping (fee) notice are payable in accordance with that notice.

Late payment penalties

6.(1) An amount that remains unpaid after the due date for the payment of fees shall incur a penalty equal to a percentage of the amount due, according to the following scale:

(a) 90 days overdue - 10%;

(b) 120 days overdue - 20%; and

(c) 180 days overdue - 30%

(2) A debtor is liable for payment of the outstanding amount plus any penalties without regard to any other measures taken to ensure payment.

Failure to pay tonnage tax

7.(1) With regard to other measures that may be taken by the Administration to ensure payment, the continued validity of a certificate of registry shall be contingent upon the timely payment of tonnage taxes, fees and other charges against the vessel and on the fulfilment of any other requirements as prescribed by the Administration.

(2) A failure to make such payments may result in the invalidation of the certificate of registry.

Fees – authorization

8.(1) The only fees chargeable in connection with the registration, certification and inspection of vessels under the Act, or any other official maritime act or service, shall be as specified in the Act or as established by a shipping (fee) notice.

(2) No fee shall be chargeable unless it appears in a consolidated list of fees published in a shipping (fee) notice at the direction of the Administration.

Collection of fees

9.(1) All fees chargeable under these Regulations shall be paid in Barbados dollars.

(2) Cheques or bank drafts for the payment of fees shall be drawn on a United Kingdom or a United States bank, or the United Kingdom or United States branch of an international bank.

(3) Unless otherwise instructed by the Minister, payments shall be made to the Administration.

Tax, fees and penalties

10. Any tax, fee, penalty or other charge payable under the Act, these Regulations or a shipping (fee) notice shall constitute a maritime lien on the vessel involved and shall be paid in full when due.

Fees subject to change

11.(1) The fees specified in a shipping (fee) notice are subject to change by the Administration, after consultation with the Minister, in consultation with the Principal Registrar of International Ships, having regard to existing shipping market conditions and any other relevant considerations.

(2) Notwithstanding paragraph (1), the Principal Registrar may change such fees as he considers necessary for the sustainable operation and viability of the Barbados International Ships' Registry, and shall notify the Director of Ocean Affairs 6 weeks in advance of any fee changes and provide the justification for the change.

(3) The Director shall inform the Minister of proposed fee changes and of the justifications for them provided by the Principal Registrar.

(4) A change of fees shall be published in a shipping (fee) notice.

Discounts subject to change

12.(1) Any discounts specified in a shipping (fee) notice are subject to change by the Administration, on the recommendation of the Principal Registrar of International Ships and with the approval of the Minister.

(2) In changing a fee, the Minister shall have due consideration to

(a) maintaining the attractiveness of the ships' registry; and

(b) existing shipping market conditions.

Services and fees not specified

13. Fees for services not specified in a shipping (fee) notice may be specified in a merchant shipping notice.

Contributory Fees to Barbados' International Participation

14.(1) The cost incurred by Barbados to represent the fleet of registered vessels in international maritime affairs shall be defrayed by the payment of an annual fee based upon registered gross tonnage.

(2) The fees payable for these matters are as specified in a *Shipping (Fee) Notice*.

(3) The fees may be adjusted upwards for exchange rate differences to meet the obligations of assessments imposed in foreign currencies.

(4) The following shall be exempted from payment of contributory fees towards Barbados' international participation:

(a) private yachts of any tonnage;

(b) private yachts with a limited charter of any tonnage; and

(c) commercial yachts of less than 400 GT.

(5) The fees collected under this Part shall be applied as follows:

(a) assessments - costs covered shall relate to assessments and dues payable under the terms of international maritime conventions and maritime agreements to which Barbados is Party;

(b) participation and representation - costs covered shall relate to attendance and support of delegations or representatives of Barbados at international maritime meetings and conferences, and to support of representatives of Barbados engaged in maritime diplomatic negotiation.

Fee Waivers

15. The Minister may wholly or partially waive any fees to be paid pursuant to a shipping (fee) notice.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 39

MERCHANT SHIPPING (FLAG STATE CONTROL) REGULATIONS, 2025

Arrangement of Regulations

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PRELIMINARY

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4. Application

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SCHEDULE

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (FLAG STATE CONTROL) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Flag State Control) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"Director" means the Director of Ocean Affairs;

"Flag State Control" means the authority of the Government of Barbados, through the Administration, over vessels flying the Barbados flag, regardless of where they are operating;

"flag state control officer" means a person designated by the Minister under regulation 5;

"foreign port" means a place in another state, whether proclaimed as a public harbour or not, to which ships may resort for shelter or to ship or unship goods or passengers, and to which ships generally have access;

"foreign waters" means the waters of a state that is not Barbados;

"Minister" means Minister responsible for Shipping;

"ship" has the same meaning as in the Act;

"statutory certificate" means a certificate specified in an international maritime instrument that has the force of law in Barbados, or in the Act or a subsidiary instrument made under it;

"statutory survey" means a supplementary survey to class requirements, carried out by a recognized organization or classification society on behalf of the Administration, for the purpose of verifying that Barbados-registered ships are in compliance with international maritime convention requirements; and

"vessel" has the same meaning as in the Act.

Purpose

3. The purpose of these Regulations is to ensure that international sea-going Barbados-registered ships comply with international and national laws and regulations governing maritime safety, marine environmental protection, maritime security and social, living and working conditions on board.

Application

4.(1) These Regulations apply to a vessel above 150 GT, and her crew, sailing under the Barbados flag and operating in foreign waters.

(2) Except where expressly provided otherwise, these Regulations do not apply to

(a) a vessel flying the flag of a foreign country;

(b) a fishing vessel;

(c) a warship;

(d) a naval auxiliary;

(e) a wooden ship of primitive build;

(f) a government ship used for non-commercial purposes;

(g) a pleasure yacht not engaged in trade; or

(h) a vessel to which the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22) applies.

PART II

FLAG STATE CONTROL MEASURES

Flag state control officers

5.(1) The Minister, after consultation with the Director, shall designate in writing flag state control officers to carry out inspections of Barbados registered vessels in foreign ports around the world.

(2) On the instructions of the Director, and in addition to surveys required by law to be carried out by classification societies, flag state control officers shall inspect Barbados-registered ships in accordance with these Regulations in order to ensure that they remain in compliance with international maritime safety, environmental, security and social standards.

Flag state control officers: professional profile

6.(1) A flag state control officer, whether operating on behalf of a company or freelance, shall confirm that there would be no conflict of interest if he were asked to act on behalf of the Administration.

(2) For the purpose of paragraph (1), a conflict of interest would include being employed by an International Association of Classification Societies, a

recognized organization or a management company operating Barbados-flagged ships.

(3) Every designated flag state control officer shall have professional indemnity insurance to the amount of 1 million Barbados dollars and shall, at the time of application to the Administration, indicate that he has such insurance or provide evidence that he will be able to obtain such insurance.

(4) A flag state control officer shall have one of the following qualifications:

(a) as a master mariner (unlimited), with 3 years of sea experience;

(b) as a chief engineer (unlimited), with 3 years of sea experience;

(c) as a naval architect, with 5 years of experience in the field;

(d) any other marine-related qualification, with 5 years of experience in the field; or

(e) any other appropriate recognized qualification in marine surveying.

Identification

7. A flag state control officer shall be appropriately identified as such, and shall wear a badge or other form of appropriate and visible identification while conducting flag state inspections.

List of appointed flag state control officers

8. The Administration shall maintain a list of flag state control officers acting on behalf of the Administration, and shall make the list publicly available.

Pre-registration inspections

9. Prior to registration under the Barbados flag,

(a) a vessel more than 25 years of age shall be subject to an inspection before registration;

(b) a vessel less than 25 years of age, but at least 15 years of age, shall be subject to an inspection within 3 months of registration; and

(c) any other vessel less than 15 years of age shall be subject to an inspection within one year of registration.

Objectives of flag state inspections

10.(1) The objectives of flag state control inspections in respect of a ship sailing under, or intending to sail under, the Barbados flag are to

(a) support the quality shipping objectives of the Administration;

(b) enforce a high standard of compliance with international and national laws and standards for Barbados-registered vessels;

(c) verify that the actual condition of Barbados-registered vessels conform to the certificates they carry;

(d) ensure that the vessel's crew can effectively

(i) co-ordinate their activities in an emergency situation;

(ii) perform functions vital to safety; and

(iii) prevent or mitigate pollution; and

(e) monitor work performed by recognized organizations and nominated surveyors that act on behalf of the Administration.

(2) The scope of verification under paragraph (1)*(c)* shall include

(a) hull, equipment and manning;

(b) safety management;

(c) environmental systems;

(d) security systems; and

(e) any other relevant considerations.

(3) A flag state control officer shall report in writing to the Director on the matters outlined in paragraph (1) in relation to an inspection of a ship, accompanied by such photos as are appropriate.

Annual flag state inspections

11. After becoming registered under the Barbados flag, the Administration shall cause annual flag state inspections to be conducted in respect of Barbados vessels above 150 GT.

Inspections process

12.(1) Flag state control officers shall conduct annual flag state inspections.

(2) After completing a flag state control inspection, a flag state control officer shall

(a) provide the master of the vessel with the inspection report; and

(b) provide the Administration with the inspection report, including photos where appropriate.

(3) Where any deficiencies are highlighted in the report, the shipowner shall rectify the deficiencies in accordance with the conditions stated in the inspection report.

(4) Where deficiencies are not rectified, the Administration may

(a) temporarily suspend the registration of the vessel; or

(b) in the case of gross deficiencies, cancel its registration until the deficiencies are rectified.

Confidentiality

13.(1) A flag state control officer shall ensure the confidentiality of information required by the Administration and shall be prepared to provide any necessary information to the Administration.

(2) A flag state control officer shall carry out his work without breaching the intellectual property rights of shipyards, equipment suppliers or shipowners and shall not pass on or divulge commercially relevant data obtained in the course of his work.

Independence and impartiality

14. A flag state control officer shall

(a) discharge his professional responsibilities with integrity;

(b) at all times act and report in a fair and factual manner; and

(c) carry out his duties in an impartial and transparent manner.

Fee arrangement

15.(1) A flag state control officer shall be engaged under a written fee scheme agreed to with the Administration, which shall include the fee for

(a) inspections of ships and fixed and floating drilling rigs or other platforms;

(b) travelling and communication costs; and

(c) any other costs specified in the scheme.

(2) All inspections are to be invoiced to the Administration in accordance with an agreement with the flag state control officer.

(3) A flag state control officer shall not demand any payment from a ship's operators.

PART III

COMPLIANCE AND ENFORCEMENT

Rectification and detention

16.(1) A flag state control officer may detain a Barbados-registered ship if she is unsafe or is operating in violation of any requirements of

(a) the Act and subsidiary instruments made under it;

(b) the national seafaring laws;

(c) the *Marine Transport (Emissions Control) Act, 2024* (Act 2024-25) and subsidiary instruments made under it; or

(d) the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30) and subsidiary instruments made under it.

(2) A shipowner shall satisfy the flag state control officer that any deficiencies that are confirmed or revealed by an inspection are or will be rectified in accordance with national and international maritime laws.

(3) Where deficiencies are clearly hazardous to safety, health, the environment or the living and working shipboard environment, the flag state control officer shall detain the ship, or require the stoppage of an operation in the course of which the deficiencies have been revealed, in accordance with the powers of detention in the Act, or by issuing a prohibition notice under section 1061 of the Act.

(4) A detention notice issued in the circumstances described in paragraph (3) may

(a) include a direction that a ship shall remain in a particular place, or shall move to a particular anchorage or berth; and

(b) specify circumstances in which the master of the ship may move the ship from a specified place for reasons of safety or the prevention of pollution.

(5) Measures imposed by a flag state control officer in the circumstances described in paragraph (3) shall not be lifted until the Administration has established that the ship can, subject to any necessary conditions, proceed to sea, or an operation can be resumed, without risk to the safety and health of passengers or crew, a risk to other ships, or an unreasonable threat of harm to the marine environment.

(6) Where the overall condition of a vessel is obviously substandard, the flag state control officer may, in addition to detaining the vessel, suspend the inspection of that vessel until the responsible parties have taken the steps necessary to ensure that the vessel complies with the requirements of national and international maritime laws.

(7) When the Administration is informed that a Barbados-registered ship has been detained by a port state, it shall, in accordance with procedures established for this purpose, oversee the ship being brought into compliance with the International Maritime Organization conventions.

Appeal

17.(1) A shipowner may appeal against a detention within 30 days from the date of the detention notification.

(2) An appeal does not suspend a detention.

(3) A shipowner that wishes to appeal a detention shall state reasons for the appeal and provide supporting evidence in writing to the Director.

Standard of flag state inspections

18. Flag state inspections shall be conducted according to the standards for port state control inspections contained in the Caribbean Memorandum of Understanding on Port State Control.

Restriction on activities of flag state control officers

19. A flag state control officer shall not conduct a statutory survey or issue a statutory certificate in respect of a Barbados-registered ship.

Accompanying measures

20. The Administration shall ensure that at least the following information concerning Barbados-registered ships is kept and remains readily accessible for the purposes of these Regulations:

(a) particulars of the ship, including its name and International Maritime Organization number;

(b) the dates of surveys and audits of the ship, including any additional and supplemental surveys;

(c) the names of the recognized organizations involved in the certification and classification of the ship;

(d) the names of the competent authority that has inspected the ship under the port state control provisions and the dates of the inspections;

(e) the outcome of the port state control inspections;

(f) information on marine casualties involving the ship; and

(g) identification of ships that have ceased to fly the Barbados flag during the previous 12 months.

Flag state auditing process

21. The Administration shall provide for an audit to be undertaken in respect of the performance of recognized organizations and flag state control officers acting on behalf of the Administration.

Limits of flag state inspections

22.(1) Flag state control inspections carried out under these Regulations do not replace surveys for the issuance of class and statutory certificates.

(2) The goal of an inspection shall be to assist the ship owner and operator in complying with the application of international maritime standards prescribed by the International Maritime Organization instruments incorporated into

(a) the Maritime Labour Convention 2006, as amended;

(b) the *Marine Transport (Emissions Control) Act, 2024* (Act 2024-25) and the regulations made under it;

(c) the Act and the regulations made under it; and

(d) the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30) and the regulations made under it.

(3) The Administration shall ensure that flag state control inspections under the Maritime Labour Convention 2006, as amended, are carried out in accordance with the International Labour Organization Guidelines for Flag State Inspections under the Maritime Labour Convention 2006, as amended.

(4) The Administration shall ensure that flag state control inspections in respect of maritime safety, maritime security and marine pollution prevention are carried out in accordance with the International Maritime Organization guidelines for such inspections.

Certificates and documents to be carried on board Barbados vessels

23.(1) Every Barbados vessel shall carry on board the certificates and documents set out in the *Schedule*.

(2) On an inspection, these certificates and documents shall be checked to ensure that

(a) the condition of the vessel is in compliance with the documentation; and

(b) the vessel is manned and operated in compliance with applicable International Maritime Organization and International Labour Organization maritime instruments.

Additions to certificates and documents for flag state control inspections

24. The Minister may, by a merchant shipping notice, add to the list of certificates and documentation set out in the *Schedule* if

(a) the additional certification or documentation is required in an amendment to existing International Maritime Organization or International Labour Organization maritime instruments; or

(b) the additional certification or documentation is required in a future International Maritime Organization or International Labour Organization maritime instrument.

Offences

25.(1) A person who obstructs a flag state control officer or a person assisting a flag state control officer commits an offence and is liable on summary conviction to a fine of $10 000.

(2) Where a ship leaves a port or anchorage before an inspection is completed, the owner and master of the ship each commit an offence and are liable on summary conviction to a fine of $10 000.

(3) It is a defence for a person charged under these Regulations to prove that he took all reasonable steps to avoid committing the offence.

SCHEDULE

(Regulations 23)

Certificates and Documentation

Certificate / Documentation	Vessel Type	International Maritime Convention Requirement
International Tonnage Certificate	All ships – the gross and net tonnage of which have been determined in accordance with the International Convention on Tonnage Measurement of Ships, 1969	Article 7, International Convention on Tonnage Measurement of Ships, 1969
International Load Line Certificate	All ships – which have been surveyed and marked in accordance with the International Convention on Load Lines, 1966 or that Convention as modified by the 1988 Protocol of 1988 relating to the International Convention on Load Lines, as appropriate	Article 16, International Convention on Load Lines, 1966; Article 18, Protocol of 1988 relating to the International Convention on Load Lines
International Load Line Exemption Certificate	To any ship to which an exemption has been granted under and in accordance with Article 6, International Convention on Load Lines, 1966 or the Convention as modified by the 1988 Protocol of 1988 relating to the International Convention on Load Lines, as appropriate	Article 6, International Convention on Load Lines, 1966; Article 18, Protocol of 1988 relating to the International Convention on Load Lines

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Intact Stability Booklet	Every passenger ship regardless of size and every cargo ship of 24 metres and over	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-1/22 and II-1/25-8; 1988 Protocol of 1988 relating to the International Convention on Load Lines, Regulation 10
Damage Control Plans and Booklets	Every passenger and cargo ship above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations II-I/23, 23-1, 25-8
Minimum Safe Manning Document	Every ship to which Chapter I, International Convention for the Safety of Life at Sea, 1974 applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/14.2
Fire Safety Training Manual	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/ 15.2.3
Fire Control Plan Booklet	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/ 15.2.4

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
On-board Training and Drills Record	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/ 15.2.5
Fire Safety Operational Booklet	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/ 16.2
Document of Compliance	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation IX/4; ISM Code, paragraph 13
Document of Compliance with the Special Requirements for Ships Carrying Dangerous Goods	All ships carrying dangerous goods to which Regulation II-2/19, International Convention for the Safety of Life at Sea, 1974 (as amended) applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/19.4
Dangerous Goods Manifest or Stowage Plan	All ships carrying dangerous goods in packaged form	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations VII/4.5 and VII/7-2; International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex III, Regulation 4

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Cargo Securing Manual	All cargo ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations VI/5.6 and VII/5
Safety Management Certificate	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation IX/4; ISM Code, paragraph 13
International Ship Security Certificate	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-2/9.1.1; International Ship and Port Facility Security Code, Part A, Section 19 and appendices
Ship Security Plan and Associated Records	All ships above 150 GT	the International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-2/9; International Ship and Port Facility Security Code Part A, Sections 9 and 10
Continuous Synopsis Record	Every ship to which Chapter I, International Convention for the Safety of Life at Sea, 1974 applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-1/5

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Passenger Ship Safety Certificate	Every passenger ship to which the requirements of International Convention for the Safety of Life at Sea, 1974, Chapters II—1, II-2, III, IV and any other relevant International Convention for the Safety of Life at Sea, 1974 requirements apply	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12 (2000 amendments)
Exemption Certificate	Every ship to which an exemption is granted under International Convention for the Safety of Life at Sea, 1974 (as amended)	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12; Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12
Special Trade Passenger Ship Safety Certificate	All Special Trade Passenger Ships	Special Trade Passenger Ships Rules, 1971, as amended, Rule 5
Special Trade Passenger Ship Space Certificate	All Special Trade Passenger Ships	Special Trade Passenger Ships Rules, 1971, as amended, Rule 5
List of Operational Limitations	Passenger Ships to which the International Convention for the Safety of Life at Sea, 1974, Chapter I applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/30
Search and Rescue Co-operation Plan	Passenger Ships to which the International Convention for the Safety of Life at Sea, 1974, Chapter I applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/7.3

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Decision Support System for Masters	Passengers ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation III/29
Cargo Ship Safety Construction Certificate	All Cargo Ships of 500 GT and above	the International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12
Cargo Ship Safety Equipment Certificate	All Cargo Ships of 500 GT and above	the International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the Global Maritime Distress and Safety System amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12
Cargo Ship Safety Radio Certificate	All Cargo Ships of 300 GT and above	the International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the Global Maritime Distress and Safety System amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Cargo Ship Safety Certificate	All Cargo Ships required to comply with the International Convention for the Safety of Life at Sea, 1974, Chapters II-1, II-2, III, IV, V and other relevant International Convention for the Safety of Life at Sea, 1974 requirements	Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12
International Safety Management Certificate	All passenger ships, cargo ships, oil tankers, chemical tankers, gas carriers, bulk carriers, mobile offshore units and cargo high-speed craft of 500 GT and above	International Convention for the Safety of Life at Sea, 1974 (as amended), Chapter IX; PART A, ISM Code
Cargo Information	All Cargo Ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations VI/2 and XII/10
Enhanced Survey report File	Bulk carriers and oil tankers	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-1/2
Bulk Carrier Booklet	Bulk carriers	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations VI/7 and XII/8; Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU) Code

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Document of Authorization for the Carriage of Grain	All ships to which the International Code for the Safe Carriage of Grain in Bulk applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VI/9; Section 3, International Code for the Safe Carriage of Grain in Bulk
High-Speed Craft Safety Certificate	All high-speed craft to which the International Code of Safety for High-Speed Craft applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation X/3; International Code of Safety for High-Speed Craft, Section 1.8
Permit to Operate High-Speed Craft	A certificate called a Permit to Operate High-Speed Craft shall be issued to a craft which complies with the requirements set out in paragraphs 1.2.2 to 1.2.7 of the 1994 International Code of Safety for High-Speed Craft or the 2000 International Code of Safety for High-Speed Craft, as appropriate.	1994 International Code of Safety for High-Speed Craft, Section 1.9; 2000 International Code of Safety for High-Speed Craft, Section 1.9
International Certificate of Fitness for the Carriage of INF Cargo	All ships carrying packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes	the International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VII/16; International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF) Code

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Nuclear Cargo Ship Safety Certificate	All nuclear-powered cargo ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VIII/10
Nuclear Passenger Ship Safety Certificate	All nuclear-powered passenger ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VIII/10
Special Purpose Ship Safety Certificate	All Special Purpose Ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12; Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, Regulation I/12
Voyage Data Recorder System Certificate of Compliance	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/18.8
Mobile Offshore Drilling Unit Safety Certificate	All mobile offshore drilling units	International Maritime Organization Resolution A.414(XI), Section 1.6; International Maritime Organization Resolution A.649(16) as modified by International Maritime Organization Resolution MSC.38(63), Section 1.6

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Certificates for Masters, Officers or Ratings	All ships above 150 GT	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, Article VI, Regulation I/2; International Convention on Standards of Training, Certification and Watchkeeping for Seafarers Code, Section A-I/2
Maritime Labour Certificate	All ships of 500 GT and above	Maritime Labour Convention, 2006 (as amended), Regulation 5.1.3
Declaration of Maritime Labour Compliance	All ships of 500 GT and above Every ship (other than an oil tanker) of 400 GT and above	Maritime Labour Convention, 2006, Regulation 5.1.3
International Oil Pollution Prevention Certificate (IOPP)	Every ship (other than an oil tanker) of 400 GT and above Every oil tanker of 150 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 5
Oil Record Book	Every oil tanker of 150 GT and above Every ship (other than an oil tanker) of 400 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 20

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Shipboard Oil Pollution Emergency Plan (SOPEP)	Every oil tanker of 150 GT and above Every ship (other than an oil tanker) of 400 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 26
Record of Oil Discharge Monitoring and Control System for the Last Ballast Voyage	Every oil tanker of 150 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 15(3)*(a)*
Dedicated Clean Ballast Tank Operation Manual	Every oil tanker with dedicated clean ballast tanks	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 13A
Crude Oil Washing Operation and Equipment Manual	Every oil tanker operating with crude oil washing systems	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 13B
Condition Assessment Scheme (CAS) Statement of Compliance, CAS Final Report and Review Record	Every oil tanker which has been surveyed in accordance with the requirements of the Condition Assessment Scheme (CAS) International Maritime Organization Resolution MEPC.94(46)	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 13G; amendments International Maritime Organization Resolution MEPC.95(46)

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Hydrostatically Balanced Loading (HB) Operation Manual	Every oil tanker which operates with Hydrostatically Balanced Loading	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 13G; amendments International Maritime Organization Resolution MEPC.95(46)
Oil Discharge Monitoring and Control (ODMC) Operation Manual	Every oil tanker fitted with an Oil Discharge Monitoring and Control System	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 15 (3) *(c)*
Subdivision and Stability Information	Every oil tanker to which Regulation 25, International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex I applies	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex I, Regulation 25
International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate)	All ships carrying noxious liquid substances in bulk	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex II, Regulations 11 and 12A
Cargo Record Book	Every ship to which Annex II, International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 applies	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex II, Regulation 9
Procedures & Arrangements (P&A) Manual	Every ship certified to carry noxious liquid substances in bulk	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex II, Regulations 5, 5A and 8

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances	Every ship of 150 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Regulation 16
International Sewage Pollution Prevention Certificate (ISPP)	Any ship which is required to comply with the provisions of Regulation 4, Annex IV, International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex IV, Regulation 5
Garbage Certificate of Compliance	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex V
Garbage Management Plan	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex V, Regulation 9
Garbage Record Book	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex V, Regulation 9
Engine International Air Pollution Prevention (EIAPP) Certificate	For ship engines that meet the international Nitrogen Oxide (NOx) emission limits for marine diesel engines	Protocol of 1978 to the International Convention for the Prevention of Marine Pollution from Ships, 1973, International Convention for the Prevention of Marine Pollution from Ships, 1973 Annex VI, Regulation 13

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Record of the Tier and On/ Off Status of Marine Diesel Engines	To all ships entering and exiting a NOx Tier III Emission Control Area (NECA) or when the on/off status of an engine changes within such an area	Protocol of 1978 to the International Convention for the Prevention of Marine Pollution from Ships, 1973, International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Regulation 13.5.3
Record Book of Engine Parameters	For ship engines that must meet the required international Nitrogen Oxide (NOx) emission limits	Protocol of 1978 to the International Convention for the Prevention of Marine Pollution from Ships, 1973, International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Regulation 13; NOx Technical Code to the International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, 6.2.3.2 and 6.2.3.3
NOx Technical File	For each NOx certified diesel engine	Protocol of 1978 to the International Convention for the Prevention of Marine Pollution from Ships, 1973, International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Regulation 13; NOx Technical Code to International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Regulation 2.3.4

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
International Air Pollution Prevention (IAPP) Certificate	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	Protocol of 1978 to the International Convention for the Prevention of Marine Pollution from Ships, 1973, International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Chapter III, Regulation 6
Ozone Depleting Substances Record Book	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Chapter III, Regulation 12.7
International Energy Efficiency (IEE) Certificate	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Chapter IV, Regulation 21
Record of Fuel Oil Change-over	To all ships prior to entering a SOx Emission Control Area (SECA)	International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Regulation 14.6
Ship Energy Efficiency Management Plan (SEEMP)	All ships of 500 GT and above	International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, Chapter IV, Regulation 22

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
EEXI Technical File	As of January 1, 2023 – All vessels of 400 GT and above shall have on board an EEXI Technical File	International Convention for the Prevention of Marine Pollution from Ships, 1973, Annex VI, [2023 EEXI Regulations] International Maritime Organization MEPC 76, 10 to 17 June, 2021
Certificate of Fitness for Offshore Support Vessels	All Offshore Support Vessels	International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978, Annex II, Regulation 13(4)
International Anti-fouling System Certificate	All ships of 400 GT and above	Article 11, International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS), 2001 (as amended)
Declaration on Anti-fouling System	All ships of less than 400 GT but of 24 metres or more in length	Article 11, AFS Convention (as amended)
International Ballast Water Management Certificate	All ships of 400 GT and above	Article 9, International Convention for the Control and Management of Ships' Ballast Water and Sediment (BWM), 2004 (as amended)
Approved Ballast Water Management Plan	All ships of 400 GT and above	Regulation B-1, BWM Convention

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Ballast Water Record Book	Each ship shall have on board a Ballast Water record book that may be an electronic record system, or that may be integrated into another record book or system and, which shall at least contain the information specified in Appendix II, BWM Convention	Regulation B-2, BWM Convention
Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	All chemical tankers built before July 1, 1986	Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (BCH) Code, Section 1.6
International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	All chemical tankers built after July 1, 1986	International Bulk Chemical (IBC) Code (as amended), Section 1.5
Certificate of Fitness for Carriage of Liquefied Gases in Bulk	All gas carrying ships constructed before July 1, 1986	Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC) Code, Section 1.6
International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk	All gas carrying ships constructed after July 1, 1986	International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk; Section 1.5 International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (as amended)
Diving System Safety Certificate	All diving systems complying with the requirements of the Code of Safety for Diving Systems	International Maritime Organization Resolution A.536(13), Section 1.6

Schedule - (Concl'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Wing-in-Ground (WIG) Craft Safety Certificate	All craft that comply with the provisions of the Interim Guidelines for WIG craft	MSC/Circ.1054, Section 9
Permit to Operate WIG Craft	A permit to operate should be issued by the Administration to certify compliance with the provisions of the Interim Guidelines for WIG craft	MSC/Circ.1054, Section 10
Dynamically Supported Craft Construction and Equipment Certificate	To be issued after survey carried out in accordance with paragraph 1.5.1*(a)* of the Code of Safety for Dynamically Supported Craft	International Maritime Organization Resolution A.373(X), Section 1.6
Noise Survey Report	A noise survey report should be made for each ship in accordance with the Code on Noise Levels on Board Ships	International Maritime Organization Resolution A.468(XII), section 4.3

Made by the Minister this 23rd day of April, 2025.

G.P.I GOODING-EDGHILL

Minister responsible for Shipping

Fee Waivers

15. The Minister may wholly or partially waive any fees to be paid pursuant to a shipping (fee) notice.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 40

MERCHANT SHIPPING (PORT STATE CONTROL) REGULATIONS, 2025

Arrangement of Regulations

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SCHEDULE

Certification and Documentation

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (PORT STATE CONTROL) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476, of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Port State Control) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Barbados ship" has the same meaning as in the Act;

"Barbados waters" has the same meaning as in the Act;

"bulk carrier" has the meaning given to that expression in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30);

"clear grounds" other than in regulation 6(4), has the meaning given to that expression in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30);

"Conventions" means the following International Maritime Organization conventions:

(a) the International Convention on Load Lines, 1966;

(b) the Protocol of 1988 relating to the International Convention on Load Lines, 1966;

(c) the International Convention for the Safety of Life at Sea, 1974;

(d) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea;

(e) the International Convention for the Prevention of Pollution from Ships 1973, and the 1978 Protocol relating to it;

(f) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(g) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;

(h) the International Convention on Tonnage Measurement of Ships, 1969;

(i) the International Convention on Civil Liability for Oil Pollution Damage, 1992; and

(j) non-mandatory International Maritime Organization instruments to which Barbados is a party that are incorporated under the Act and regulations made under it for enhancing the safety, security and environmental performance compliance by Barbados ships and foreign ships when in Barbados' waters;

"Convention enactment" means

(a) the Act; or

(b) a statutory instrument made under the Act that implements a Convention;

"deficiency" has the meaning given to that term in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30);

"detention" has the meaning given to that term in Chapter 1.7 of International Maritime Organization Resolution A.1119(30);

"expanded inspection" has the meaning given to that expression in Chapter 2.4 of International Maritime Organization Resolution A. 1119(30);

"fishing vessel" means a vessel used for catching fish or other living resources of the sea;

"flag administration" in relation to a ship, means the administration of the state whose flag the ship is entitled to fly;

"initial inspection" has the meaning given to that expression in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30);

"inspection" means a visit on board a ship by an inspector to check compliance with a Convention, including the checks set out in International Maritime Organization Resolution A. 1119(30), and includes

(a) an initial inspection;

(b) a more detailed inspection; and

(c) an expanded inspection;

"inspector" means

(a) a person specified under Part XXXI of the Act; or

(b) a person authorized by the Minister to carry out inspections required by these Regulations;

"International Maritime Organization procedures for port state control" means International Maritime Organization Resolution A. 1119(30)-2011, as amended;

"merchant shipping notice" has the same meaning as in the Act;

"more detailed inspection" has the same meaning as in section 36 of the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2);

"port authority" means the government entity that manages cargo, passengers and related services within the port facilities in Barbados, and that generally has control of the operation of a port;

"port state control" means the authority of the Government of Barbados, through the Administration, over vessels of any flag, when such vessels enter a port in Barbados;

"port state control officer" has the same meaning as in the Act;

"recognized organization" has the same meaning as in the Act;

"refusal of access notice" means a decision issued by the competent authority of a Memorandum of Understanding on Port State Control region to the master of a ship, to the shipowner and to the ship's flag state, notifying them that the ship will be refused access to all ports and anchorages in the territory of any member state of International Maritime Organization;

"ship" has the same meaning as in the Act;

"shipowner" in relation to a ship, includes an operator, manager, charterer or agent of the ship;

"stoppage" in relation to an operation, has the meaning given to that term in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30); and

"substandard" in relation to a ship, has the meaning given to that term in Chapter 1.7 of International Maritime Organization Resolution A. 1119(30).

(2) A reference to a convention in these Regulations includes the most recent version of the protocols and amendments to the Convention and any related codes of mandatory status, in so far as those versions

(a) relate to securing the safety of Barbados ships and persons on them, protecting the health of persons on Barbados ships, and protecting the marine environment in which such ships operate;

(b) relate to securing the safety of other ships and persons on them while they are within Barbados waters, for protecting the health of persons on non-Barbados ships while they are within Barbados waters, and for protecting the marine environment of Barbados;

(c) are considered by the Administration to be relevant from time to time; and

(d) are specified in a merchant shipping notice.

(3) A reference in these Regulations to Barbados includes Barbados waters.

(4) In these Regulations, a reference to International Maritime Organization Resolution A.1119 (30) shall be construed as a reference to that Resolution as amended from time to time.

Purpose

3. The purpose of these Regulations is to provide for the inspection of foreign ships in ports within Barbados waters to verify that the ships comply with the requirements of international shipping instruments of the International Maritime Organization and that the ship is manned and operated in compliance with international maritime rules established by that Organization, and to provide for related matters.

Application

4.(1) These Regulations apply to a ship and her crew calling at a port or anchorage in Barbados to engage in a ship-port interface.

(2) Except where expressly provided otherwise, these Regulations do not apply to

(a) a Barbados ship;

(b) a fishing vessel;

(c) a warship;

(d) a naval auxiliary;

(e) a wooden ship of primitive build;

(f) a government ship used for non-commercial purposes;

(g) a pleasure yacht not engaged in trade; or

(h) a vessel to which the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22) applies.

(3) An inspector shall, when exercising functions in respect of a ship of less than 500 GT,

(a) have regard to International Maritime Organization Procedures for Port State Control Chapter 1.6;

(b) to the extent a Convention applies to the ship, apply the requirements of that Convention; and

(c) to the extent a Convention does not apply to the ship, take such action as may be necessary to ensure that the ship is not hazardous to safety, health or the environment.

(4) An inspection in Barbados of a ship while not in a port is considered an inspection for the purposes of these Regulations.

(5) Where

(a) a ship is detained under a Convention enactment; or

(b) the master of a ship is served with a detention notice under such an enactment;

the Act applies in relation to the ship as if a reference to proceeding to sea were a reference to proceeding contrary to the detention notice and references to sending or taking to sea were construed accordingly.

Port state control inspection commitment

5.(1) The Administration will in each calendar year ensure the carrying out of inspections on 15 per cent of the vessels visiting Barbados that are subject to these Regulations.

(2) A record of inspections conducted in Barbados will be maintained by the Administration.

PART II

PORT STATE CONTROL MEASURES

Inspections: initial and more detailed

6.(1) Subject to paragraph (2), in carrying out an inspection of a ship, the inspector shall as a minimum carry out an initial inspection.

(2) If

(a) after an initial inspection has been carried out in an International Maritime Organization member state, deficiencies to be rectified in the ship's next port of call have been recorded in a port state inspection database; and

(b) that next port of call is in Barbados;

an inspector in Barbados shall, if carrying out an inspection of that ship, as a minimum, comply with the requirements of International Maritime Organization Resolution A. 1119(30) and verify that the outstanding deficiencies have been rectified.

(3) A more detailed inspection of a ship shall be carried out when there are clear grounds for believing, after an initial inspection, that the condition of the ship or of its equipment or crew does not substantially meet the requirements of a Convention.

(4) For the purposes of paragraph (3) and regulation 7(3), clear grounds exist when an inspector finds evidence that, in the inspector's professional judgement, warrants a more detailed inspection of the ship, its equipment or its crew as set out in Chapter 2.4 of International Maritime Organization Resolution A. 1119(30).

Expanded inspection of certain ships

7.(1) This regulation applies to ships in the categories that are eligible for expanded inspections set out in Chapter 2.4 of International Maritime Organization Resolution A. 1119(30).

(2) The following categories of vessels visiting a port or anchorage in Barbados are subject to expanded inspections:

(a) high-risk profile vessels on the black list recorded in the database of the Memorandum of Understanding on Port State Control region of the state whose flag the vessels flies that have not been inspected in that region during the previous 5 months;

(b) standard-risk profile vessels on the grey list recorded in the database of the Memorandum of Understanding on Port State Control region of the state whose flag the vessel flies that have not been inspected in that region during the previous 10 months; and

(c) low-risk profile vessels on the white list recorded in the database of the Memorandum of Understanding on Port State Control region of the state whose flag the vessel flies that have not been inspected in that region during the previous 24 months.

(3) The Memorandum of Understanding on Port State Control regions referred to in paragraph (2) are

(a) the Tokyo Memorandum of Understanding on Port State Control (Asia Pacific) region;

(b) the Paris Memorandum of Understanding on Port State Control (Europe, United Kingdom and North Atlantic) region;

(c) the Acuerdo de Vina del Mar (Latin American) region;

(d) the Caribbean Memorandum of Understanding on Port State Control (Caribbean) region;

(e) the Mediterranean Memorandum of Understanding on Port State Control (Mediterranean Sea) region;

(f) the Indian Ocean Memorandum of Understanding on Port State Control (Indian Ocean) region;

(g) the Abuja Memorandum of Understanding on Port State Control (West and Central African) region;

(h) the Black Sea Memorandum of Understanding on Port State Control (Black Sea) region; and

(i) the Riyadh Memorandum of Understanding on Port State Control (Arab Gulf) region.

(4) United States visiting vessels falling into the categories set out in Chapter 2.4 of International Maritime Organization Resolution A. 1119(30) are eligible for expanded inspections.

(5) If a ship is eligible for an expanded inspection and is to call at a port or anchorage in Barbados, her shipowner, master or operator shall

(a) notify the Administration;

(b) include in the notification information required for a ship requesting an expanded inspection;

(c) use the Maritime Single Window or other electronic means approved by the Administration to make the notification;

(d) make the notification

(i) at least 3 days before the expected time of arrival at the port or anchorage; or

(ii) if the voyage to the port or anchorage is expected to take less than 3 days, before leaving the previous port or anchorage.

(6) An expanded inspection may include a more detailed inspection whenever there are clear grounds for believing that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention described in regulation 6(4).

(7) A shipowner or master shall ensure that sufficient time is available in the operating *schedule* to allow an expanded inspection to be carried out.

(8) Without prejudice to control measures required for security purposes, a ship shall not leave the port or anchorage until an inspection required under this regulation is completed.

(9) If the Administration notifies an inspector that an expanded inspection of a ship will not be carried out, the inspector shall notify the ship's master or shipowner.

Report of inspection to ship's master

8. On completion of an inspection, the inspector shall draw up a report in accordance with Chapter 4.1 of the International Maritime Organization Resolution A. 1119(30) and shall provide the ship's master with a copy of the report.

Inspectors: professional profile

9.(1) Subject to paragraph (2), an inspection under these Regulations shall be carried out by an inspector who is qualified and trained in accordance with

Chapters 1.8 and 1.9 of International Maritime Organization Resolution A.1119 (30) and employed by the Administration.

(2) Where an inspector with the required professional expertise cannot be provided by the Administration, an inspection may be conducted by any person that the Administration considers to have acceptable professional expertise.

(3) An inspector and any person assisting an inspector shall have no commercial interest in the port of inspection or in the ships inspected, and an inspector shall not be employed by, or undertake work on behalf of, a non-governmental organization that issues statutory and classification certificates, or that carry out surveys necessary for the issuance of those certificates, to ships.

Rectification and detention

10.(1) A shipowner shall satisfy the Administration that any deficiencies that are confirmed or revealed by an inspection are or will be rectified in accordance with the Conventions.

(2) Where a deficiency is clearly hazardous to safety, health or the environment, the inspector shall detain the ship, or require stoppage of the operation in the course of which the deficiency was revealed, in accordance with Convention enactments, or issue a prohibition notice under section 1061 of the Act.

(3) A detention notice issued in the circumstances described in paragraph (2) may

(a) include a direction that a ship shall remain in a particular place or move to a particular anchorage or berth; and

(b) specify circumstances under which the master of the ship may move that ship from a specified place for reasons of safety or prevention of pollution.

(4) Measures imposed by an inspector under paragraph (2) shall not be lifted until the Administration has established that the ship can, subject to any necessary conditions, proceed to sea, or the operation can be resumed, without risk to the

safety and health of passengers or crew, without risk to other ships, and without an unreasonable threat of harm to the marine environment.

(5) Without prejudice to any other requirement in a Convention enactment, when exercising professional judgement as to whether a ship should be detained, an inspector shall apply the criteria set out in Chapter 3.5 of the International Maritime Organization Procedures for Port State Control.

(6) A ship may be detained if it is not equipped with a functioning voyage data recorder system, if its use is required by a Convention.

(7) If a deficiency referred to in paragraph (6) cannot readily be rectified in the port of detention, an inspector may allow the ship to proceed to an appropriate repair yard nearest to the port of detention where it can be rectified, or require that the deficiency be rectified within a period of 30 days.

(8) Where the overall condition of a ship is obviously substandard, an inspector may, in addition to detaining the ship, suspend the inspection of that ship until the shipowner or ship's master have taken the steps necessary to ensure that the ship complies with the requirements of the Conventions.

(9) If a ship is detained following an inspection, the Administration shall immediately notify, in writing,

(a) the ship's flag administration;

(b) the consul of the state of the flag administration; or

(c) the nearest diplomatic representative of the state of the flag administration.

(10) A notice referred to in paragraph (9) shall set out all the circumstances relating to the decision to detain the ship and shall include the report of inspection.

(11) If a ship is detained following an inspection, the Administration shall also notify all surveyors or recognized organizations responsible for the issuance of classification certificates or statutory certificates.

(12) These Regulations do not prejudice any additional requirements of the Conventions concerning notification and reporting procedures related to port state control.

(13) When carrying out an inspection of a ship under these Regulations, an inspector shall make all possible efforts to avoid the ship being unduly detained or delayed.

(14) The risk of port congestion shall not be a consideration in a decision to detain a ship or to release a ship from detention.

Refusal of access

11. A ship in respect of which a refusal of access notice has been issued by a state that is a signatory to a port state memorandum shall not enter a port or anchorage in Barbados.

Power to issue refusal of access notice

12. The Minister may issue a refusal of access notice in respect of a ship described in regulation 11.

Effect of refusal of access notice

13. A refusal of access notice takes effect when the ship to which it applies leaves the port or anchorage where the refusal of access notice was issued.

Power to permit prohibited ships to enter port

14. Notwithstanding regulations 11, 13 and 18, the Minister may allow a ship access to a specific port or anchorage in Barbados if the Minister

(a) considers that one of the following circumstances applies in relation to the ship:

(i) the existence of a *force majeure*;

(ii) there are overriding safety considerations;

(iii) there is a need to reduce or minimize the risk of pollution; or

(iv) there is a need to have deficiencies rectified; and

(b) satisfied that adequate measures to ensure safe entry have been implemented by the shipowner or master of the ship.

Right of appeal and compensation

15.(1) Regulations 16 and 17 apply in relation to the exercise of a power of detention or refusal of access in a Convention enactment other than the Act and the *Merchant Shipping (Vessel Survey and Certification) Regulations, 2025* (S.I. 2025 No. 42).

(2) Section 454 of the Act applies in relation to a refusal of access notice issued under these Regulations in the same manner as it applies to a detention notice under that section, as if

(a) references to "inspector" were to a person conducting an inspection under these Regulations; and

(b) the following were omitted:

(i) in subsection 454(1), "under section 453(4)*(b)*";

(ii) in subsection 454(2), "unless on the application of the person requiring the referral, the arbitrator so directs";

(iii) in subsection 454(3), "to whether the ship was an unsafe ship"; and

(iv) in subsection 454(5), "as an unsafe ship".

(3) Section 455 of the Act applies in relation to a detention notice or a refusal of access notice under these Regulations as if the following were substituted for section 455(1):

"(1) If on a reference under section 454 relating to a detention notice, or a refusal of access notice, issued in relation to a ship, the shipowner demonstrates to the satisfaction of the arbitrator that

(a) a matter did not constitute a valid basis for the inspector's opinion; and

(b) there were no reasonable grounds for the inspector to form that opinion;

the arbitrator may award the shipowner such compensation in respect of any loss suffered by him in consequence of the detention of the ship or the service of the refusal of access notice as the arbitrator thinks fit."

Arbitration

16.(1) A question as to whether a matter referred to in paragraph (2) constituted a valid basis for the inspector's opinion shall, if the master of the ship or shipowner so requires by a notice given to the inspector within 21 days from the service of the detention notice or refusal of access notice, be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by the arbitrator.

(2) A matter may be referred to arbitration under paragraph (1) if it is specified in relation to a ship in a detention notice or refusal of access notice as forming the basis for an opinion formed by the inspector.

(3) A notice given by the master of a ship or shipowner under paragraph (1) does not suspend the operation of the detention notice or refusal of access notice.

(4) The arbitrator shall have regard to any matter not specified in the detention notice or refusal of access notice that appears to him to be relevant to whether the ship was liable to be detained or served with a refusal of access notice.

(5) Where the arbitrator decides that a matter to which the referral relates did not constitute a valid basis for the inspector's opinion, the arbitrator shall

(a) cancel the detention notice or refusal of access notice, as the case may be; or

(b) affirm it with such modifications as the arbitrator may in the circumstances think fit.

(6) In any other case, the arbitrator shall affirm the detention notice or refusal of access notice in its original form.

(7) The arbitrator shall include in his decision a finding as to whether there was a valid basis for the detention of the ship or for the service of a refusal of access notice.

(8) A person shall not be appointed as an arbitrator under this regulation unless he is

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding an equivalent certificate;

(b) a naval architect;

(c) a person who is qualified to be appointed to a high judicial office in Barbados; or

(d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(9) In an arbitration under this regulation, an arbitrator has the powers conferred on an inspector by section 1058 of the Act.

Compensation for unjustified detention

17.(1) If on a reference under regulation 16 relating to a detention notice or refusal of access notice, the arbitrator decides that the shipowner has proved

(a) that the matter complained of did not constitute a valid basis for the inspector’s opinion; and

(b) that there were no reasonable grounds for the issuance of the detention notice or refusal of access notice;

the arbitrator shall award the shipowner such compensation in respect of any loss suffered in consequence of the detention of the ship or the issuance of a refusal of access notice as the arbitrator thinks fit.

(2) Any compensation awarded under this Regulation is payable by the Minister.

Detained ships requiring repair not to enter port

18.(1) A ship referred to in paragraph (2) that proceeds to sea from a port or anchorage in an International Maritime Organization member state

(a) without complying with the conditions determined by the competent authority of that state in the port of inspection; or

(b) without calling into an indicated repair yard;

shall not enter a port or anchorage within Barbados until the shipowner has provided evidence to the satisfaction of the competent authority that the ship fully complies with all applicable requirements of the Conventions.

(2) This regulation applies to a ship that

(a) was detained in a port in an International Maritime Organization member state after an inspection revealed deficiencies that were clearly hazardous to safety, health or the environment; or

(b) was so detained and was allowed by the competent authority of that state to proceed to an appropriate repair yard nearest to the port of detention.

Power to permit ship to proceed to repair yard

19.(1) Where deficiencies referred to in regulation 10(2) cannot be rectified in the port of inspection, an inspector may allow the ship to proceed without delay to an appropriate repair yard nearest to the port of detention, chosen by the master and authorities concerned, where follow-up action can be taken, if conditions

determined by the competent authority of the flag administration and agreed to by the inspector are complied with.

(2) Conditions referred to in paragraph (1) shall ensure that the ship can proceed without risk to the safety and health of passengers or crew or risk to other ships, or posing an unreasonable threat of harm to the marine environment.

Duty of pilots and port authorities to report anomalies

20.(1) This regulation applies to a pilot authorized under a statutory instrument who boards a ship in Barbados and who is

(a) engaged in the berthing or un-berthing of a ship in Barbados; or

(b) engaged on a ship

(i) bound for a port in Barbados; or

(ii) in transit through Barbados waters.

(2) If a pilot learns, in the course of his normal duties, that there are apparent anomalies that may prejudice the safe navigation of the ship or pose a threat of harm to the marine environment, the pilot shall immediately inform

(a) where the ship is in Barbados, the port authority that authorized the pilot; or

(b) in any other case,

(i) the Minister; or

(ii) the competent authority of an International Maritime Organization member state.

(3) If a port authority

(a) receives information from a pilot in accordance with paragraph (2) *(a)*; or

(b) learns, in the course of its normal duties, that a ship within its port has apparent anomalies that may prejudice the safety of the ship or pose an unreasonable threat of harm to the marine environment;

that authority shall immediately inform the Minister.

(4) The information provided in accordance with paragraph (2) or (3) shall be in electronic format whenever possible and shall include

(a) the ship's name, International Maritime Organization number and call sign;

(b) the flag under which the ship is sailing;

(c) the previous port of call;

(d) the port of destination; and

(e) a description of the apparent anomalies.

Duty of port authorities to report ship arrivals and departures

21.(1) A port authority shall provide to the Minister the following information in respect of each ship calling at its port or anchorage, within a reasonable time and, whenever possible, in electronic format:

(a) the identifier of the port concerned;

(b) the ship's name, International Maritime Organization number and call sign; and

(c) the ship's time of arrival or departure.

(2) A port authority shall also provide the Minister with information in its possession about

(a) a ship that fails to notify the port authority of any information in relation to

(i) port reception facilities; or

(ii) vessel traffic monitoring; and

(b) a ship that has been denied entry or expelled from a port on security grounds.

(3) The information provided in accordance with paragraph (2) shall include the ship's name, International Maritime Organization number and call sign.

PART III

MISCELLANEOUS

Complaints

22.(1) If a complaint relating to a ship is submitted to the Minister, the Minister shall make an assessment of it as quickly as possible to determine whether it is justified.

(2) If the complaint is determined to be justified, the Minister shall

(a) inform the complainant of that conclusion and of any follow-up action taken with regard to the complaint;

(b) ensure that anyone directly concerned about the complaint can make his views known;

(c) take such action as the Minister considers necessary; and

(d) inform the administration of the ship's flag state, and the International Labour Organization if appropriate, of the complaint and action taken.

(3) If a complaint is determined not to be justified, the Minister shall inform the complainant of the reasons for this conclusion.

(4) The identity of the complainant shall not be revealed by the Minister or by an inspector to the master of the ship or shipowner concerned.

(5) An inspector interviewing a member of the crew of the ship concerning a complaint shall

(a) ensure confidentiality during such interviews; and

(b) report on such interviews to the Minister.

Costs

23.(1) All costs relating to an inspection for the purposes of, or in connection with, a refusal of access notice under these Regulations, including the lifting of a refusal of access notice, are recoverable from the shipowner or his representative in Barbados.

(2) If a ship is detained pursuant to a Convention enactment for deficiencies in relation to the requirements of a Convention warranting the detention of the ship or under regulation 10(6), the following costs are recoverable from the shipowner or his representative in Barbados:

(a) all costs of inspections that confirm or reveal

(i) deficiencies in relation to the requirements of a Convention warranting the detention of the ship; or

(ii) that the ship is not equipped with a functioning voyage data recorder system when its use is compulsory; and

(b) all costs relating to the detention in port or anchorage.

(3) A detention made under these Regulations or a Convention enactment for deficiencies referred to in paragraph (2) shall not be lifted until any fees payable under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38) in respect of an inspection leading to the detention or arising from it, and any other costs payable under paragraphs (1) and (2), have been paid or the person by whom they are payable has provided sufficient security for them.

Familiarity of crew with operational procedures

24.(1) Ships in port in Barbados and Barbados ships elsewhere are subject to inspection for the purpose of checking that the master and crew are familiar with essential procedures and operations relating to the safety of the ship.

(2) Section 1057 of the Act applies in relation to the inspection of a ship in a port in Barbados to ensure the familiarity of the crew with essential procedures and operations relating to the safety of the ship.

Application to vessels anchored at offshore facilities

25. Port state control inspections shall be conducted in respect of foreign-flagged vessels, including floating, production, storage and offloading units and floating, storage and offloading units anchored at offshore facilities or in waters outside a port in Barbados for compliance with the following instruments:

(a) the International Convention on Load Lines, 1966;

(b) the Protocol of 1988 relating to the International Convention on Load Lines, 1966;

(c) the International Convention for the Safety of Life at Sea, 1974, as amended;

(d) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea;

(e) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it;

(f) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(g) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;

(h) the International Convention on Tonnage Measurement of Ships, 1969;

(i) the International Convention on Civil Liability for Oil Pollution Damage, 1992;

(j) the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, as amended;

(k) the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004, as amended; and

(l) any other applicable international maritime instruments to which Barbados is a party that are specified in a merchant shipping notice.

PART IV

PORT STATE CONTROL THROUGH MARITIME SINGLE WINDOW

Remote port state control inspections

26.(1) Port state control inspections may be conducted remotely in accordance with Part XXX of the Act.

(2) Notwithstanding subsection (1), where there is difficulty in submitting port state control documentation through the Barbados Maritime Single Window and this difficulty is communicated to the Designated Lead Port State Control Officer prior to arrival in Barbados or on arrival to Barbados, the port state control documentation may be submitted when the ship arrives in Barbados.

(3) Notwithstanding any other enactment requiring the submission of shipping documentation for port state control inspection purposes through the Maritime Single Window, port state control documentation may be submitted when the ship arrives in Barbados in accordance with subsection (2).

(4) In this regulation, "Designated Lead Port State Control Officer" has the same meaning as in the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2).

Port state inspections under the Maritime Labour Convention

27. The Administration shall ensure that port state control inspections under the Maritime Labour Convention 2006, as amended, are carried out in accordance with the International Labour Organization Guidelines for Port State

Control Officers Carrying out Inspections under the Maritime Labour Convention 2006, as amended.

Safety, security and environmental-related port state inspections

28. The Administration shall ensure that port state control inspections in respect of maritime safety, maritime security and marine pollution prevention are carried out in accordance with International Maritime Organization Procedures for Port State Control.

Offences

29.(1) Subject to regulation 19, if a ship contravenes a direction made under regulation 10(3), the shipowner and master of the ship each commit an offence and are liable on summary conviction to a fine of $10 000 or, on conviction on indictment, to imprisonment for 2 years or a fine of $100 000, or both.

(2) Where a ship

(a) enters a port or anchorage in breach of regulation 11 or 18;

(b) is permitted to leave a port pursuant to regulation 19(1) but fails to proceed to the repair yard specified; or

(c) is a ship referred to in regulation 10(7) that

(i) fails to proceed to the repair yard specified; or

(ii) fails to rectify the deficiency within 30 days,

the shipowner and master of the ship each commit an offence and are liable on summary conviction to a fine of $10 000 or, on conviction on indictment, to imprisonment for 2 years or a fine of $100 000, or both.

(3) Where a ship

(a) fails to provide a notification required under regulation 7(5); or

(b) leaves a port or anchorage in breach of regulation 7(8);

the shipowner and master each commit an offence and are liable on summary conviction to a fine of $10 000.

(4) A person who obstructs an inspector or a person assisting the inspector commits an offence and is liable on summary conviction to a fine of $10 000.

(5) A pilot who contravenes regulation 20(2) commits an offence and is liable on summary conviction to a fine of $2 000.

(6) A port authority that contravenes regulation 20(3) or 21 commits an offence and is liable on summary conviction to a fine of $2 000.

(7) It is a defence

(a) for a person charged under this regulation to prove that he took all reasonable steps to avoid committing the offence; and

(b) for a port authority charged with a contravention of regulation 21 to prove that it had been informed by the Minister that the Minister was not ready to receive the information referred to in that regulation.

SCHEDULE

(Regulations 1, 2 and 5)

Certification and Documentation

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
International Tonnage Certificate	All ships – the gross and net tonnage of which have been determined in accordance with the Tonnage Convention	Article 7, Tonnage Convention
International Load Line Certificate	All ships – which have been surveyed and marked in accordance with the International Convention on Load Lines, 1966 or the Convention as modified by the Protocol of 1988 relating to the International Convention on Load Lines 1966, as appropriate	Article 16, International Convention on Load Lines, 1966; Article 18, Protocol of 1988 relating to the International Convention on Load Lines, 1966
International Load Line Exemption Certificate	To any ship to which an exemption has been granted under and in accordance with Article 6, International Convention on Load Lines, 1966 or the Convention as modified by the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as appropriate	Article 6, International Convention on Load Lines, 1966; Article 18, Protocol of 1988 relating to the International Convention on Load Lines, 1966
Minimum Safe Manning Document	Every ship to which Chapter I, International Convention for the Safety of Life at Sea, 1974 applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/14.2

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
On-board Training and Drills Record	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/15.2.2.5
Document of Compliance	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974, (as amended), Regulation IX/4; International Management Code for the Safe Operation of Ships and for Pollution Prevention, paragraph 13
Document of Compliance with the Special Requirements for Ships Carrying Dangerous Goods	All ships carrying dangerous goods to which Regulation II-2/19, International Convention for the Safety of Life at Sea, 1974 (as amended) applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation II-2/19.4
Dangerous Goods Manifest or Stowage Plan	All ships carrying dangerous goods in packaged form	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulations VII/4.5 and VII/7-2; International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it , Annex III, Regulation 4

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Safety Management Certificate	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation IX/4; International Management Code for the Safe Operation of Ships and for Pollution Prevention, paragraph 13
International Ship Security Certificate	All ships above 150 GT	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-2/9.1.1; International Ship and Port Facility Security, Part A, Section 19 and appendices
Continuous Synopsis Record (CSR)	Every ship to which Chapter I, International Convention for the Safety of Life at Sea, applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation XI-1/5
Passenger Ship Safety Certificate	Every passenger ship to which the requirements of International Convention for the Safety of Life at Sea, Chapters II-1, II-2, III, IV and any other relevant International Convention for the Safety of Life at Sea, requirements apply	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12 (2000 amendments)
Exemption Certificate	Every ship to which an exemption is granted under International Convention for the Safety of Life at Sea, 1974 (as amended)	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12: Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Special Trade Passenger Ship Safety Certificate	All Special Trade Passenger Ships	Special Trade Passenger 71, Rule 5
Special Trade Passenger Ship Space Certificate	All Special Trade Passenger Ships	SSTP 73, Rule 5
List of Operational Limitations	Passenger Ships to which International Convention for the Safety of Life at Sea, Chapter I applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation V/30
Cargo Ship Safety Construction Certificate	All Cargo Ships of 500 GT and above	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12
Cargo Ship Safety Equipment Certificate	All Cargo Ships of 500 GT and above	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12
Cargo Ship Safety Radio Certificate	All Cargo Ships of 300 GT and above	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12 (as amended by the GMDSS amendments); Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Cargo Ship Safety Certificate	All Cargo Ships required to comply with International Convention for the Safety of Life at Sea, Chapters II-1, II-2, III, IV, V and other relevant International Convention for the Safety of Life at Sea, requirements	Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12
International Safety Management Certificate	All passenger ships, cargo ships, oil tankers, chemical tankers, gas carriers, bulk carriers, mobile offshore units and cargo high-speed craft of 500 GT and above	International Convention for the Safety of Life at Sea, 1974 (as amended), Chapter IX; Part A, International Management Code for the Safe Operation of Ships and for Pollution Prevention
Document of Authorization for the Carriage of Grain	All ships to which the International Code for the Safe Carriage of Grain in Bulk applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VI/9; Section 3, International Code for the Safe Carriage of Grain in Bulk
High-Speed Craft Safety Certificate	All high-speed craft to which the International Code of Safety for High Speed Craft (HSC) Code applies	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation X/3; International Code of Safety for High-Speed Craft, Section 1.8
International Certificate of Fitness for the Carriage of INF Cargo	All ships carrying packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VII/16; International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships Code

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Nuclear Cargo Ship Safety Certificate	All nuclear-powered cargo ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VIII/10
Nuclear Passenger Ship Safety Certificate	All nuclear-powered passenger ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation VIII/10
Special Purpose Ship Safety Certificate	All Special Purpose Ships	International Convention for the Safety of Life at Sea, 1974 (as amended), Regulation I/12; Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, Regulation I/12
Mobile Offshore Drilling Unit Safety Certificate	All mobile offshore drilling units	IMO Resolution A.414(XI), Section 1.6; IMO Resolution A.649(16) as modified by IMO Resolution MSC.38(63), Section 1.6
Certificates for Masters, Officers or Ratings	All ships above 150 GT	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, Article VI, Regulation I/2; International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, Section A-I/2

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Maritime Labour Certificate	All ships of 500 GT and above	Maritime Labour Convention 2006 (as amended), Regulation 5.1.3
Declaration of Maritime Labour Compliance (DMLC)	All ships of 500 GT and above	Maritime Labour Convention, Regulation 5.1.3
International Oil Pollution Prevention Certificate (IOPP)	Every ship (other than an oil tanker) of 400 GT and above Every oil tanker of 150 GT and above	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex I, Regulation 5
Oil Record Book	Every oil tanker of 150 GT and above Every ship (other than an oil tanker) of 400 GT and above	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex I, Regulation 20
International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate)	All ships carrying noxious liquid substances in bulk	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex II, Regulations 11 and 12A
Cargo Record Book	Every ship to which Annex II, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it applies	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex II, Regulation 9

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
International Sewage Pollution Prevention Certificate (ISPP)	Any ship which is required to comply with the provisions of Regulation 4, Annex IV, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex IV, Regulation 5
Garbage Certificate of Compliance	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex V,
Garbage Management Plan	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex V, Regulation 9
Garbage Record Book	Every ship of 400 GT and above Every ship which is certified to carry 15 persons or more	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex V, Regulation 9
Engine International Air Pollution Prevention (EIAPP) Certificate	For ship engines that meet the international Nitrogen Oxide (NOx) emission limits for marine diesel engines	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Regulation 13

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Record of the Tier and On/Off Status of Marine Diesel Engines	To all ships entering and exiting a NOx Tier III Emission Control Area (NECA) or when the on/off status of an engine changes within such an area	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Regulation 13.5.3
Record Book of Engine Parameters	For ship engines that shall meet the required international Nitrogen Oxide (NOx) emission limits	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Regulation 13; NOx Technical Code to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex VI, 6.2.3.2 and 6.2.3.3

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
NOx Technical File	For each NOx certified diesel engine	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Regulation 13; NOx Technical Code to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex VI, Regulation 2.3.4
International Air Pollution Prevention (IAPP) Certificate	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Chapter III, Regulation 6

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
Ozone Depleting Substances Record Book	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Chapter III, Regulation 12.7
International Energy Efficiency (IEE) Certificate	All ships of 400 GT and above, fixed and floating drilling rigs and other platforms	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Chapter IV, Regulation 21
Record of Fuel Oil Changeover	To all ships prior to entering a SOx Emission Control Area (SECA)	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it Annex VI, Regulation 14.6

Schedule - (Cont'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
EEXI Technical File	As of January 1, 2023 – All vessels of 400 GT and above shall have on board an EEXI Technical File	Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex VI, [2023 EEXI Regulations] IMO Marine Environment Protection Committee 76, 10 to 17 June, 2021
Certificate of Fitness for Off-shore Support Vessels	All Offshore Support Vessels	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocol of 1997 relating to it, Annex II, Regulation 13(4)
International Anti-fouling System Certificate	All ships of 400 GT and above	Article 11, International Convention on the Control of Harmful Anti-Fouling Systems on ships, 2001 (as amended)
Declaration on Anti-fouling System	All ships of less than 400 GT but of 24 metres or more in length	Article 11, International Convention on the Control of Harmful Anti-Fouling Systems on ships, 2001 (as amended)

Schedule - (Concl'd)

Certificate/ Documentation	Vessel Type	International Maritime Convention Requirement
International Ballast Water Management Certificate	All ships of 400 GT and above	Article 9, International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004 (as amended)
Ballast Water Record Book	Each ship shall have on board a Ballast Water record book that may be an electronic record system, or that may be integrated into another record book or system and, which shall at least contain the information specified in Appendix II, International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004	Regulation B-2, International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004
Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	All chemical tankers built before July 1, 1986	Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH) Code, Section 1.6
International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	All chemical tankers built after July 1, 1986	International Bulk Chemical Code (as amended), Section 1.5
Certificate of Fitness for the Carriage of Liquefied Gases in Bulk	All gas carrying ships constructed before July 1, 1986	Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk Code, Section 1.6
International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk	All gas carrying ships constructed before July 1, 1986	International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk; Section 1.5 International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (as amended)

Made by the Minister this 23rd day of April, 2025.

G.P.I GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 41

MERCHANT SHIPPING (COASTAL STATE CONTROL) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (COASTAL STATE CONTROL) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Coastal State Control) Regulations, 2025*.

Purpose

2. The purpose of these Regulations is to provide for

(a) the inspection of vessels in Barbados waters, excluding waters within a port, to verify that the vessels comply with international maritime safety, security, environmental and maritime labour standards;

(b) the regulation of vessels transiting through Barbados waters; and

(c) related matters.

Definitions

3. In these Regulations,

"Administration" means the Barbados Maritime Transport Administration;

"Barbados Maritime Transport Administration" has the same meaning as in the *Merchant Shipping Act, 2024* (Act 2024-28);

"coastal state control" means the authority of the Government of Barbados, through the Administration, over

(a) vessels of any flag, when such vessels are within Barbados waters;

(b) vessels of any flag, when such vessels are transiting through Barbados waters; and

(c) marine amenities, marine equipment, installations and offshore marine facilities in Barbados waters;

"coastal state control officer" means an officer designated under regulation 5; and

"Director" means the Director of Ocean Affairs.

Application

4. These Regulations apply to all vessels, marine amenities, marine equipment, installations or other offshore marine facilities in Barbados.

PART II

COASTAL STATE CONTROL MEASURES

Coastal state control officers

5.(1) The Minister, after consultation with the Director, shall designate in writing coastal state control officers to exercise relevant international, regional and national guidelines on the exercise of coastal state control of over vessels, marine amenities, marine equipment, installations and offshore marine facility in Barbados waters, excluding waters within a port that are within the purview of port state control regulation.

(2) On the instructions of the Director, and in addition to any surveys required by law to be carried out by classification societies, coastal state control officers shall inspect vessels, marine amenities, marine equipment, installations and other offshore marine facilities in accordance with these Regulations to ensure that they remain in compliance with international maritime safety, environmental, security and social standards.

(3) The Administration shall ensure that coastal state control officers are appropriately trained and certified as competent to perform their duties, and are supplied with appropriate identification.

Rights and duties of coastal state control officers in the various maritime zones

6.(1) Coastal state control officers have the rights and duties specified in paragraph (2) for the purpose of exercising, on behalf of the Government of Barbados, coastal state controls in the following maritime zones, in accordance with the United Nations Convention on the Law of the Sea, 1982:

(a) the internal waters of Barbados;

(b) the territorial sea of Barbados;

(c) the contiguous zone of Barbados; and

(d) the exclusive economic zone of Barbados.

(2) Coastal state control officers shall

(a) ensure the safe navigation of vessels, whether traversing on or below the sea, including the

(i) organization of maritime traffic;

(ii) establishment and maintenance of sea lanes; and

(iii) establishment and maintenance of traffic separation schemes;

(b) ensure the protection of navigational aids, marine amenities, marine equipment, marine facilities and installations, including artificial islands and oil rigs;

(c) ensure the protection of undersea pipelines and cables;

(d) ensure the preservation of the marine environment;

(e) ensure the protection of marine living resources;

(f) ensure the protection and preservation of underwater natural and cultural heritage;

(g) assist in the regulation of activities related to marine scientific research and hydrographic surveys;

(h) ensure that payments are made in respect of services rendered to vessels in Barbados waters;

(i) apply, in accordance with the United Nations Convention on the Law of the Sea, 1982, customs, fiscal, immigration and sanitary laws;

(j) assist the Administration in the continued development of coastal state regulatory regimes in respect of coastal state control matters; and

(k) assist maritime law enforcement in the fair and effective exercise of civil and criminal jurisdiction in relation to matters occurring in Barbados waters.

Restrictions on coastal state control

7. A coastal state control officer, in the exercise of his functions under these Regulations,

(a) shall not impose requirements on foreign vessels that deny or impair the right of innocent passage;

(b) shall not discriminate against vessels of any state or vessels transporting cargoes to, from or behalf of any state;

(c) shall appropriately warn others of any dangers to navigation in Barbados waters of which he has knowledge; and

(d) shall exercise coastal state controls, within the limits of national and international law, taking due account of the limits on sovereignty beyond the territorial sea of Barbados, as outlined in the United Nations Convention on the Law of the Sea, 1982.

PART III

MISCELLANEOUS

Inspections

8.(1) Vessel inspections as part of coastal state control shall be conducted in accordance with relevant international, regional and national guidelines on the exercise of coastal state control and procedures for port state control, to the extent practical, and in accordance with any other relevant guidelines or specifications set out in a merchant shipping notice.

(2) Inspections of marine amenities, marine equipment, installations or offshore marine facilities shall be conducted in accordance with international best practice, any relevant international, regional and national guidelines on the exercise of coastal state control, and any specifications in a merchant shipping notice.

General

9. Part II of the *Merchant Shipping (Port State Control) Regulations, 2*025 (S. I. 2025 No. 40) applies with such changes as are necessary, subject to any requirements in respect of a coastal state control exercise set out in a merchant shipping notice, to

(a) vessels;

(b) marine amenities;

(c) marine equipment;

(d) installations; and

(e) offshore marine facilities.

Offences

10. An owner or operator of

(a) a vessel;

(b) a marine amenity;

(c) marine equipment;

(d) an installation; or

(e) an offshore marine facility;

who does not comply with a direction given in writing by a coastal state control officer or a requirement specified in a merchant shipping notice commits an offence and is liable on summary conviction to a fine of $100 000.

Coastal state control guidelines and procedures

11. The Administration, in consultation with relevant stakeholders, shall develop national guidelines and procedures for the effective exercise of coastal state control and to further enhance the coastal state regulatory regime in Barbados.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 42

MERCHANT SHIPPING (VESSEL SURVEY AND CERTIFICATION) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (VESSEL SURVEY AND CERTIFICATION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Vessel Survey and Certification) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"1988 Protocol" means the 1988 Protocol to the International Convention for the Safety of Life at Sea 1974;

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"Barbados Maritime Transport Administration" has the same meaning as in the Act;

"Cargo Certificate" means a certificate issued under regulation 13;

"cargo ship" means a ship that is not a

(a) passenger ship;

(b) warship;

(c) fishing vessel; or

(d) pleasure vessel;

"certifying authority" means the Administration or a person authorized by the Administration;

"Chief Marine Surveyor" means the person appointed by the Administration under section 33(1) of the Act;

"Convention certificate" means a certificate issued in accordance with the requirements of the International Convention for the Safety of Life at Sea 1974;

"Director" means the Director of Ocean Affairs;

"electronic certificate" means a certificate issued in electronic format;

"Exemption Certificate" means the certificate issued pursuant to regulation 25;

"International Convention for the Safety of Life at Sea 1974" includes its Protocols of 1978 and 1988, and all amendments to them in force on the date on which these Regulations come into force;

"international voyage" means a voyage from a port in one country to a port in another country, where one of the countries is a country to which the International Convention for the Safety of Life at Sea 1974 applies;

"Marine Guidance Notice" means a notice described as such and issued by the Chief Marine Surveyor;

"mile" means an international nautical mile of 1852 metres;

"passenger" means a person carried on a ship other than

(a) a person employed or engaged in any capacity in the business of the ship;

(b) a person on board the ship pursuant to the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of a circumstance that the master, owner or any charterer could not have prevented or forestalled; or

(c) a child of under one year of age;

"Passenger Certificate" means a certificate issued under regulation 13;

"passenger ship" means a ship carrying more than 12 passengers;

"pleasure vessel" has the same meaning as in the *Shipping (Domestic Vessels) (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62);

"proper officer" has the same meaning as in the Act;

"radio installation" means radio equipment other than radio navigational equipment on board a ship or provided in relation to a ship's life-saving appliances;

"renewal craft survey" means a major survey of the hull structures, machinery installations and equipment of a vessel;

"ship of war" has the same meaning as in the International Convention for the Safety of Life at Sea 1974;

"short international voyage" means an international voyage

(a) in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and

(b) that does not exceed 600 miles in distance between the last port of call in the country in which the voyage began and the last port of call in the scheduled voyage before beginning a return voyage, and that on the return voyage does not exceed 600 miles in distance between the port

of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began; and

"unique tracking number" means a string of numbers, letters or symbols used as an identifier to distinguish an electronic certificate issued by an administration or its representative from any other electronic certificate issued by the same administration or representative.

(2) In these Regulations, a reference to a Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Passenger Ship Safety Certificate is to be read as a reference to a certificate of that name issued under regulation 12.

(3) For the purposes of these Regulations, the gross tonnage of a ship is to be ascertained in accordance with the International Convention on Tonnage Measurement of Ships, 1969, as implemented by the *Merchant Shipping (Tonnage) Regulations, 2025* (S. I. 2025 No. 29).

(4) A reference in regulations 6 or 7 to 10 to a survey or inspection of a particular description required to be carried out on a ship is to be read as a reference to the survey or inspection of that description set out in a Marine Guidance Notice.

Purpose

3. The purpose of these Regulations is to provide for the survey and verification of ships to ensure that they are designed, constructed, maintained and managed in compliance with International Maritime Organization conventions, codes and other instruments.

PART II

CERTIFYING AUTHORITIES

Certifying Authorities

4.(1) An authorization of a person as a certifying authority may be given conditionally or unconditionally.

(2) A condition on the authorization of a person as a certifying authority may impose limitations relating to

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

(3) The Administration may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, for the purpose of these Regulations is to be carried out by the Administration and not by another certifying authority.

(4) A certifying authority other than the Administration is not to be regarded as the servant or agent of the State or as enjoying any status, immunity or privilege of the State, and its property is not to be regarded as property of, or held on behalf of, the State.

Application and exemption

5.(1) Subject to paragraph (2), these Regulations apply to Barbados ships wherever they may be and to other ships while they are in Barbados waters.

(2) Except where expressly provided otherwise, these Regulations do not apply to

(a) fishing vessels;

(b) pleasure vessels;

(c) high-speed craft that comply with the requirements of the International Code of Safety for High-Speed Craft; or

(d) vessels to which the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22) applies.

(3) The Administration may grant an exemption from all or any of these Regulations on such terms as it may specify and may, subject to giving notice, alter or cancel such an exemption.

PART III

SURVEYS

Surveys of passenger ships

6. A Barbados passenger ship shall be subject to

(a) a survey before the ship is put in service;

(b) an annual inspection of the ship's bottom, of which 2 inspections within any 5-year period are to take place out of the water at intervals not exceeding 36 months; and

(c) a survey before the end of every period of 12 months following the issuance of the ship's Passenger Ship Safety Certificate.

Surveys of cargo ship: safety equipment

7. A Barbados cargo ship of 500 GT or more engaged on international voyages shall be subject to the following surveys of her life-saving appliances and other equipment:

(a) before the ship is put in service, a cargo ship safety equipment initial survey;

(b) at the intervals specified in a Marine Guidance Notice, a cargo ship safety equipment renewal survey;

(c) within 3 months before or after the second or third anniversary date of the ship's Cargo Ship Safety Equipment Certificate, a cargo ship safety equipment periodical survey; and

(d) within 3 months before or after each anniversary date of the ship's Cargo Ship Safety Equipment Certificate, an annual survey, other than where a periodical survey is required to be carried out within that period.

Surveys of cargo ship: radio installations

8. A Barbados cargo ship of 300 GT or more engaged on international voyages shall be subject to the following surveys of her radio installations:

(a) before the ship is put in service, a cargo ship radio installations initial survey;

(b) at the intervals specified in a Marine Guidance Notice, a cargo ship radio installations renewal survey; and

(c) within 3 months before or after each anniversary date of the ship's Cargo Ship Safety Radio Certificate, a cargo ship radio installations periodical survey.

Surveys of cargo ship structure, machinery and equipment

9.(1) A Barbados cargo ship of 500 GT or more shall be subject to the following surveys of her structure, machinery and equipment, other than equipment to which regulations 7 and 8 apply:

(a) before the ship is put in service, an initial survey;

(b) at the intervals specified in a Marine Guidance Notice, a cargo ship structure renewal survey;

(c) within 3 months before or after the second or third anniversary date of the ship's Cargo Ship Safety Construction Certificate, an intermediate survey;

(d) within 3 months before or after each anniversary date of the ship's Cargo Ship Safety Construction Certificate, a cargo ship structure annual survey, other than where a cargo ship structure, machinery and equipment renewal or intermediate survey is required to be carried out within that period; and

(e) subject to paragraph (2), 2 inspections of the ship's bottom, to take place out of the water within any 5-year period, and at intervals not exceeding 36 months.

(2) For the purpose of paragraph (1)*(e)*, where a cargo ship structure renewal survey takes place within 3 months after the end of the 5-year period of validity of a Convention certificate, and that certificate has been extended in accordance with regulation 16(3) or (4), the period of extension of the certificate shall be deemed to be within the 5-year period.

Owner's and master's responsibilities

10.(1) This regulation applies to

(a) Barbados ships; and

(b) other ships that have been surveyed under these Regulations.

(2) The owner and master of a ship referred to in paragraph (1) shall ensure that

(a) the ship and her equipment are maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board;

(b) after a survey of the ship under these Regulations has been completed, no change is made in the structural arrangements, machinery, equipment and other items covered by the survey without the approval of the certifying authority, except by direct replacement; and

(c) whenever an accident occurs to the ship, or a defect is discovered, that affects the safety of the ship or the efficiency or completeness of her life-saving appliances or other equipment,

(i) it is reported at the earliest opportunity to the certifying authority or to a proper officer; and

(ii) in the case of a Barbados ship in a port outside Barbados, it is also reported to the appropriate authorities of the country in which the port is situated.

(3) If a report is made under paragraph (2)*(c)*(i), the certifying authority or proper officer shall determine whether a survey is necessary and, if so, require one to be carried out.

(4) If a survey referred to in paragraph (3) shows that repairs are required or if any important repairs or renewals are otherwise made to the ship or her equipment, a further survey shall be carried out on the completion of those repairs or renewals.

Deficient ship: procedure to be adopted

11.(1) Where a surveyor determines that the condition of a ship that has been surveyed under these Regulations does not correspond substantially with the particulars on one or more of the certificates referred to in these Regulations, or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the surveyor shall advise the owner or master of the corrective action that in the surveyor's opinion is required and shall notify the certifying authority.

(2) If the corrective action is not taken within a reasonable period specified by the surveyor, the surveyor or certifying authority shall notify the Administration.

(3) On receipt of a notification under paragraph (2), the Administration may suspend the validity of the certificate in question that was issued to the ship.

(4) The Administration shall give notice of any such suspension to the ship's owner, to the surveyor and to the certifying authority.

(5) On receipt of a notice under paragraph (4), the certifying authority shall notify the ship's master.

PART IV

CERTIFICATES

Issuance of certificates to Barbados ships engaged on international voyages

12. When a survey to meet the requirements set out in these Regulations has been satisfactorily completed in respect of a ship engaged on international voyages, the certifying authority shall issue

(a) to a passenger ship engaged only on short international voyages, a Short International Voyage Passenger Ship Safety Certificate;

(b) to any other passenger ship, a Passenger Ship Safety Certificate;

(c) to a cargo ship of 300 GT or more, a Cargo Ship Safety Radio Certificate; and

(d) to a cargo ship of 500 GT or more

(i) a Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Construction Certificate; or

(ii) after an initial or renewal survey in accordance with regulations 7 to 9, a Cargo Ship Safety Certificate.

Issuance of certificates to Barbados ships 150 GT or more engaged on domestic voyages

13.(1) When a survey under these Regulations of a Barbados passenger or cargo ship of 150 GT or more has been satisfactorily completed in respect of a ship not engaged on international voyages, the certifying authority shall issue a

passenger certificate or a cargo certificate, as the case may be, appropriate to her class.

(2) A Barbados passenger or cargo ship of 150 GT or more operating within Barbados waters shall be certified in accordance with regulations 14 to 22.

(3) A passenger certificate or cargo certificate shall be issued for a period of validity not exceeding 12 months.

(4) A certificate ceases to be valid

(a) if its period of validity has been exceeded and the certificate has not been extended by the appropriate certifying authority in accordance with regulation 26 or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 International Convention for the Safety of Life at Sea 1974 applies;

(b) if the required surveys and inspections have not been completed within the periods specified under regulations 6 to 9 or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 International Convention for the Safety of Life at Sea 1974 applies; and

(i) the certificate has not been extended in accordance with regulation 25 or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 International Convention for the Safety of Life at Sea 1974 applies; or

(ii) the period of any such extension has expired;

(c) upon the transfer of the ship to the flag of another state; or

(d) if the vessel no longer substantially complies with the requirements of the certificate.

Seaworthiness of Barbados ships 150 GT or more engaged on domestic voyages

14.(1) The Administration shall, at least once in every year, cause every Barbados ship of 150 GT or more that is engaged on domestic voyages to be boarded, by such authorized persons as the Administration may direct, to conduct a thorough examination of her hull, machinery, working gear and supplies, equipment, fittings and arrangements.

(2) The officer appointed to be in charge of an examination under paragraph (1) shall report on their condition and sufficiency to the Administration.

Inspection of Barbados ships 150 GT or more engaged on domestic voyages

15.(1) The Director may, by a notice in writing to the owner, agent or master of a Barbados ship of 150 GT or more that is engaged on domestic voyages, require that person to take or send the ship for inspection to a place in Barbados at a date and time the Director appoints.

(2) On receipt of a notice under paragraph (1), the master, agent or owner shall, at the owner's expense, leave the ship at the appointed place until she has been completely surveyed.

Use of Barbados ship 150 GT or more engaged on domestic voyages pending inspection

16. An owner, agent or master of a Barbados ship of 150 GT or more that is engaged on domestic voyages shall not, after the time appointed for an inspection under regulation 15, employ the ship, or allow her to be employed, in the carrying of passengers, mail, freight or any other kind of cargo, or in towing or any other service in Barbados, until after she has been inspected or until

(a) any alterations, additions and repairs the Administration requires have been effected to the Administration's satisfaction; and

(b) a certificate of survey has been issued by the Director in respect of the ship or her machinery, as the case may be, certifying that the ship or machinery is safe and sufficient for the service in which the ship is ordinarily intended to be employed, or for the service specified in the certificate.

Certificate of survey to Barbados ship 150 GT or more engaged on domestic voyages

17.(1) The Director shall issue a certificate of survey, with such qualifications as he may consider necessary, to the owner, agent or master of a Barbados ship of 150 GT or more that is engaged on domestic voyages if

(a) on inspection, a person appointed by the Administration finds that the ship and her hull, machinery, working gear and supplies, or the parts of them that he was appointed to survey, is in good and safe condition, having regard to the service in which the ship is, or is intended to be, ordinarily employed; or

(b) on a second or subsequent inspection, he finds that any alterations, additions and repairs the Administration has required have been efficiently made, effected or applied, and that the ship, her hull, machinery, working gear and supplies, or the parts of them that he was appointed to inspect or survey, are in a good and safe condition, having regard to the service in which the ship is, or is intended to be, ordinarily employed.

(2) The latest certificate of survey issued under paragraph (1) shall at all times be kept posted by the owner, agent or master in such a conspicuous part of the ship as the Director may designate.

(3) An owner, agent or master of a Barbados ship of 150 GT or more that is engaged on domestic voyages who fails duly to keep posted a certificate of survey commits an offence.

Copy of certificate to Administration

18.(1) On issuing a certificate of survey under regulation 17, the Director shall forward a duplicate copy of it to the Principal Registrar of International Ships.

(2) On receipt of the certificate of survey, the Principal Registrar may issue any order with respect to the ship in respect of which the certificate was issued that in his opinion the circumstances of the case or the certificate of survey render necessary for the security of persons travelling in the ship.

Repairs to Barbados ships 150 GT or more engaged on domestic voyages

19.(1) The Administration may order the owner or master of a Barbados ship of 150 GT or more that is engaged on domestic voyages to make any alterations in, or additions or repairs to, her hull, machinery, gear and supplies that the Administration considers necessary or advisable for the safety and security of persons or cargo travelling in the ship, and may order that the ship shall cease to be used until the alterations, additions or repairs have been completed.

(2) A copy of an order made under paragraph (1) shall be sent to the Commissioner of Police and may be enforced by a police officer, who may detain and prevent the use of the ship until the order has been withdrawn by the Administration.

Obstructing inspection

20. A person commits an offence who prevents or hinders an inspection, who disobeys an order of the Administration, or who obstructs, prevents or resists the execution by a person carrying or attempting to carry an order into effect.

Operating Barbados ship 150 GT or more engaged on domestic voyages

21. An owner and master of a Barbados ship of 150 GT or more that is engaged on domestic voyages who operates her, or permits her to be operated, while her hull, engines, machinery, gear, supplies, equipment, fittings or arrangements, or any part of them, are in a state of imperfection, decay, insufficiency or disrepair that renders her operation unsafe or hazardous to a person or unsafe for cargo commits an offence.

Proceeding on a voyage or excursion without appropriate certificate

22.(1) A Barbados domestic passenger vessel certified under these Regulations shall not proceed on a voyage in Barbados waters unless she has been surveyed and there is in force a passenger certificate appropriate to the voyage or excursion.

(2) A Barbados domestic cargo vessel certified under these Regulations shall not proceed on a voyage in Barbados waters unless she has been surveyed and there is in force a cargo certificate appropriate to the voyage.

(3) Where a passenger or cargo certificate is issued subject to conditions, the ship shall not proceed on a voyage or excursion unless the conditions are complied with.

Certificates: duration and validity

23.(1) A Convention certificate shall be issued for a period of validity from the date of the completion of the relevant survey

(a) in the case of a Passenger Ship Safety Certificate and a Short International Voyage Passenger Ship Safety Certificate, not exceeding 12 months; and

(b) in the case of a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate, not exceeding 5 years.

(2) Where a renewal survey has been completed within 3 months before the expiry of a Convention certificate, a new certificate may be issued

(a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding 12 months from the date of expiry of the existing certificate; and

(b) in the case of any other certificate, for a period of validity not exceeding 5 years from the date of expiry of the existing certificate.

(3) Except in special circumstances as determined by the Administration, where a renewal survey has been completed after the expiry of a Convention certificate, the new certificate shall be issued

(a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding 12 months from the date of expiry of the existing certificate; and

(b) in the case of any other certificate, for a period of validity not exceeding 5 years from the date of expiry of the existing certificate.

(4) Where an annual, intermediate or periodical survey is completed before the period prescribed in respect of the survey in regulations 6 to 9,

(a) the anniversary date shown on the relevant certificate shall be amended, by endorsement, to a date that is not more than 3 months later than the date on which the survey was completed;

(b) subsequent annual, intermediate or periodical surveys required under regulations 6 to 9 shall be completed at the intervals prescribed by those regulations using the new anniversary date; and

(c) the expiry date remains unchanged if one or more annual, intermediate or periodical surveys are carried out, so that the maximum intervals between the surveys prescribed by regulations 6 to 9 are not exceeded.

(5) A Convention certificate ceases to be valid

(a) if its period of validity has been exceeded and the certificate has not been extended by a certifying authority in accordance with regulation 26, or otherwise in accordance with the 1988 Protocol by the government of a country to which the International Convention for the Safety of Life at Sea 1974 applies;

(b) if the required surveys and inspections have not been completed within the periods specified under regulations 6 to 9, or otherwise in accordance with the 1988 Protocol by the government of a country to which the International Convention for the Safety of Life at Sea 1974 applies, and the certificate has not been extended in accordance with regulation 25 or otherwise in accordance with the 1988 Protocol by the government of a country to which the International Convention for the Safety of Life at Sea 1974 applies, or the period of any such extension has expired;

(c) upon the transfer of the ship to the flag of another state; or

(d) if the vessel no longer substantially complies with the requirements of the certificate.

Electronic certificates: issuance and use

24.(1) The Administration may approve the issuance and use of electronic certificates in accordance with the approval by the International Maritime Organization of their issuance and use at the 39th session of the Facilitation Committee.

(2) An electronic certificate issued by the Administration

(a) shall be valid and be consistent in format and content with that required by the applicable international conventions or instruments;

(b) shall be protected from edits, modifications or revisions other than those authorized by the Administration; and

(c) shall have a unique tracking number used for verification.

Exemption certificates: issuance and duration

25.(1) When an exemption is granted to a ship under regulation 5(3), an Exemption Certificate shall be issued in addition to any Certificate issued under regulation 12.

(2) The period of validity of an Exemption Certificate shall not be longer than the period of validity of the certificate to which it refers.

(3) An Exemption Certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

Extensions

26.(1) Where a Convention certificate other than a Passenger Ship Safety Certificate has been issued for a period of validity of less than 5 years and the surveys required under regulations 6 to 9 have been satisfactorily completed, a certifying authority may extend the validity of that certificate for a maximum of 5 years.

(2) Where a renewal survey required under regulations 6 to 9 has been satisfactorily completed before the expiry of the applicable Convention certificate but a new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the certifying authority may endorse the existing certificate as valid for a period not exceeding 5 months from the expiry date.

(3) Where a renewal survey required under regulations 6 to 9 has not been satisfactorily completed before the expiry of the applicable Convention certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, a certifying authority may extend the validity of the certificate solely for the purpose of allowing the ship to complete her voyage to her port of survey.

(4) Where no other extension has been granted, a certifying authority may extend the validity of a Convention certificate of a ship engaged on short voyages for a period of no more than one month.

(5) An extension of validity under paragraph (1) or (2), and, except in special circumstances determined by the Administration, an extension of validity under paragraph (3) or (4) shall be disregarded for the purposes of determining the date of expiry of an existing Convention certificate under regulation 23(2) or (3).

Issuance and endorsement of certificate by another government

27.(1) The Administration may request the government of a country to which the International Convention for the Safety of Life at Sea 1974 applies to survey a Barbados ship and, if it is satisfied that the requirements of the Convention are complied with, to issue to the ship, or to authorize the issuance to the ship of, the certificates referred to in regulation 12.

(2) A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it were issued by the Administration.

Request made by other SOLAS government

28.(1) The Administration may, at the request of the government of a country to which the International Convention for the Safety of Life at Sea 1974 applies, survey a ship registered in that country.

(2) If the Administration is satisfied that the requirements of the Convention are complied with and that a survey has been satisfactorily completed in accordance with these Regulations, the Administration may issue to the ship one or more of the certificates referred to in regulation 12 and endorse such certificates in accordance with the requirements of the Convention.

(3) A certificate issued in accordance with a request referred to in paragraph (1) shall contain a statement that it has been so issued and shall have the same effect as if it were issued by that government.

(4) Where a memorandum issued by or under the authority of a government referred to in paragraph (1) is attached to a valid Passenger Ship Safety Certificate or a valid Short International Voyage Passenger Ship Safety Certificate in respect of a ship to which the International Convention for the Safety of Life at Sea 1974 applies and modifies the certificate in respect of the persons who may be carried for a particular voyage, the certificate shall have effect for the purpose of the voyage as if it were modified in accordance with the memorandum.

(5) A surveyor may go on board a ship to which the International Convention for the Safety of Life at Sea 1974 applies for the purpose of verifying that

(a) there is in force a certificate required by these Regulations;

(b) the hull, machinery and equipment correspond substantially with the particulars shown on the certificate; and

(c) the ship complies with regulation 10.

Passenger ships that are not Barbados ships

29. When a survey of a passenger ship that is not a Barbados ship and that is not engaged on international voyages is completed in accordance with these Regulations, the certifying authority shall issue a passenger certificate appropriate to her class.

Barbados passenger ships operating in Barbados waters: domestic

30. A Barbados passenger vessel of 150 GT or less that is operating within Barbados waters shall be certified in accordance with the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22).

Cancellation of a certificate

31.(1) The Administration may cancel a certificate issued to a Barbados ship, where there is reason to believe that

(a) the certificate was issued on false or erroneous information; or

(b) since a survey required by these Regulations, the structure, equipment or machinery has sustained damage or was otherwise rendered deficient.

(2) The Administration may require a certificate issued to a Barbados ship that has expired or has been cancelled to be surrendered.

(3) No person shall

(a) intentionally alter a certificate referred to in these Regulations;

(b) intentionally make a false certificate referred to in these Regulations;

(c) in connection with a survey required by these Regulations, knowingly or recklessly furnish false information;

(d) with intent to deceive, use, lend or allow to be used by another person a certificate referred to in these Regulations; or

(e) fail to surrender a certificate required to be surrendered under paragraph (2).

Availability of certificates

32. The owner and master of every ship issued with a Convention certificate shall ensure that it is readily available on board for examination at all times.

PART V

SURVEY REQUIREMENTS FOR HIGH-SPEED CRAFT, LIGHT CRAFT, DYNAMICALLY HIGH-SPEED CRAFT, LIGHT CRAFT, DYNAMICALLY SUPPORTED CRAFT AND NAVAL SURFACE CRAFT

Survey intervals and conditions

33. Every high-speed craft, light craft, dynamically supported craft and naval surface craft registered in Barbados shall, to ascertain the condition of its structure, machinery installations, equipment and appliances, be subjected to

(a) annual surveys;

(b) intermediate surveys;

(c) renewal surveys; and

(d) other periodical surveys.

Minimum survey requirements

34. A survey under regulation 33 shall, as a minimum, be carried out in accordance with internationally accepted craft rules, in order to confirm that the hull, machinery, equipment and appliances comply with applicable international maritime safety requirements.

More comprehensive examination or testing

35. Where compliance with applicable rules cannot be satisfactorily confirmed based on the extent of a survey under regulation 33, a surveyor may require a more comprehensive examination or testing.

Annual craft surveys

36.(1) An annual craft survey shall include visual inspections to ascertain the general condition of the craft or that applicable international maritime safety requirements are complied with.

(2) A surveyor may require a more thorough annual survey for particular structures, machinery installations or equipment due to the consequences of failure or age.

(3) An annual craft survey shall, unless otherwise provided in these Regulations, be carried out within 3 months before or after the survey due date.

(4) An annual craft survey shall be carried out concurrently with a renewal or complete periodical survey.

(5) A craft survey completed prior to the period referred to in paragraph (3) may be accepted, in which case

(a) the anniversary date on the classification certificate shall be advanced to correspond to a date not more than 3 months later than the survey completion date;

(b) subsequent craft surveys shall be carried out at the required intervals using the new anniversary date; and

(c) the expiry date of the classification certificate may remain unchanged, and one or more surveys may be required so that the required craft survey intervals are not exceeded.

(6) The annual survey for a ship's hull shall include an external examination of the craft's bottom out of water or, where acceptance is given by the ship's flag state, afloat.

Intermediate craft surveys

37.(1) An intermediate craft survey shall be carried out in respect of a yacht or patrol vessel in place of an annual survey.

(2) The survey interval for intermediate surveys shall, unless otherwise provided by these Regulations or in a merchant shipping notice, be carried out within 6 months before or after the due date.

Renewal craft surveys

38.(1) A renewal craft survey shall include visual inspections, measurements and tests in order to confirm that the craft complies with these Regulations and any requirements set out in a merchant shipping notice and is in a satisfactorily maintained condition for its intended service.

(2) A renewal craft survey for the hull, machinery installations and equipment shall be carried out at 5-yearly intervals for a craft with main class 1A1, as specified by International Association of Classification Society Rules, and at 3 years intervals for a craft with main class 1A2, as specified by those Rules.

(3) A renewal survey for the hull shall include an external examination of the craft's bottom out of water or, with the written approval of the Administration, afloat.

Requirements for carrying out bottom survey afloat

39.(1) To conduct a bottom survey in relation to a craft while afloat,

(a) the craft's owner shall submit a statement to the Administration well in advance of the survey that no particular issues are expected;

(b) the conditions of the water at the survey locus shall provide good visibility; and

(c) a report from the diving survey, supplemented with still photos and any other relevant supporting documentation, shall be made available to the craft surveyor.

(2) A bottom survey of a craft while afloat shall be carried out concurrently with an annual craft survey.

Survey of craft out of commission

40.(1) A craft that has been laid up for a period of 12 months or more shall be surveyed and tested before re-entering service.

(2) The surveyor shall determine the extent of surveys and tests required in each case, depending upon the time the craft was out of commission, the maintenance and preservative measures taken during lay-up, and the extent of surveys carried out during this time, but shall include a sea trial for the functioning testing of the machinery installation.

(3) During a period in which it is laid-up, a craft is subject to annual general surveys.

(4) If the laid-up period is more than 12 months, periodical surveys other than annual general surveys may be postponed by the surveyor, depending on the maintenance and preservative measures taken during lay-up.

Craft hull surveys

41.(1) The owner of a craft shall provide the facilities necessary for a safe execution of [a craft hull?] survey.

(2) Tanks and spaces on the craft shall be made safe for access, including being free of gas and ventilated.

(3) Tanks and spaces on the craft shall be sufficiently clean and free from water, dirt, oil and residues and sufficiently illuminated to reveal any deformation, cracks, damages, pitting corrosion or other structural deterioration.

Access to structures

42.(1) For an overall examination of a craft, a means shall be provided to enable the surveyor to examine the structure in a safe and practical way.

(2) For a close-up examination of a craft, one or more of the following means for access, acceptable to the surveyor, shall be provided:

(a) permanent staging and passages through the structure;

(b) temporary staging and passages through the structure;

(c) lifts and moveable platforms; or

(d) another equivalent means.

Craft machinery surveys

43.(1) A class survey for machinery of high speed light craft shall be based on the Rules for Classification of Ships.

(2) The Administration may accept that complete machinery units be taken ashore for complete over-hauling by a qualified company and replaced by a certified reconditioned one, in which case a documented history regarding the maintenance, running hours and preservation during storage for the unit installed shall be made available for examination.

Craft hull maintenance

44. Void spaces on a craft that are temporarily used for ballast operations using salt water shall be hosed down with fresh water, and this operational requirement shall be included in the craft's operating manual.

PART VI

EXTENT OF CRAFT SURVEYS: GENERAL REQUIREMENTS

Extent of annual craft survey – general

45. An annual craft survey shall include

(a) an overall examination, to report on the overall condition of the hull structure and determine the extent of additional close-up examinations;

(b) a close-up examination, where the details of structural components are within the close visual inspection range of the surveyor; and

(c) an examination of critical structural areas, where locations have been identified as requiring monitoring, or where the service history of the craft or of similar or sister craft indicate that it may be sensitive to cracking, buckling or corrosion that would impair the structural integrity of the craft.

Annual craft survey – survey extent

46.(1) On an annual craft survey, the satisfactory maintenance of the craft and its equipment shall be confirmed by a general examination, and the correct functioning of systems shall be checked by testing if considered necessary by the surveyor.

(2) For craft that are required to comply with the International Convention for the Safety of Life at Sea 1974 reg. IX/2, irrespective of the issuing authority of its Safety Management Certificate, the surveyor shall complete a list of evidence of possible safety management system failures, recorded on the occasion of the annual survey, and submit the list together with the annual survey report.

General documentation

47. The following documentation shall be on board a craft, where applicable:

(a) a High Speed Craft Safety Certificate, issued in accordance with the International Code of Safety for High-Speed Craft;

(b) a Dynamically Supported Craft Construction and Equipment Certificate, issued in accordance with the Code of Safety for Dynamically Supported Craft;

(c) a Passenger Ship Safety Certificate referring to the Code of Safety for Dynamically Supported Craft;

(d) a permit to operate a high speed craft;

(e) a permit to operate a dynamically supported craft;

(f) a record of assignment of load lines, if applicable;

(g) the posted speed versus significant wave height operational restrictions; and

(h) a maintenance record or the equivalent.

Annual craft survey – hull structures and equipment

48.(1) An annual craft survey in relation to hull structures and equipment shall cover

(a) the hull plating outside, including the craft's bottom and related equipment;

(b) a complete overall examination of the craft's structure, including all internal void spaces and critical structures behind fire insulation, if considered necessary by the surveyor;

(c) a close-up survey of critical structural areas;

(d) an examination of

(i) watertight doors in craft's bow, sides and stern;

(ii) openings in superstructure deck-houses;

(iii) ventilation ducts for engine or boiler rooms with dampers;

(iv) ventilator and air pipes with coamings;

(v) windows, dead lights and side scuttles;

(vi) scuppers, discharges and valves with hull attachments;

(vii) watertight bulkheads with watertight doors and penetrations;

(viii) anchoring and mooring equipment;

(ix) bilges; and

(x) its corrosion protection system, including coating and cathodic protection condition, to determine whether any corrosion has occurred on the surfaces to be protected; and

(e) its means of protection of the crew and passengers, such as guard rails, bulwark, gangways, lifelines, freeing ports and shutters.

(2) In the course of an annual craft survey and at regular annual or intermediate surveys afloat, the hull shall be surveyed during an out-of-water bottom survey, and potential difference measurements, when relevant, shall be carried out with the craft afloat.

(3) In the course of an annual craft survey void spaces temporarily used for seawater ballast operations, or where water for other reason may accumulate, shall be surveyed with respect to possible corrosion damage.

(4) Any significant corrosion damage observed during a survey shall be repaired and the corrosion protection system renewed.

(5) A corrosion protection system shall be renewed for a target useful life until at least as long as the next survey.

(6) Any visible damage, loss of adhesion, flaking, delamination or blistering of coating shall be repaired, sacrificial anodes shall be renewed, and impressed current systems shall be checked.

Annual craft survey – machinery and safety systems

49.(1) The following shall be examined or tested during an annual craft survey in relation to machinery and safety systems on craft:

(a) machinery spaces, with special attention to fire and explosion hazards;

(b) structural fire protection in engine rooms;

(c) remote control or quick closing or stop of valves, pumps, fans and fire dampers;

(d) bilge systems;

(e) pressure vessels and safety valves with a discharge arrangement;

(f) electrical machinery, including the emergency power supply;

(g) steering gear;

(h) communication systems from the bilge to machinery; and

(i) emergency lighting systems in the engine room.

(2) At an annual survey, the surveyor shall

(a) review the arrangement and the past periods' maintenance activities and experience;

(b) survey the general state of the machinery space;

(c) carry out an inspection and testing of the essential machinery functions and of other functions that he might find necessary; and

(d) if considered necessary by the surveyor, open any machinery.

Instrumentation

50.(1) During an annual craft survey, the surveyor shall verify that the systematic maintenance and functional testing of the instrumentation have been performed and documented.

(2) An annual craft survey shall include an inspection of

(a) the installation of instrumentation equipment, with regard to their electrical and mechanical condition, labels and sign-boards;

(b) control panels; and

(c) local indicating instruments.

(3) During an annual craft survey, the surveyor shall verify the correct functioning of the following systems, and spot checks shall be carried out according to records of maintenance and testing or failure mode and effects analysis, if provided:

(a) the alarm system, including the bridge panel;

(b) safety systems;

(c) remote control systems;

(d) automatic control systems; and

(e) the fire alarm and fire protection systems.

Annual water jet survey

51.(1) An annual water jet survey is to consist of an external survey and functional testing only.

(2) At each annual water jet survey, the extent and criteria specified in the *First Schedule* and *Second Schedule* apply.

(3) A surveyor may require an internal survey of water jets at an annual survey if any indications of abnormalities are observed.

(4) An annual survey may be carried out 3 months before or after the due date.

Renewal water jet survey

52. A renewal survey of water jets shall include the dismantling of the water jets to allow inspection of internal details and components.

Sea trial on completion of annual water jet survey

53.(1) If the displacement of a water jet craft has been increased, if the craft's maximum speed has been severely reduced due to hull fouling, or if the craft's shaft power has been increased, a sea trial shall be performed during an annual survey to verify satisfactory water jet performance during acceleration and at maximum speed.

(2) During a test under paragraph (1), the shaft r.p.m. and craft speed shall be recorded and plotted in the water jet manufacturer performance curves for the specific craft.

(3) Where heavy impeller cavitation damage or erosion is found, a sea trial shall be performed upon assembly and installation of the water jet in order to reveal the cause of the impeller cavitation, and action shall be taken to avoid further cavitation, such as tuning of control system set points.

Annual craft survey – stability and watertight integrity

54. During the annual survey of a craft, the following documentation shall be verified to be on board:

(a) a loading computer, where applicable;

(b) draught marks;

(c) a remote draught indicator, where applicable;

(d) piping in damage zones;

(e) verification of load line marks, if applicable;

(f) verification of a record of assignment, if applicable; and

(g) cross flooding, where fitted.

Annual craft survey – accommodation and escape

55. During the annual survey of a craft, the following items shall be surveyed or tested as applicable:

(a) windows;

(b) exits and means of escape;

(c) posted emergency escape instructions;

(d) a public address and information system; and

(e) an instrument for measuring accelerations, if provided.

Annual craft surveys – fire safety

56. During the annual survey of a craft, the following documentation shall be verified to be on board:

(a) posted instructions and notices regarding fire-fighting equipment;

(b) a posted fire control plan; and

(c) instructions for the maintenance and operation of all fire-fighting equipment.

Surveyable items – fire protection

57. During the annual survey of a craft, the following shall be examined or tested:

(a) general fire protection, such as portable extinguishing equipment, remote stops and a fireman's outfit;

(b) structural fire protection;

(c) fire doors;

(d) the deck covering, liners and surface materials;

(e) the furniture;

(f) ventilation;

(g) an automatic sprinkler system in accommodation, if provided;

(h) automatic fire detection and fire alarm systems;

(i) the fire pumps, fire mains, hydrants and hoses of the water fire-fighting system and an international shore connection;

(j) fixed fire extinguishing systems;

(k) the protection of special category spaces; and

(l) non-portable fire extinguishers and portable foam applicator units.

Annual craft surveys – lifesaving appliances and arrangements

58.(1) During the annual survey of a craft, the following documentation shall be verified to be on board:

(a) a safety plan;

(b) a service certificate for inflatable life-jackets, marine evacuation systems, life-rafts and hydrostatic releases;

(c) posted life-raft, marine evacuation systems and survival craft launching instructions;

(d) a muster list and emergency instructions;

(e) a training manual; and

(f) a certificate and date of renewal or turning of rescue craft davit wires.

(2) During an annual survey, the log book shall be examined in relation to entries of

(a) life-boat, fire muster and abandon-craft drills;

(b) the inspection, servicing and launching of all survival craft and rescue boats; and

(c) the renewal or turning of rescue boat falls.

Surveyable items – lifesaving appliances

59. During the annual survey of a craft, the following shall be examined or tested:

(a) life-rafts, marine evacuation systems and rescue boats, and associated launching and recovering appliances;

(b) line-throwing appliances and distress signals;

(c) a pilot ladder and accommodation ladder, if provided;

(d) life-jackets;

(e) life buoys;

(f) immersion suits or anti-exposure suits;

(g) portable VHF radios;

(h) radar transponders; and

(i) signalling apparatus.

Annual craft survey – navigational safety

60. During the annual survey of a craft, the following documentation shall be available on board:

(a) up-to-date versions of nautical charts and publications covering the area of operation;

(b) manoeuvring data; and

(c) the certification for any additional or replacement equipment.

Surveyable items – navigational safety

61.(1) During the annual survey of a craft, the following shall be examined or tested as applicable:

(a) the electronic position-fixing system;

(b) radar systems;

(c) compasses;

(d) a visual compass reading at the emergency steering position;

(e) the auto pilot;

(f) the speed log;

(g) the echo sounder;

(h) the rate of turn indicator and other navigational aids, if provided;

(i) night vision equipment, if provided;

(j) search lights; and

(k) equipment that complies with the Convention on the International Regulations for Preventing Collisions at Sea, including

(i) navigational lights;

(ii) a mast for hoisting signals;

(iii) shapes; and

(iv) a means of making sound signals.

(2) During the survey, the bridge arrangement shall be examined to confirm that it is in accordance with approved drawings.

Annual craft surveys – tests and trials

62. At the completion of an annual survey, the surveyor may, if he considers it necessary, carry out functional testing of machinery, electrical and instrumentation systems, including the opening up of machinery components for inspection and sea trials.

Requirements in addition to annual craft survey requirements

63.(1) During the annual survey of a craft, the surveyor shall verify the following requirements:

(a) that the planned maintenance system conforms to the system as implemented;

(b) that maintenance manuals are available;

(c) that the planned maintenance system produces documentation that demonstrates that the system operates effectively and complies with the International Association of Classification Society's requirements;

(d) that the maintenance history and reference documentation is available in the English language;

(e) that the maintenance is performed by personnel or companies with adequate training and experience;

(f) that maintenance intervals based on condition monitoring have their criteria and limits clearly defined; and

(g) that maintenance intervals based on operating hours are clearly stated.

(2) If the planned maintenance system is not operating according to the maintenance plan and the main overhauls have not been carried out, the neglected requirements shall be surveyed according to the International Association of Classification Society's Rules for Classification of Ships.

Intermediate craft surveys

64. Yacht and patrol craft are subject to intermediate surveys.

Renewal craft surveys – hull structures and equipment

65.(1) The renewal survey for the hull of a craft shall include a complete close-up inspection of the craft's structure in internal void spaces, integral tanks, the critical structure behind fire insulation cladding and the hull outside.

(2) The examination shall be sufficient to discover corrosion, substantial deformation, cracks or other structural deterioration.

(3) All integral tanks shall be internally surveyed.

(4) All tanks intended for liquids shall be inspected for leaks in structure and fittings when filled to the maximum level they will be subjected to in service.

(5) Windlass, including piping systems, anchors and mooring hawsers, shall be examined.

(6) Brakes and stoppers shall be tested.

(7) Anchors, cables and chain cables shall be ranged for survey.

Renewal craft surveys – machinery installations

66. A renewal craft survey shall verify that the owner's planned maintenance system has been operating according to the maintenance plan since the last renewal survey.

Renewal craft surveys – electrical installations

67.(1) A renewal survey of a craft shall include

(a) examination of its electrical installations with regard to fire and explosion hazards and injury from accidental touching; and

(b) testing of the correct functioning of equipment.

(2) During a renewal craft survey, the insulation resistance of the complete installation shall be measured and the results shall be presented to the surveyor.

(3) During a renewal craft survey, as far as practicable, the following equipment shall be examined to ensure that it is in satisfactory condition:

(a) main and emergency switchboards;

(b) generators;

(c) distribution boards;

(d) motor starters;

(e) electrical motors;

(f) converters, such as transformers, rectifiers and chargers;

(g) cable installations;

(h) enclosures for electrical equipment;

(i) lighting equipment;

(j) heating equipment; and

(k) battery installations.

(4) During a renewal craft survey, the surveyor shall carry out the following tests to the extent he considers necessary to ascertain the proper functioning of the equipment:

(a) a generator full load test;

(b) a generator parallel operation test;

(c) a test of generator protection relays, including non-important load trips, if fitted;

(d) a test of the generator remote speed control;

(e) a test of the generator synchronizing equipment;

(f) a test of the power plant interlocking system;

(g) a test of the insulation resistance indicating device;

(h) a test of the emergency generator, including its switchboards;

(i) a test of battery chargers; and

(j) a test of the mechanical ventilation of battery rooms or lockers, navigation lights and controllers, including alarms.

Annual renewal craft surveys – instrumentation

68.(1) During an annual renewal craft survey, the surveyor shall verify the correct functioning of the following systems and equipment to his satisfaction:

(a) alarm functions;

(b) safety functions;

(c) fire detectors;

(d) the manual control of machinery; and

(e) the remote control of propulsion from the bridge

(i) from stop to ahead;

(ii) from ahead to astern;

(iii) stopping;

(iv) from stop to astern; and

(v) stopping by operating an emergency device.

(2) The surveyor shall verify that the bridge control may be transferred to stand-by manual control in the engine room in case of a power supply failure to the remote control system.

(3) For systems provided with cancelling of automatic load reduction or automatic stop of the engine caused by failure, these functions shall be demonstrated to the satisfaction of the surveyor.

Renewal craft surveys – stability and watertight integrity

69. During a renewal craft survey, the surveyor shall verify the internal and external watertight and weathertight integrity plan.

Water-jet renewal survey

70. A water-jet renewal survey shall be conducted in accordance with the *Third Schedule.*

Renewal craft surveys - gas turbines

71.(1) The renewal survey of a craft with a gas turbine shall include an internal inspection of the dismantled turbine.

(2) The intervals for such a survey shall conform to the refurbishment and overhaul intervals and extent agreed to between the operator and turbine manufacturer.

(3) During a renewal survey of a craft with a gas turbine, the surveyor shall, if practicable, witness the inspection and overhaul work, and verify that it has been carried out in accordance with the recommendations and criteria agreed between the operator and turbine manufacturer.

(4) With the approval of the Administration, a surveyor or recognized organization acting on behalf of the Administration may substitute witnessing the inspection and overhaul work with a review of the maintenance and overhaul documentation.

(5) The surveyor shall confirm that the documentation shows that the gas turbine has been inspected and overhauled in an appropriate manner and in compliance with the maintenance recommendations agreed between the operator and turbine manufacturer.

(6) On completion of the onboard overhaul of a gas turbine, or the installation of an overhauled unit or module, the gas turbine shall be tested.

(7) Testing under paragraph (6) shall cover alarms, shut down functionality and engine control, including single engine control, backup control and general performance.

(8) On a test under paragraph (6), the system behaviour and all measured parameters shall satisfy acceptance criteria mutually agreed between the operator and turbine manufacturer.

(9) A surveyor may require additional inspections on a renewal survey where any indications of abnormalities are observed.

Bottom survey

72.(1) During a bottom survey of a ship, the following parts situated below the deepest load waterline shall be surveyed:

(a) the hull plating and transom below the deepest waterline;

(b) appendages for steering and dynamic support, such as rudders, steerable water jets, active foils and trim tabs, and their connection to the hull;

(c) appendages, such as shaft brackets and skegs, for directional stability;

(d) passive foils and their connection to the hull;

(e) water jet ducts;

(f) sea and sanitary valves, cocks and scuppers, and their attachments to the hull; and

(g) the corrosion protection system, including coating and cathodic protection condition.

(2) During a bottom survey,

(a) an internal inspection shall be conducted focusing on structures in spaces above the propellers and the water jet rooms, as well as the foundations for steering gear and appendages;

(b) rudders shall be surveyed and the bearing clearances shall be measured;

(c) for water jets, steering gear external to the transom shall be surveyed and function-tested;

(d) propellers and any auxiliary thrusters shall be surveyed and the shaft sealing arrangements checked for tightness;

(e) for shafts running in oil, the clearances shall be measured;

(f) for variable pitch propellers, the tightness of the hub and the blade sealing shall be verified and the locking arrangements for the bolts shall be checked;

(g) for craft built in aluminium, earth fault detection equipment shall be checked for proper functioning; and

(h) the oil supply to oil lubricated bearings shall be checked for water.

(3) At every docking, the securing of nuts to rudder pintles, stocks and the securing of bolts shall be confirmed to be in order.

(4) During a bottom survey, a surveyor may require that the keel be repaired to the extent considered necessary by the surveyor.

(5) For welded spade rudders in aluminium or stainless steel, the welded connections between the rudder side plates and the rudder flange shall be checked by an efficient crack detection method at every docking.

Survey extent – bottom survey afloat

73.(1) A bottom survey of shell plating below the deepest load waterline on a craft that is afloat shall concentrate on areas not accessible from the inside.

(2) The condition of propellers and impellers shall be checked.

Tail-shaft survey

74. A tail-shaft survey shall include the complete withdrawal of the tail-shaft and examination of the following parts, where relevant:

(a) the propeller nut and tail-shaft threaded end;

(b) the cone, key and keyway, including an examination by an approved crack detection method of the fore part of the taper;

(c) the tail-shaft bearing areas;

(d) the stern bushes or bearings; and

(e) the shaft sealing arrangement.

Intermediate survey

75.(1) An intermediate survey of oil-lubricated tail-shafts with approved sealing glands shall include an examination of the following parts, where relevant:

(a) the tightness of sealing arrangements;

(b) the lubricating oil system, including monitoring of the oil level and oil analysis; and

(c) the shaft couplings.

(2) For shaft arrangements where the propeller is secured to the tail-shaft by means of a key, the propeller shall be backed off and the top of the cone, including the forward part of the keyway, shall be examined by an approved crack detection method.

Propulsion units

76.(1) Propulsion units shall be surveyed at annual and two-and-a-half year intervals.

(2) In this regulation, a propulsion unit means a unit that is assigned for propulsion or propulsion and steering of a craft during sea voyage, and includes

(a) an azimuth thruster; and

(b) any other fixed propulsion thruster or Z-drive.

PART VII

OFFENCES AND PENALTIES

Proceeding to sea without the appropriate documentation

77.(1) No Barbados vessel engaged on international voyages shall proceed to sea unless she has been surveyed and there is in force

(a) in the case of a passenger ship, a Passenger Ship Safety Certificate or, if the ship is only engaged on short international voyages, a Short International Voyage Passenger Ship Safety Certificate;

(b) in the case of a cargo ship of 300 GT or more, a Cargo Ship Safety Radio Certificate;

(c) in the case of a cargo ship of 500 GT or more,

(i) a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Construction Certificate; or

(ii) a Cargo Ship Safety Certificate; and

(d) in the case of craft a high speed craft,

(i) a High Speed Craft Safety Certificate, in accordance with the International Code of Safety for High-Speed Craft;

(ii) a Dynamically Supported Craft Construction and Equipment Certificate, in accordance with the Code of Safety for Dynamically Supported Craft;

(iii) a Passenger Ship Safety Certificate referred to in the Code of Safety for Dynamically Supported Craft;

(iv) a permit to operate a high speed craft;

(v) a permit to operate a dynamically supported craft;

(vi) a record of assignment of load lines, if applicable; and

(vii) a posted speed versus significant wave height operational restrictions maintenance record, or the equivalent.

(2) No vessel registered in a country to which the International Convention for the Safety of Life at Sea 1974 applies shall proceed to sea from a port in Barbados unless it has in force the Convention certificates that would be required if the vessel were a Barbados vessel.

(3) Regulation 25 applies to Convention certificates referred to in paragraph (2), as if the vessel were a Barbados vessel.

(4) No cargo ship of 500 GT or more that is not engaged on international voyages shall proceed to sea from a port in Barbados, unless it has been surveyed and has in force a Cargo Ship Safety Construction Certificate.

(5) No ship registered in a country to which the International Convention for the Safety of Life at Sea 1974 does not apply shall proceed to sea from a port in Barbados unless the ship is in possession of documentation that shows that the ship has been surveyed for compliance with regulations 6 to 9, as if it were a Barbados ship.

(6) If a certificate is issued subject to conditions or specifies sea areas in which the ship is certified to operate, the owner and master shall ensure that all conditions are complied with and that the ship operates only in the specified sea areas.

Offence of fraudulent surveys

78.(1) No recognized organization acting on behalf of the Administration or marine surveyor shall prepare or issue

(a) an untrue or inaccurate vessel survey;

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

(c) a report or record that falsely states that a vessel is seaworthy; or

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

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of $500,000.

(3) A recognized organization that contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of $700,000.

(4) If a recognized organization or marine surveyor contravenes paragraph (1), the Administration may terminate the services of the recognized organization or marine surveyor.

Limit on the number of passengers on passenger ships

79. The owner and master of a passenger ship shall ensure that there is not on board a greater number of passengers than that stated on the ship's Passenger Ship Safety Certificate or Passenger Certificate.

Penalties

80.(1) If a ship proceeds or attempts to proceed to sea or on a voyage or excursion without complying with the requirements of regulations 6 to 9, the

owner and master of the ship each commit an offence and are liable on summary conviction to a fine of $20,000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $50,000, or both.

(2) A person who contravenes regulation 10(1) commits an offence and is liable on summary conviction to a fine of $20,000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $75,000, or both.

(3) Where a ship contravenes any of paragraphs 77(1) to (5), both the owner and master commit an offence and are liable on summary conviction to a fine of $20,000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $75,000, or both.

(4) A person who contravenes regulation 31(3) commits an offence and is liable on summary conviction to a fine of $20,000 or, on conviction on indictment, to imprisonment for a term of 6 months or a fine of $50,000, or both.

(5) If a ship proceeds to sea without a certificate required by regulation 32, the owner and master each commit an offence and are liable on summary conviction to a fine of $12,000.

(6) If a ship proceeds to sea in contravention of regulation 79, the owner and master each commit an offence and are liable on summary conviction to a fine of $150,000 or, on conviction on indictment, to imprisonment for a term of 2 years or a fine of $750,000, or both.

(7) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

PART VIII

COMPLIANCE AND ENFORCEMENT

Power to detain

81.(1) A ship that does not comply with the requirements of these Regulations may be detained in accordance with the Act.

(2) Where a ship is liable to be detained under these Regulations, the detaining officer shall serve on the master a detention notice that

(a) states that a surveyor of ships is of the opinion that there is a failure to comply with the requirements of these Regulations in relation to that vessel;

(b) specifies the matters in relation to the vessel that, in the opinion of the detaining officer, do not meet those requirements; and

(c) requires the terms of the notice to be complied with before the vessel is released by a person referred to in section 1221(1) of the Act.

(3) Sections 454 and 455 of the Act apply in relation to a detention notice under this regulation in the same manner as those sections apply in relation to a detention notice under section 1221 of the Act, with the following modifications:

(a) the arbitrator shall have regard, in coming to a decision, to any other matters not specified in the detention notice that appear to be relevant to whether the ship was in breach of a requirement of these Regulations; and

(b) the arbitrator shall include in the decision a finding as to whether there was a valid basis for the detention of the ship.

Arbitration

82.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a Barbados ship, he may serve a written notice on the responsible person within 21 days of receiving notice of that outcome

(a) stating that there is a dispute in relation to the survey; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraphs (3), (4) and (6), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the parties.

(3) In default of an agreement between the parties, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch) or by a recognized maritime industry-specific body, following a request by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or an equivalent certificate of competency;

(b) a naval architect;

(c) a person who is qualified to be appointed to a high judicial office in Barbados;

(d) a person with experience of shipping matters; or

(e) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a Marine Guidance Notice apply unless alternative arrangements are agreed between the applicant and the Administration before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations;

"party" means the applicant or the responsible person; and

"responsible person" means the certifying authority responsible for the issuance of the certificate in connection with which a survey required by these Regulations is carried out.

Requirements for Laid-up Vessels

83.(1) A shipowner who wishes to take his vessel temporarily out of operation shall submit an application in the form set out in the *Fourth Schedule* to the Principal Registrar to have the vessel registered as laid-up.

(2) Upon receipt of an application pursuant to sub-regulation (1) the Principal Registrar register the vessel as 'laid-up' and shall issue a Certificate of Registration for Laid-up Vessel.

(3) A Certificate of Registration for Laid-up Vessel shall contain

(a) the names, registered address, and proportions of the owners of the vessel;

(b) vessel name;

(c) IMO number;

(d) vessel particulars;

(e) engine particulars;

(f) vessel Classification Society;

(g) year and place of build of the vessel;

(h) name of builder;

(i) length, depth and breadth;

(j) gross and net tonnage;

(k) particulars in respect of last survey prior to vessel lay-up;

(l) any other requested information

(4) Any agreements in respect of laying-up a vessel shall be in accordance with section 1377 of the *Merchant Shipping Act* (Act 2024-28).

FIRST SCHEDULE

(Regulation 51(2))

WATER JETS, EXTERNAL SURVEY

Survey Item	Survey Extent	Acceptance	Remarks
Water jet general	Visual inspection	No major erosion or mechanical damage	-
Impeller	Visual inspection	No major corrosion or cavitation damage Only minor tip wear accepted	For smaller water jets where access is limited, this item can be prolonged to the renewal survey If major cavitation is found, damage repair shall be carried out. The water jet performance should be verified during operation (sea trial)
Stator Housing and Guide Vanes	Visual Inspection	If cracks are found, consider the location, size and number of cracks Small cracks will be allowed if regularly monitored	Acceptance of minor cracks to the attending surveyor's satisfaction
Feedback Cables	Visual inspection	No leaks in protection tube, bent cables, etc.	If possible, disconnect and verify proper sliding of rod in the tube

First Schedule - (Concl'd)

Survey Item	Survey Extent	Acceptance	Remarks
Shaft tube	Visual inspection	No cracks or damage	-
Shaft sealing box	Visual inspection	No visual damage. Leakage in small amounts will be allowed, if regularly monitored	-
Locking plates for steering pins and bushes	Visual inspection	No cracked or loose locking plates	-
Transcom connection	Visual inspection	No loose bolts	-
Hydraulic and lubricating oil testing (in the oil return oil)	Review of oil sample analyses	Oil samples contain less than 0.2% water	Oil particle test analyses shall be higher than ISO 15/12 (SAE 4 or NAS 7)
Steering and reversing actuators plus piping system	Visual inspection	No oil leaks or visual damage when the system is pressurized	-
Flexible hoses	Visual inspection	No oil leaks, wear, cracked or twisted hoses	-

SECOND SCHEDULE

(Regulation 51(2))

WATER JET, FUNCTIONING TESTING

Survey Item	Survey Extent	Acceptance Criteria	Remarks
Feedback system, steering, bucket, trim-tab positioning, etc.	Testing	All feedback systems function	Steering, reversing position to be verified To be tested at all control stands
Alarm system	Testing	All water jet alarm systems function	Check manufacturer's manual To be tested at all stands

THIRD SCHEDULE

(Regulation 70)

WATER JET RENEWAL SURVEY TESTING

Survey Item	Survey Extent	Acceptance Criteria	Remarks	Optional Arrangement
Thrust bearing	Visual inspection	No defects or discoloration in rollers or raceways No particles or dirt embedded	If in doubt a statement from the bearing makers may be required For plain thrust bearings, check clearance against manufacturer specification	Based on an approved condition monitoring procedure available onboard
Radial roller bearing	Visual inspection	No defects or discoloration in rollers or raceways No particles or dirt embedded	If in doubt, a statement from the bearing-makers may be required	Based on an approved condition monitoring procedure available onboard
Water lubricated bearings	Visual inspection and measurement	Wear to be within makers recommendation	-	Based on an approved condition monitoring procedure available onboard
Pump Seal	Visual inspection	No damage etc. on seal, or damage to seal rings	Leakage test may be required to verify no oil leakage	Based on an approved condition monitoring procedure available onboard

Third Schedule - (Cont'd)

Survey Item	Survey Extent	Acceptance Criteria	Remarks	Optional Arrangement
Impeller housing	Visual inspection	No cracks	Non-destructive Testing (NDT), if found necessary	Based on an approved condition monitoring procedure available onboard
Stator housing and guide vanes	Visual inspection	If cracks are found. Considering the location and size and number of cracks. Small cracks will be allowed if monitored regularly	NDT, if found necessary	Based on an approved condition monitoring procedure available onboard
Steering pins and bushes	Visual inspection	No excessive wear or indent damage	-	Based on an approved condition monitoring procedure available onboard
Impeller shaft in way of seal box	Visual inspection	No extensive wear	-	Based on an approved condition monitoring procedure available onboard
Hydraulic and Lubricating Oil	Review	Renewed according to manufacturer recommendation	-	-
Oil filter	Review	Renewed according to manufacturer recommendation	-	-

Third Schedule - (Concl'd)

Survey Item	Survey Extent	Acceptance Criteria	Remarks	Optional Arrangement
Flexible hoses	Review	Renewed according to manufacturer recommendation	-	-
Feedback cable (steering or reversing bucket)	Review	Renewed according to manufacturer recommendation	-	-
Shafting seal box	Review	Renewed according to manufacturer recommendation	-	-

FOURTH SCHEDULE

(Section 83(1))

Merchant Shipping (Vessel Survey and Certification) Regulations, 2025
(S.I. 2025 No. 42)

APPLICATION TO LAY-UP A VESSEL AND DECLARATION AND AFFIDAVIT OF NO-MOVEMENT

Registered owner:	
Registered address:	

Vessel name:	
Official number:	
IMO number:	

Lay-up location:	

Fourth Schedule - (Cont'd)

I do hereby apply in respect of the foregoing described the vessel ("the Vessel"), for the official lay-up registration of the Vessel [ ] OR

I do hereby apply, on behalf of the Registered Owner (the "Owner") of the foregoing described vessel (the "Vessel"), for the official lay-up registration of the Vessel [ ].

Furthermore, I do hereby swear and affirm that:

(a) I as owner; or

(b) I am duly authorized in writing by Owner(s) of the Vessel and declare that

(i) Vessel Classification Society has been notified accordingly and the class records indicate the Vessel is laid up status;

(ii) The Vessel, being unable to comply with the applicable maritime safety and/or marine pollution prevention requirements as specified in the *Merchant Shipping Act, 2024* (Act 2024-28) will not be moved from her present location, nor be used any commercial purpose whatsoever until all necessary surveys have been conducted for the issuance of

- Certificate of Confirmation of Class; and
- all applicable statutory certificates;

(iii) The applicable Vessel certificates will be up-to-date when any application for the issuance of a navigational Certificate of Registry is submitted to the Office of the Principal Registrar in order to reactivate the Vessel.

I am fully aware that, should the Vessel or the Owner fail to comply with any of the above conditions the Vessel's Certificate of Registry will be automatically suspended, and the Vessel will be subject to summary cancellation from the Barbados Registry and Flag.

Submitted by:

Full name (print):	
Title:	

Fourth Schedule - (Concl'd)

Signature: _____

Date: _____

Signature authentication

This _____ day of _____, 20___.

_____

Principal Registrar, Notary Public, Barbadian Special Agent, Authorized Official, Officer

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 43

MERCHANT SHIPPING (ADMINISTRATION OF MARITIME INSTRUMENTS) REGULATIONS, 2025

Arrangement of Regulations

PART 1

PRELIMINARY

1. Citation

2. Definitions

3. Purpose

PART 2

INTERNATIONAL MARITIME INSTRUMENTS

4. General application of International Maritime Conventions

5. Specific application of International Maritime Conventions to Autonomous ships

6. Application of protocols

7. Application of Codes

8. Application of Resolutions

9. Circulars

10. Guidelines

11. Commercial Maritime Rules

12. Alternative Maritime Compliance Measures

13. Application of United Kingdom Statutory Instruments on Shipping

Merchant Shipping

(Act 2024–28)

MERCHANT SHIPPING (ADMINISTRATION OF MARITIME INSTRUMENTS) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping*, makes the following Regulations:

PART 1

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Administration of Maritime Instruments) Regulations, 2025*.

Definitions

2. In these Regulations,

"International Maritime Convention" means a special type of treaty or agreement between plural countries outlining rules and regulations aimed at addressing one or more global maritime issues

(a) that have been adopted by the

(i) Comité Maritime International;

(ii) United Nations Secretariat;

(iii) International Maritime Organization;

(iv) International Labour Organization;

(v) United Nations Conference on Trade and Development;

(vi) United Nations Commission on International Trade Law;

(vii) United Nations Educational, Scientific and Cultural Organization;

(viii) any other internationally recognized body whose instruments are endorsed or otherwise accepted by Barbados; and

(b) that have been

(i) ratified;

(ii) acceded to; or

(iii) otherwise formally accepted,

by Barbados; and

(c) a reference to international maritime conventions includes a reference to maritime codes adopted in relation to the conventions;

"IMO" means International Maritime Organization established through adoption of the Convention on the International Maritime Organization on the 17th day of March, 1948;

"International Maritime Instruments" include Conventions, Protocols, Codes, Resolutions, Guidelines, Circulars and other similar instruments adopted or developed by

(a) Comité Maritime International;

(b) United Nations Secretariat;

(c) International Maritime Organization;

(d) International Labour Organization;

(e) United Nations Conference on Trade and Development;

(f) United Nations Commission on International Trade Law;

(g) United Nations Educational, Scientific and Cultural Organization.

Purpose

3. The purposes of these Regulations are set out as follows:

(a) to enhance administrative and regulatory oversight of national maritime affairs withing the context of the international maritime regulatory framework;

(b) to clarify matters regarding the application and effect of International Maritime Instruments in Barbados; and

(c) to enhance administration and regulation of the maritime sector within the purview of the international maritime regulatory framework relating to

(i) maritime safety, including maritime labour safety;

(ii) maritime security;

(iii) marine environmental protection;

(iv) maritime commerce and trade facilitation;

(v) shipping and logistics.

PART 2

INTERNATIONAL MARITIME INSTRUMENTS

General application of International Maritime Conventions

4.(1) The International Maritime Conventions to which Barbados is party, have the force of law.

(2) Paragraph (1)*(a)* does not apply to vessels registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22), except where expressly provided otherwise by enactment.

Specific application of International Maritime Conventions to Autonomous ships

5.(1) Subject to paragraph (2), the International Maritime Conventions to which Barbados is party, apply to

(a) Barbados-registered maritime autonomous surface ships; and

(b) foreign-registered maritime autonomous surface ships when in Barbados waters.

(2) The International Maritime Conventions apply to maritime autonomous surface ships specified at paragraph (1)*(a)* and *(b)*, to the extent that such International Maritime Conventions

(a) can effectively regulate the safe, secure and environmentally sound operation of maritime autonomous surface ships; and

(b) in the operational circumstances, be practically applied.

(3) Notwithstanding section 4 of the *Merchant Shipping Act, 2024* (Act 2024-28), modifications made to existing International Maritime Conventions to effectively regulate maritime autonomous surface ships take effect, provided the amended provisions have been incorporated into

(a) regulations made pursuant to Part XII of the *Merchant Shipping Act, 2024*; or

(b) the Autonomous Vessels Operations Code for Ships and Ports, to be developed in accordance with section 242 of the *Merchant Shipping Act, 2024*.

Application of protocols

6.(1) Significant changes made to an International Maritime Convention through adoption of a Protocol shall take effect in Barbados after

(a) ratification;

(b) accession; or

(c) other formal acceptance of the Protocol

by Barbados.

(2) Amendments to an existing Protocol take effect in Barbados through provisional acceptance, unless opted out of.

Application of Codes

7. Maritime codes adopted in relation to an International Maritime Convention Barbados is party to, shall have direct application in Barbados, and as such

(a) mandatory parts of codes shall be complied with; and

(b) guidance contained in non-mandatory parts of codes shall be followed.

Application of Resolutions

8.(1) International maritime resolutions take effect in Barbados through tacit acceptance, unless opted out of.

(2) Maritime safety, including maritime labour safety, security and marine environmental protection requirements or other guidance contained in international maritime resolutions shall be complied with.

Circulars

9. Clarifications, interpretations and guidance expressed in circulars relating to maritime safety, including maritime labour safety, security, marine environmental protection, or other maritime matters shall be given due regard.

Guidelines

10. International maritime guidelines, notwithstanding their non-binding nature, constitute an integral part of the national maritime regulatory framework and shall be adhered to in the interests of continually ensuring maritime safety,

including maritime labour safety, maritime security and marine environmental protection.

Commercial Maritime Rules

11. Commercial maritime rules developed under the auspices of

(a) Comité Maritime International;

(b) United Nations Conference on Trade and Development;

(c) United Nations Commission for International Trade Law; or

(d) any other internationally recognized body whose instruments are endorsed or otherwise accepted by Barbados,

shall be adhered to in the interest of continually improving maritime trade and commerce.

Alternative Maritime Compliance Measures

12.(1) Where a person or a ship is unable to comply with one or more shipping-related maritime standards or requirements, a written request may be made to the Administration for

(a) an exemption; or

(b) a request to enter into an alternative maritime compliance arrangement.

(2) The Administration shall before approving a written request in relation to paragraph (1)*(a)* and *(b)*, verify the circumstances surrounding the claimed inability to comply with the requirement or requirements concerned.

(3) In granting an approval in relation to a written request in relation to paragraph (1)*(a)* and *(b)*, the Administration shall specify in writing the alternative maritime compliance measures to be complied with.

(4) Alternative maritime compliance measures shall not amount to a derogation from international maritime safety, security, marine environmental protection or maritime labour protection standards and requirements.

(5) The same level of maritime safety, security, marine environmental protection and maritime labour protection standards must be maintained when alternative maritime compliance measures are used.

(6) In this regulation "alternative maritime compliance measures" means an alternative method, technology or activity that can be used to comply with maritime standards or requirements, provided that the method, technology or activity is equivalent to, and as effective as, the general standard or requirement it is varying from.

(7) Any person who contravenes an alternative maritime compliance measure shall be liable to

(a) automatic suspension of an approval in relation to paragraph (1)*(a)* and *(b)*, and be required to comply with the general standards and requirements previously exempted from;

(b) pay an administrative penalty of $10 000.

(8) 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.

(9) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

Application of United Kingdom Statutory Instruments on Shipping

13.(1) Statutory instruments on shipping made by the United Kingdom, shall apply as specified by the Administration in a Merchant Shipping Notice, to Barbados-registered ships wherever they may be, and foreign-registered ships in Barbados waters.

(2) Any reference in the United Kingdom statutory instruments on shipping to British ships or to ships registered in the United Kingdom is to be construed as a reference to Barbados-registered ships, and any reference to ships in a port in the United Kingdom is to be construed as a reference to ships in Barbados.

(3) United Kingdom statutory instruments on shipping are to be construed with such modifications, adaptations, qualifications and exceptions as are necessary to bring them into conformity with any shipping enactment of Barbados and relevant international maritime instruments to which Barbados is Party.

(4) Any certificate, form or code of instructions printed and officially published for use in compliance with United Kingdom statutory instruments on shipping, apply in a similar manner to Barbados ships, as specified in paragraph (2).

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 44

MERCHANT SHIPPING (SHIPOWNERS INSURANCE) REGULATIONS, 2025

Arrangement of Regulations

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Merchant Shipping (Liability and Compensation) Act

(Act 2024–30)

MERCHANT SHIPPING (SHIPOWNERS INSURANCE) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 116 of the *Merchant Shipping (Liability and Compensation) Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Shipowners Insurance) Regulations, 2025*.

Definitions

2. In these Regulations,

"Act" means the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30);

"Administration" means the Ministry responsible for Shipping;

"competent authority" means an officer referred to in section 1221 of the Act;

"foreign ship" means a ship registered in a country other than a Barbados;

"insurance" means insurance with or without deductibles, and includes indemnity insurance of the type currently provided by members of the International

Group of P & I Clubs, other effective forms of insurance, proved self-insurance and financial security offering similar conditions of coverage;

"proper officer" has the same meaning as in the Act;

"ship" has the same meaning as in the Act; and

"shipowner" means the registered owner of a seagoing ship, or any other person, such as a bareboat charterer, who is responsible for the operation of the ship.

Purpose

3. The purpose of these Regulations is to provide for compliance by shipowners with compulsory insurance requirements in respect of their ships, and for other related matters.

Application

4. These regulations apply to seagoing ships of 300 GT or more, other than

(a) warships;

(b) auxiliary warships; or

(c) government ships used for non-commercial purposes.

PART II

COMPULSORY INSURANCE REQUIREMENTS

Insurance for maritime claims

5.(1) A Barbados ship shall not proceed to sea, attempt to proceed to sea, or enter or leave a port in Barbados or elsewhere, unless there is in force in respect of the ship insurance coverage referred to in paragraph (3).

(2) No foreign ship shall be allowed in Barbados ports unless there is in force in respect of the ship insurance coverage referred to in paragraph (3).

(3) Insurance referred to in paragraphs (1) and (2) shall cover maritime claims subject to limitation under the provisions on limitation of liability for maritime claims under the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30), in an amount for each ship per incident equal to the maximum amount of the limitation of liability laid down in that Act.

Passenger-related insurance coverage

6. Insurance referred to in regulation 5 shall cover maritime claims in respect of loss resulting from delay in the carriage by sea of passengers or their luggage, but only where the delay is consequent upon

(a) an incident involving a collision, stranding, explosion, fire or other cause affecting the physical condition of the ship that renders it incapable of safe navigation to the intended destination of the passengers and their luggage; or

(b) any other incident involving a threat to the life, health or safety of passengers.

Insurance other than contracts of insurance

7. Where, to comply with regulation 5, a shipowner relies on insurance consisting of proved self-insurance or financial security offering similar conditions of coverage in respect of a ship,

(a) the shipowner shall provide documentary evidence of the existence of that insurance to the Minister; and

(b) that ship shall not enter or leave a port in Barbados unless the Minister has confirmed in writing that the arrangements for self-insurance or for the financial security are adequate.

Insurance certificates and documentation

8.(1) The existence of insurance referred to in regulation 5 shall be proved by a certificate issued by the insurance provider or, in relation to insurance referred to in regulation 7, written confirmation given by the Minister.

(2) The documentation referred to in paragraph (1) shall include the following information:

(a) the name of the ship and its International Maritime Organization number and port of registry;

(b) the shipowner's name and principal place of business;

(c) the type and duration of the insurance;

(d) the name and principal place of business of the provider of the insurance; and

(e) where appropriate, the place of business where the insurance is established.

(3) If the language used in a certificate is not English, French or Spanish, the text shall include a translation into one of those languages.

(4) The documentation referred to in paragraph (1) shall be

(a) carried on board the ship; and

(b) produced on demand by the master to

(i) the Minister or a proper officer, where the ship is a Barbados ship; or

(ii) the Minister, in the case of any other ship.

PART III

MISCELLANEOUS

Penalties

9.(1) A shipowner commits an offence if

(a) a ship belonging to the shipowner proceeds to sea, attempts to proceed to sea or enters or leaves a port in contravention of regulation 5; or

(b) a person attempts to navigate that ship into or out of a port in contravention of that regulation.

(2) A shipowner who commits an offence under paragraph (1) is liable

(a) on summary conviction, to a fine of $20 000; or

(b) on conviction on indictment, to a fine of $40 000.

(3) A master who fails to comply with regulation 8(4) commits of an offence and is liable on summary conviction to a fine of $10 000.

(4) A document required or authorized by virtue of a statutory provision to be served on a foreign company for the purpose of, or in connection with, the institution of proceedings for an offence for the contravention of regulation 5 against a company as shipowner is to be treated as served on the company if the document is served on the master of the ship.

Exclusion order

10. Where a flag state has informed the Chief Marine Surveyor that it has issued an exclusion order in respect of a ship, the Minister shall refuse that ship entry to a port in Barbados until the shipowner produces to the Minister the documentation referred to in regulation 8(1).

Power to detain

11.(1) A ship may be detained if any person attempts to navigate it out of a port in contravention of regulation 5.

(2) Section 1221 of the Act applies in relation to ship detained under paragraph (1), subject to the modification that "this Act" is to be read as a reference to these Regulations.

(3) An officer detaining a ship shall serve on the master of the ship a detention notice that

(a) states the reason for the detention; and

(b) requires the ship to comply with the terms of the detention notice until it is released by a competent authority.

(4) Where a ship that is not a Barbados ship is detained, the Minister shall immediately notify, in writing,

(a) the ship's flag state administration;

(b) if this is not possible, the consul of the state of the flag administration; or

(c) in the consul's absence, the nearest diplomatic representative of the state of the flag administration.

(5) A notice referred to in paragraph (4) shall set out all the circumstances of the decision to detain the ship.

(6) In the circumstances described in paragraph (4), the Minister shall also notify all surveyors or recognized organizations responsible for the issuance of classification certificates.

Arbitration

12.(1) Any question as to whether a matter specified in relation to a ship in a detention notice constituted a valid basis for the officer's opinion shall, if the

master or shipowner so requires, by a notice given to the officer within 21 days from the service of the detention notice, be referred to a single arbitrator appointed by agreement between the parties.

(2) The giving of a notice by the master or shipowner under paragraph (1) does not suspend the operation of the detention notice.

(3) The arbitrator may have regard to any matter not specified in the detention notice that appears to the arbitrator to be relevant as to whether the ship was liable to be detained.

(4) Where the arbitrator decides, as respects a matter to which the reference relates, that the matter did not constitute a valid basis for the officer's opinion, the arbitrator shall

(a) cancel the detention notice; or

(b) affirm it with such modifications as the arbitrator thinks fit.

(5) In any other case, the arbitrator shall affirm the detention notice in its original form.

(6) The decision of the arbitrator shall include a finding whether there was a valid basis for the detention of the ship.

(7) To be qualified for appointment as an arbitrator under this regulation, a person shall be

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to such a certificate;

(b) a naval architect;

(c) a person qualified to be appointed to a high judicial office in Barbados; or

(d) a person with special experience of shipping matters or of activities carried on in ports.

Compensation for unjustified detention

13.(1) If, on a reference under regulation 12 relating to a detention notice, the arbitrator decides that the shipowner has proved

(a) that the matter complained of did not constitute a valid basis for the officer's opinion; and

(b) that there were no reasonable grounds for the issuance of the detention notice;

the arbitrator shall award the shipowner such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation is payable by the Minister.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping

BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 45

By The Very Reverend Dr. Jeffrey Douglas Gibson, Acting President of Barbados

J. GIBSON

Acting President

A PROCLAMATION

WHEREAS by section 33 of the *Constitution* of Barbados it is provided that where the office of President is vacant or the President is incapable of performing the functions of President by reason of illness or absence from Barbados or is on vacation leave or for any other reason unable to perform the functions of the office, the Prime Minister shall, after consultation with the Leader of the

Opposition, appoint a person who is qualified to be elected to the office of President to act during the vacancy or, as the case may be, during the absence of the President;

AND WHEREAS the President will be absent from her duties during the period 1st May, 2025 to 13th May, 2025:

AND WHEREAS I, The Very Reverend Dr. Jeffrey Douglas Gibson, have been designated by the Prime Minister to perform the functions of the office of President:

NOW THEREFORE I do hereby publish, proclaim and make known that I have taken the necessary oaths and have assumed the full burden of administering the Government of Barbados and of doing and executing all things that belong to the office of President thereof according to the tenor of the said *Constitution*

of Barbados constituting the office of President and according to the laws for the time being in force within Barbados.

Given under my hand and the Public Seal of Barbados this 1st day of May, 2025.

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