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Part A BRIDGETOWN, BARBADOS, 18TH JUNE, 2026

Contents

Act 2026-9: Maritime Areas (Jurisdiction and Rights) Act, 2026.
Act 2026-10: Seafarers Act, 2026.
Act 2026-11: Civil Aviation Act, 2026.

MARITIME AREAS (JURISDICTION AND RIGHTS) ACT, 2026-9

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

3. Force of Law

4. Act binds the State

PART II

ADMINISTRATION

5. Ministry responsible for Maritime Affairs

6. Barbados Maritime Transport Administration

7. Ministry responsible for Foreign Affairs

8. Ministry responsible for National Security

9. Ministry responsible for Telecommunications

10. Ministry responsible for the Environment

11. Ministry responsible for Space Affairs

12. Maritime law enforcement officers

13. Powers of Ministers

14. Liability

PART III

OCEAN GOVERNANCE

15. Coastal State Activities Coordination Program

16. Sub-program 1 requirements

17. Sub-program 2 requirements

18. Vessels entering Barbados waters

19. Activities in Barbados waters

20. Removal of marine resources from Barbados waters

21. Hot pursuit

PART IV

MARITIME AREAS

22. Rights and jurisdiction

23. Sovereignty and territorial integrity

Internal waters and territorial sea

24. Internal waters

25. Territorial sea

26. Baselines of territorial sea

27. Jurisdiction of courts in internal waters and the territorial sea

28. Passage

29. International responsibility

Contiguous zone

30. Limits of the contiguous zone

31. Jurisdiction in the contiguous zone

32. Enforcement powers in the contiguous zone

Exclusive economic zone

33. Limits of the exclusive economic zone

34. Rights in, and jurisdiction over, the exclusive economic zone

35. Boundary lines of the exclusive economic zone

36. Freedom of navigation, overflight and laying of cables etc.

37. Application of certain enactments to EEZ

38. Jurisdiction of courts

39. Locus of offence in EEZ

Continental shelf

40. Rights and jurisdiction over the continental shelf

41. Limits of the inner continental shelf

42. Limits of the extended continental shelf

43. Submarine cables and pipelines

44. Shared maritime areas agreement

45. Transboundary continental shelf resources

High seas

46. Freedom of the high seas

47. Barbados vessels operating on the high seas

48. Marine environmental protection obligations on the high seas

The Area

49. Oversight

50. Activities in the Area

PART V

MARITIME BOUNDARIES

Nautical charts and geographical coordinates

51. Nautical charts and geographical coordinates

52. Publication of charts and coordinates

Maritime boundary delimitation

53. Delimitation of boundaries

54. Restrictions on activities within the outer boundary limit

55. Continental shelf boundary agreements for areas beyond 200 nautical miles

56. Publication of maritime boundary agreements

Sea level rise impacts on maritime areas and the preservation of maritime areas

57. Declarations on sea level rise

58. Sea level rise and existing maritime boundaries

59. Sea level rise and future maritime boundaries

60. Maritime boundary framework

61. Preservation of Barbados' maritime areas

62. Submerged areas

63. Deterritorialization

64. Resettlement and climate-induced migration planning

PART VI

BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION

65. Application of the Agreement

66. Administration

67. BBNJ Inspectorate

68. BBNJ Inspectors

69. Barbados Marine Biodiversity in Areas Beyond National Jurisdiction Program

70. Marine Biodiversity in Areas Beyond National Jurisdiction Plan

71. The Program and Plan

72. Notifications and inspections

73. Notices, guidelines and directives

74. Marine biodiversity in areas beyond national jurisdiction investment schemes

75. Particulars of investment scheme

76. Compliance requirements

77. Sustainable economic development strategies or initiatives

78. Logistics and supply chain management

79. Vessels engaged in marine biodiversity activities in areas beyond national jurisdiction

80. Management tools for biodiversity beyond national jurisdiction

81. Registers

PART VII

SPACE-RELATED OCEAN ACTIVITIES

82. Application of Part VII

83. Treaty on Principles Governing Activities of States in Outer Space, 1967

84. Barbados Space-related Ocean Program

85. Administration of the Program

86. Registration of spacecraft, space objects, satellite stations and other facilities

87. Requirements for space exploration and research

88. Terms, conditions, restrictions

89. Waste management

PART VIII

MISCELLANEOUS

90. Publication or disclosure of information

91. Confidentiality

92. Administrative penalties

93. General penalty

94. Environmental clean-up and restoration

95. Barbados Port Inc.

96. Orders in the interest of peace, good order or security of Barbados

97. Marine environmental risks

98. Transfer of functions

99. Regulations by Minister responsible for Foreign Affairs

100. Regulations by Minister responsible for Maritime Affairs

101. Regulations by Minister responsible for Shipping

102. Regulations by Minister responsible for National Security

103. Regulations by Minister responsible for Telecommunications

104. Regulations by Minister responsible for the Environment

105. Regulations by Minister responsible for Space Affairs

106. Repeal

BARBADOS

I assent
J. GIBSON
Acting President of Barbados
11th June, 2026.

2026-9

An Act to provide for the establishment of maritime areas, jurisdiction, rights and related matters.

[Commencement: 18th June, 2026]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Maritime Areas (Jurisdiction and Rights) Act, 2026*.

Interpretation

2. In this Act,

"Administration" has the meaning assigned to it in section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

"Area" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"artificial island" or "offshore island"

(a) means an island that has not formed naturally; and

(b) includes a floating or fixed man-made structure in the territorial sea, exclusive economic zone or on the continental shelf of Barbados that is surrounded by water, is above water at high tide and does not generate any maritime zones of its own;

"Authority" means the Ministry responsible for Maritime Affairs;

"Barbados Ocean Minerals Secretariat" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"Barbados Port Inc." has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

"Barbados structure" means a structure registered in Barbados;

"Barbados vessel"

(a) means a vessel registered in Barbados; and

(b) includes a submarine and other submersible vessel;

"Barbados waters"

(a) mean

(i) the internal waters;

(ii) territorial sea;

(iii) contiguous zone;

(iv) exclusive economic zone; and

(v) continental shelf; and

(b) includes the seabed and subsoil thereof;

"baselines" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"continental shelf" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"cosmic water resources" mean widespread, non-terrestrial reservoirs of water primarily in vapour or ice form that exist throughout the universe, formed by the combination of hydrogen and oxygen in stellar nurseries, interstellar clouds, and around energetic cosmic objects;

"deterritorialization" means loss of personhood status as a State in international law as a result of not meeting the State qualifications criteria under Article 1 of the *Montevideo Convention on the Rights and Duties of States*, signed at Montevideo 26 December 1933 and entered into force 26 December, 1934;

"exclusive economic zone" or "EEZ" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"extraterrestrial oceans" means a body of liquid water or other liquids that exist beneath the surfaces of planets and celestial bodies beyond Earth;

"Food and Agriculture Organization" means the organization established on October 16, 1945 which became a specialized agency of the United Nations on December 14, 1946;

"foreign state" means a state other than Barbados;

"foreign structure" means a structure registered in a foreign state;

"foreign vessel"

(a) means a vessel registered in a foreign state; and

(b) includes a submarine and other submersible vessel;

"high seas" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"innocent passage" has the meaning assigned to it under Article 19 of the UNCLOS;

"installations and structures"

(a) mean constructions resting on the sea floor and fixed there by means of piles, tubes or other devices driven into the sea floor used for the purposes provided for in Article 56 of the UNCLOS and other economic purposes; and

(b) include

(i) a communication cable;

(ii) a military surveillance installation;

(iii) an oil pipeline;

(iv) a pipeline which is used for the transfer of any substance to or from

(A) a vessel;

(B) a research, exploration or production platform; or

(C) the coast of Barbados;

(v) an exploration or production platform used in the prospecting, exploration, mining or extraction, as the case may be, of any substance;

(vi) a telecommunications line or cable used for the purpose of providing telecommunications services under the *Telecommunications Act,* Cap. 282B;

(vii) any equipment used for the exploration, mining or utilization of the seabed;

(viii) a concrete structure which has become affixed by its own weight in the sea floor; or

(ix) any other structure whether permanent or temporary within the maritime zone, which is being or intended to be used for, or in connection with, the exploration, utilization, conservation and management of the natural resources of Barbados;

"internal waters" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"International Labour Organization" means the organization established in 1919 as part of the *Treaty of Versailles* that became a specialized agency of the United Nations in 1946;

"International Maritime Organization" or "IMO" means the specialized agency of the United Nations responsible for regulating maritime transport;

"island" means a naturally formed area of land, surrounded by water, which is above water at high tide;

"marine biological diversity" means the variety of life in the ocean and seas, encompassing all levels of biological organization from genes to

ecosystems, including species diversity, genetic variations within species, variety of habitats and ecological communities;

"marine living resources" mean the renewable biological components of marine ecosystems, including fish, mammals, plants, invertebrates, bacteria and other marine flora and fauna and encompasses all marine life;

"marine non-living resources" mean non-organic physical materials extracted from the ocean, seabed or beneath the seafloor for commercial and industrial purposes;

"maritime autonomous vessel" or "autonomous vessel" means any seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part of the control and steering of the vessel, irrespective of whether the exercise of control or steering takes place from the vessel, from another location at sea or from land;

"maritime law enforcement officer" has the meaning assigned to it under section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

"master" includes every person lawfully having for the time being, command or charge of any vessel or submarine;

"nautical mile" or "mile" means the international nautical mile;

"ocean-targeted space activities" means any space-oriented activity that is aimed at Earth's oceans, extraterrestrial oceans or other cosmic water resources;

"passage"

(a) means the navigation of a vessel without stopping or hovering; and

(b) includes stopping, hovering and anchoring in so far as the same are rendered necessary by *force majeure* or by reason of distress or for the purpose of affording assistance to persons, vessels or aircraft in danger or distress;

"port areas" has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

"sea" means the water of the sea, the seabed and its subsoil;

"space"

(a) means the region in which all celestial bodies including Earth move; and

(b) includes the part of the universe that lies outside Earth's atmosphere, outer space and deep space;

"spacecraft" means a vehicle or machine designed to travel to, operate in, or be stationed in space, including outer space and deep space;

"submarine" means a self-sufficient vessel capable of prolonged independent underwater operation which can operate both on the surface of water and underwater and is not reliant on a surface support vessel or platform for its transfer or launch;

"submarine areas" include the seabed and subsoil thereof;

"submersible vessel"

(a) means a vessel designed to operate under water that is reliant on a surface support vessel or platform for its transfer or launch and only capable of limited independent operation; and

(b) includes human occupied vehicles, remotely operated vessels, autonomous vessels;

"territorial sea" has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"title" has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"United Nations Convention on the Law of the Sea, 1982" or "UNCLOS" has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

"United Nations Sustainable Development Framework"

(a) means the 2030 Agenda for Sustainable Development adopted by Member States of the United Nations, comprising 17 Sustainable Development Goals (SDGs) and 169 related targets; and

(b) a reference to the United Nations Sustainable Development Framework means the Framework as may be modified from time to time;

"vessel" includes a conventionally-manned vessel, autonomous vessel, ship, boat or any other mode of water transport employed in navigation but does not include a foreign warship.

Force of Law

3. The following shall have the force of law in Barbados:

(a) the *United Nations Convention on the Law of the Sea, 1982*;

(b) the *Agreement Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* or "BBNJ", as may be modified from time to time, which entered into force for Barbados on January 17, 2026; and

(c) the *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982*, as may be modified from time to time, which Barbados signed on November 15, 1994 and became bound by consent on July 28, 1995 through the simplified procedure set out in Article 5(2) of the Agreement.

Act binds the State

4. This Act binds the State.

PART II

ADMINISTRATION

Ministry responsible for Maritime Affairs

5.(1) The Ministry responsible for Maritime Affairs shall

(a) develop ocean policies, laws, procedures and standards and undertake any other action to ensure the effective governance of activities in Barbados waters;

(b) make proposals for the designation of areas as special marine areas;

(c) keep abreast of developments led by the United Nations Secretariat, International Maritime Organization, International Seabed Authority and any other relevant international organizations to ensure that national level ocean-based activities are sustainable;

(d) issue warnings, notices, guidelines, directives and information relevant to matters under this Act and its statutory instruments;

(e) ensure compliance with this Act, its statutory instruments, international standards and best practices relevant to the particular ocean-based sector;

(f) issue, renew, endorse, exempt, waive, vary, suspend, cancel or revoke any permit, licence, certificate or other document or instrument, as the case may be, in relation to any activity under this Act or its statutory instruments;

(g) specify fees;

(h) waive, in whole or in part, any outstanding fees payable under this Act or its statutory instruments;

(i) undertake any advisory, supervisory or enforcement activities in relation to ocean-based activities;

(j) establish and maintain registers for matters and activities falling within its purview under this Act and its statutory instruments;

(k) consult with and seek expert advice from such persons as may be necessary in the performance of its functions under the Act;

(l) coordinate with relevant agencies and stakeholders in the development and implementation of a road map to ensure continued adaptive management of Barbados' ocean space;

(m) consult and collaborate with relevant stakeholders in relation to matters under this Act and its statutory instruments;

(n) perform any other function necessary to give effect to this Act and its statutory instruments.

(2) Subject to any applicable enactment, the Ministry responsible for Maritime Affairs may disclose information which it receives to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act.

Barbados Maritime Transport Administration

6. The Barbados Maritime Transport Administration shall

(a) implement maritime policies developed by the International Maritime Organization to support shipping and other maritime-related matters;

(b) administer and manage shipping-related aspects of the Coastal State Activities Coordination Program;

(c) exercise flag, port and coastal State control functions in relation to vessels engaged in activities under this Act or its statutory instruments;

(d) undertake actions to promote economic growth and national development in relation to the maritime and space sectors interface, giving due regard to safety, security and environmental considerations, including:

(i) jointly collaborating with the Ministry responsible for Space Affairs in facilitating and coordinating space-related ocean activities;

(ii) implementing international standards and best practices applicable to joint or related maritime and space activities, including IMO Guidelines on Maritime Autonomous Surface Ships relevant to the use of autonomous vessels space launch, landing and recovery operations;

(iii) regulating, in collaboration with Barbados Port Inc. and Barbados Coast Guard, vessels supporting space activities, including

(A) vessels dedicated to the transport of space equipment and their component parts;

(B) vessels dedicated to space launch, re-entry or recovery activities;

(C) multi-purpose offshore vessels used for space-based operations; and

(D) vessels engaged in any other space activities;

(iv) coordinating with Barbados Port Inc. and Barbados Coast Guard to secure essential logistical links between the maritime and space sectors by providing and maintaining stable, sustainable, secure and regulated sea areas for integrated maritime and space transport ventures; and

(v) coordinating with Barbados Port Inc. and Barbados Coast Guard in establishing and designating maritime transport safety zones

to manage risks associated with space operations on maritime vessels and infrastructure and ensuring maritime safety;

(e) regulating and managing vessels and enforcing measures relating to vessels under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ; and

(f) performing any necessary functions within the mandate and purview of the Barbados Maritime Transport Administration in relation to matters under the Act and its statutory instruments.

Ministry responsible for Foreign Affairs

7. The Ministry responsible for Foreign Affairs shall

(a) conclude bilateral and multilateral maritime and maritime-related treaties;

(b) handle international judicial co-operation on maritime matters;

(c) oversee and participate in maritime disputes involving Barbados;

(d) assist with the examination of foreign-related maritime laws and regulations;

(e) organize and coordinate work aimed at fulfilling obligations under international conventions and agreements to which Barbados is a party;

(f) formulate policies related to maritime boundaries;

(g) provide technical guidance and support on maritime activities comprising a foreign relation or foreign trade element;

(h) organize the work of maritime boundary delimitation, demarcation, and joint inspections;

(i) conduct negotiations on maritime delimitation and joint development; and

(j) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Foreign Affairs in relation to maritime matters under the Act.

Ministry responsible for National Security

8. The Ministry responsible for National Security shall, in consultation with the Authority, the Administration, the Ministry responsible for Foreign Affairs and other relevant agencies,

(a) develop programs, strategies, plans or initiatives to

(i) enhance maritime domain awareness;

(ii) enhance collection and analysis of intelligence to detect and manage threats and monitor activities at sea;

(iii) improve maritime border protection and enforcement within Barbados maritime zones and activities by persons and vessels in areas beyond national jurisdiction including the high seas and the Area;

(b) review and improve national maritime security regulatory frameworks, policies, practices and standards to ensure alignment with international maritime security standards, requirements and best practices;

(c) secure maritime infrastructure in Barbados waters and in areas outside Barbados waters belonging to Barbados or belonging to persons under the jurisdiction and control of Barbados carrying out activities in those areas from attacks, sabotage or other unlawful interference;

(d) integrate actions amongst government agencies and private sector stakeholders to ensure a holistic and unified maritime and marine environmental security approach;

(e) foster and promote national, regional and international partnerships to combat maritime security and marine environmental security threats;

(f) develop preparedness and response strategies and plans to effectively manage maritime accidents and incidents;

(g) generally perform any necessary functions within the mandate and purview of the Ministry responsible for National Security in relation to maritime matters under the Act.

Ministry responsible for Telecommunications

9. The Ministry responsible for Telecommunications shall, in consultation with the Authority and the Ministry responsible for Foreign Affairs,

(a) determine the sea areas for telecommunications and radio communications infrastructure;

(b) define boundaries of sea areas for telecommunications and radio communications infrastructure; and

(c) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Telecommunications in relation to maritime matters under the Act.

Ministry responsible for the Environment

10. The Ministry responsible for the Environment shall, in collaboration with the Authority and the Administration,

(a) adopt any measure or undertake any action consistent with the UNCLOS to

(i) prevent, reduce and control pollution of the marine environment from any source including technologies under Barbados' jurisdiction or control; and

(ii) safeguard against the direct or indirect transfer of damage or hazards from one area to another or one type of pollution to another;

(iii) safeguard against the introduction of alien or new species to Barbados waters or to a particular part of the marine environment, which may cause significant and harmful changes thereto;

(b) formulate national environmental rules, standards and recommended practices and procedures consistent with the UNCLOS;

(c) develop contingency plans in relation to environmental pollution and damage and marine ecosystem impairment, destruction or degradation;

(d) develop a system for monitoring risks or effects of pollution;

(e) ensure continued fulfilment of Barbados' obligations under PART XII of the UNCLOS; and

(f) generally perform any necessary functions within the mandate and purview of the Ministry responsible for the Environment in relation to matters under the Act.

Ministry responsible for Space Affairs

11.(1) The Ministry responsible for Space Affairs, shall

(a) coordinate, as necessary, with other entities specified in this Act, in relation to space-related ocean activities, to the extent that such space-related ocean activities may interface with, intersect with, or impact upon activities under the purview of those entities;

(b) collaborate with the Authority and the Barbados Maritime Transport Administration, in facilitating and coordinating research and exploration of extraterrestrial oceans and other cosmic water resources;

(c) generally perform any necessary functions within the mandated and purview of the Ministry responsible for Space Affairs in relation to matters under the Act.

(2) The Ministry responsible for Space Affairs shall, in consultation with the Authority, the Ministry responsible for Foreign Affairs and other relevant

agencies, coordinate programs, plans, projects, initiatives and strategies for leveraging space capabilities for maritime application.

Maritime law enforcement officers

12.(1) A maritime law enforcement officer may, in performing his duties, exercise all the powers conferred on him by this Act and its statutory instruments in relation to

(a) a Barbados vessel or Barbados structure that is at sea or in port;

(b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with any activity carried on in contravention of this Act or its statutory instruments;

(c) any other activity in Barbados waters; or

(d) any other activity conducted by persons and vessels under the jurisdiction and control of Barbados in areas beyond national jurisdiction.

(2) In the performance of his duties under this section, a maritime law enforcement officer may

(a) use such force as is reasonably necessary;

(b) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;

(c) reasonably call on any person to assist him;

(d) order that any vessel or structure be stopped or cease operations;

(e) board any vessel or structure;

(f) search or examine any vessel or structure or any equipment or thing on board thereof;

(g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof;

(h) enforce all relevant national laws in Barbados waters; and

(i) generally exercise any necessary powers to give effect to the Act and its statutory instruments.

(3) A maritime law enforcement officer who has reasonable grounds to suspect that an offence has been committed under this Act or its statutory instruments by any person on board a vessel or structure, may, without warrant or other process

(a) seize the vessel, structure, equipment, device or thing suspected of being used in the commission of the offence; and

(b) detain the person he suspects.

(4) Where a vessel, structure, equipment, device or thing is seized or a person is detained, as the case may be, under subsection (3), a maritime law enforcement officer shall, where possible,

(a) take the vessel, structure, equipment, device or thing, as the case may be, as soon as practicable to a Barbadian port; and

(b) within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.

(5) A court may order that any vessel, structure, equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within 6 months of the seizure under that subsection.

(6) A court may order that property seized under subsection (3) be returned to the person from whom it was taken or to a person named by that person, where

(a) the court dismisses a charge brought against that person under this Act or its statutory instruments, and it is of the opinion that the property can be returned consistently with the interests of justice; or

(b) no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

(7) A person who

(a) assaults, resists, obstructs or intimidates a maritime law enforcement officer or any person assisting him in the execution of his duty;

(b) uses indecent, abusive or insulting language to a maritime law enforcement officer in the execution of his duty;

(c) interferes with or hinders a maritime law enforcement officer in the execution of his duty;

(d) by any gratuity, bribes, promises, induces or prevents a maritime law enforcement officer from carrying out his duty; or

(e) without the authority of a maritime law enforcement officer, removes, alters or interferes with any articles seized under this Act or its statutory instruments,

commits an offence and liable on summary conviction to a fine of $50 000 or imprisonment for 3 years or to both, and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Powers of Ministers

13. The following Ministers shall have the power to make regulations, rules, orders, notices, guidelines or directives:

(a) the Minister responsible for Foreign Affairs;

(b) the Minister responsible for Maritime Affairs;

(c) the Minister responsible for Shipping;

(d) the Minister responsible for National Security;

(e) the Minister responsible for Telecommunications;

(f) the Minister responsible for the Environment; and

(g) the Minister responsible for Space Affairs.

Liability

14. No liability shall lie personally against

(a) any member, officer or employee of the following:

(i) the Authority;

(ii) the Administration;

(iii) any Ministry, department, division, unit, agency or office specified in this Act or its statutory instruments;

(b) a maritime law enforcement officer; or

(c) such other person who is authorized in writing, acting under the direction of a Minister or person specified in this Act,

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

PART III

OCEAN GOVERNANCE

Coastal State Activities Coordination Program

15.(1) There is established a Program to be known as the Barbados Coastal State Activities Coordination Program to support ocean governance activities involving shipping including ocean-based activities.

(2) The Program shall be organized as follows:

(a) sub-program 1 – Shipping-related Coastal State Activities; and

(b) sub-program 2 – Non-Shipping Coastal State Activities.

(3) The Program, including its sub-programs, shall be periodically reviewed and amended to ensure its continued relevance and effectiveness.

Sub-program 1 requirements

16.(1) Sub-program 1 shall be developed and managed by the Administration.

(2) Sub-program 1 shall have the following objectives:

(a) advancing the International Maritime Organization's framework for shipping, the maritime community and sustainable development;

(b) developing a national maritime strategy in order to

(i) ensure full compliance with Barbados' international responsibilities and obligations under the IMO Instruments Implementation Code;

(ii) assist Barbados in improving its capabilities in the maritime sector; and

(iii) enhance Barbados' overall performance in compliance with international maritime standards and best practices;

(c) improving coordination amongst the Administration and other entities with which it collaborates in the performance of various coastal State functions;

(d) ensuring the institution of a system for evaluation and review of overall performance in the area of coastal State activities;

(e) developing shipping legislation, guidance and procedures required for the implementation and verification of Barbados' rights, obligations and responsibilities contained in any relevant international instruments to which Barbados is party;

(f) fostering partnerships and capacity building for the continued effective implementation of the International Maritime Organization's Sustainable Development Goals Strategy; and

(g) enhancing ocean governance of shipping and non-shipping ocean sectors to support integrated and sustainable marine management and development.

(3) Sub-Program 1 shall commence within 12 months after the entry into force of the Act.

Sub-program 2 requirements

17.(1) Sub-program 2 shall be developed and managed by the Authority.

(2) Sub-program 2 shall have the following objectives:

(a) advancing the United Nations Sustainable Development Framework in relation to the wider ocean sector and marine resources management;

(b) developing a national maritime strategy relating to

(i) Barbados' international responsibilities and obligations under the UNCLOS;

(ii) Barbados' regional and international responsibilities and obligations under environmental and sustainability related instruments; and

(iii) national maritime laws specific to coastal state control regulation including coastal state activities;

(c) developing non-shipping ocean-specific legislation, guidance and procedures for the implementation and verification of Barbados' rights, obligations and responsibilities contained in relevant international instruments to which Barbados is party;

(d) supporting the Administration in implementing the International Maritime Organization's Sustainable Development Goals (SDGs) Strategy;

(e) coordinating, and where necessary, streamlining processes, procedures and operations across the oceanic sectors provided for in this Act and its statutory instruments;

(f) maintaining general oversight over activities subject to the coastal State control of Barbados.

(3) Sub-program 2 shall commence within 12 months of the entry into force of the Act.

Vessels entering Barbados waters

18.(1) No vessel shall enter Barbados waters without providing pre-arrival notification to the relevant authorities of the port or place at which the vessel intends to call.

(2) Notwithstanding subsection (1), the following may enter Barbados waters:

(a) vessels, irrespective of nationality, in distress;

(b) vessels, irrespective of nationality, calling at a port or place designated as a port in Barbados, in an emergency situation;

(c) vessels innocently passing through the territorial sea of Barbados in accordance with Article 19 of the UNCLOS;

(d) warships or other government ships operated for non-commercial purposes innocently passing through the territorial sea of Barbados in accordance with Article 17 of the UNCLOS; and

(e) vessels otherwise transiting through the exclusive economic zone of Barbados to a place outside Barbados.

(3) A master of a vessel who contravenes subsection (1) is liable to an administrative penalty.

(4) Notwithstanding subsection (1), a person may be exempted from the prior notification requirement in a distress or emergency situation.

Activities in Barbados waters

19.(1) No person shall carry out activities in Barbados waters, except under or in accordance with the relevant licence, permit, written approval or authorization or agreement, as the case may be.

(2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment, to a fine of $10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Removal of marine resources from Barbados waters

20.(1) No person shall remove marine living resources or marine non-living resources from Barbados waters without a permit, licence or other written approval or authorization.

(2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of $10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Hot pursuit

21. The laws of Barbados shall apply with respect to the execution of official and defence duties by maritime law enforcement officers in relation to hot pursuit from within Barbados waters including safety zones around installations and structures undertaken in accordance with the UNCLOS.

PART IV

MARITIME AREAS

Rights and jurisdiction

22.(1) Barbados shall have all rights in, and jurisdiction over, Barbados waters including the seabed and subsoil thereof.

(2) The rights enjoyed by Barbados in Barbados waters that are not stipulated in this Act or its statutory instruments shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.

(3) In exercising its rights and performing its duties under this Act and its statutory instruments, Barbados shall have due regard to the rights and duties of other States in accordance with international law.

Sovereignty and territorial integrity

23. Notwithstanding any other law, the Minister responsible for National Security may take any action in any area of the sea or in the airspace above the sea as is necessary to maintain national sovereignty and territorial integrity in the exercise of the principle of self defence in accordance with Article 51 of the Charter of the United Nations.

Internal waters and territorial sea

Internal waters

24. The internal waters of Barbados are established in accordance with Article 8 of the UNCLOS and comprise all areas of the sea on the landward side of the baselines, including the submarine areas thereof, and shall form part of the territory of Barbados.

Territorial sea

25.(1) The territorial sea of Barbados is established in accordance with Article 3 of the UNCLOS and the territorial sea, including the submarine areas thereof, shall form part of the territory of Barbados.

(2) The limits of the territorial sea comprise Barbados waters up to a limit not exceeding 12 nautical miles measured from baselines determined in accordance with the UNCLOS.

Baselines of territorial sea

26.(1) Subject to subsection (2), the low-water line along the coast of Barbados shall be the baseline of the territorial sea.

(2) The Minister responsible for Foreign Affairs may, in the place of the baseline referred to in subsection (1), by order, prescribe other baselines making use of a mixture of straight lines drawn from points on the coast of Barbados and the low-water line.

(3) Where baselines are prescribed under subsection (2), the Minister responsible for Foreign Affairs shall cause the baselines together with the seaward boundary line of the territorial sea to be marked on a scaled map or chart and such map or chart shall be judicially noticed for all purposes of the law as indicating the baselines from which the territorial sea shall be measured and the boundaries, breadth and limit of the territorial sea.

(4) The Minister responsible for Foreign Affairs shall

(a) make provision for the safe custody of the map or chart referred to in subsection (3); and

(b) by notice, specify the place where it may be open to inspection by the public and the place where certified copies thereof may be obtained.

(5) For the purposes of this Act, permanent harbour works which form a part of the harbour, dock or port system and the island commonly known as Culpepper

situated off the coast of the parish of Saint Philip shall be treated as forming part of the coast of Barbados.

Jurisdiction of courts in internal waters and the territorial sea

27.(1) For the purposes of the exercise of the jurisdiction of the courts of Barbados, the territory of Barbados shall include the internal waters and the territorial sea.

(2) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

Passage

28.(1) A foreign vessel including a foreign vessel of war, submarine or other submersible vessel is entitled to the right of innocent passage through Barbados' territorial sea in accordance with Articles 17 and 19 of the UNCLOS.

(2) Notwithstanding subsection (1), a foreign vessel of war, submarine or other submersible shall require prior authorization from the Ministry responsible for Foreign Affairs before entering Barbados waters.

(3) The Ministry responsible for Foreign Affairs, in consultation with the Ministry responsible for National Security, may grant authorization for a foreign vessel of war, submarine or other submersible to enter Barbados waters.

(4) The passage of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel shall be deemed to be prejudicial to the peace, good order or security of Barbados, if the vessel while in the territorial sea, engages in any of the following activities:

(a) exercises or practises with weaponry of any kind;

(b) any act aimed at collecting information relating to the defence, security or economic or social conditions and circumstances of Barbados;

(c) the taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;

(d) any act of pollution calculated to or is likely to cause damage or harm to Barbados, its resources or its marine environment;

(e) fishing or extracting marine living resources or non-living resources;

(f) the carrying out of research of whatever kind or survey activities;

(g) any act aimed at interfering with any system of communication or telecommunication, whether such system is on land, on the sea or under the sea;

(h) any unapproved or unauthorized underwater navigation;

(i) any act of propaganda calculated to affect the defence or security of Barbados;

(j) the launching of, landing on, or taking on board of any aircraft, spacecraft or military device;

(k) any threat or use of force against the sovereignty, territorial integrity or political independence of Barbados;

(l) any other act in violation of the principles of international law;

(m) any activity not directly related to its passage; or

(n) any other activity in contravention of Article 19 of the UNCLOS.

(5) Where a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, engages in any of the activities specified in subsection (4) or where a maritime law enforcement officer or a person authorised by the Minister responsible for Maritime Affairs, the Minister responsible for National Security or the Minister responsible for Shipping, as the case may be, suspects

upon reasonable grounds that a foreign vessel is engaged in any such activity, a maritime law enforcement officer may

(a) stop and board the offending foreign vessel for the purpose of carrying out enquiries and investigations;

(b) without a warrant, arrest the offending foreign vessel and bring it into a port in Barbados;

(c) without a warrant, arrest the master, any person on board the vessel, any person connected to the vessel or whose acts or omissions are deemed to be prejudicial to the peace, good order or security of Barbados.

(6) The master of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, who takes part in or causes the vessel to be engaged in, or any other person on board or connected to the vessel who takes part in, any activity under subsection (4), commits an offence and is liable on conviction on indictment to a fine of $10 000 000 or to imprisonment for 15 years or to both.

(7) The court may, in addition to any penalty which it may impose, order the forfeiture to the State of any vessel, structure, equipment, device or thing used, in any activity which is the subject of the offence.

(8) A submarine or any other submersible vessel, whether or not a vessel of war, exercising a right of innocent passage through the territorial sea, shall navigate on the surface and show her flag while passing through the territorial sea.

(9) A master of a submarine or any other submersible vessel who contravenes subsection (8) commits an offence and liable on conviction on indictment to a fine of $10 000 000 or to imprisonment for 15 years or to both.

International responsibility

29.(1) Where the passage of a foreign vessel is deemed to be prejudicial to the peace, good order or security of Barbados and the vessel or any person on board who participates in the activity which is deemed to be prejudicial is entitled

to state or other immunity recognised by law, the flag state of such vessel and the state of nationality of such person shall be deemed to bear international responsibility for the activity of the vessel.

(2) A flag state shall bear international responsibility for any loss or damage to Barbados resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of Barbados concerning passage through the territorial sea or with theUNCLOS or other rules of international law.

(3) Where the flag state of a vessel or the state of nationality of a person is deemed to bear international responsibility under this section, the Minister responsible for Foreign Affairs, in consultation with the Minister responsible for Shipping, shall take all steps possible to obtain redress under international law.

Contiguous zone

Limits of the contiguous zone

30.(1) The contiguous zone of Barbados is established in accordance with Article 33 of the UNCLOS.

(2) The limits of the contiguous zone comprise the area of Barbados waters that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of 24 nautical miles from the nearest points of the baselines from which the breadth of the territorial sea is measured.

Jurisdiction in the contiguous zone

31.(1) Barbados has, and may exercise in its contiguous zone, such powers and authority as may be necessary to prevent, control or punish the infringement of any national law with respect to customs, fiscal, immigration, sanitary and archaeological or historical objects on the seabed of its contiguous zone in accordance with Article 33 and Article 303 of the UNCLOS.

(2) Where there is reasonable ground to believe that a person has committed or attempted to commit an offence in the territory or territorial sea of Barbados, in relation to any customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Barbados may be exercised in the contiguous zone.

(3) A person who is in possession of, attempts to traffic or traffics in the contiguous zone, an object of an archaeological or historical nature found in Barbados waters is guilty of an offence and liable on conviction on indictment to a fine of $300 000 or to imprisonment for 5 years or to both and is also liable to forfeit to the State the archaeological or historical object, the vessel, structure, equipment, device or thing in connection with which the offence was committed.

(4) Any person who attempts to commit or commits an offence related to customs, fiscal, immigration or sanitary laws from the territory or territorial sea of Barbados and enters the contiguous zone having committed the offence is liable on conviction on indictment to a fine of $7 000 000 or to imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Enforcement powers in the contiguous zone

32. The following shall have enforcement powers in the contiguous zone:

(a) the Customs Department, in relation to preventing and punishing infringements of customs laws;

(b) the Ministry responsible for Finance, in relation to preventing and punishing infringements of fiscal laws;

(c) the Immigration Department, in relation to preventing and punishing infringements of emigration and immigration laws;

(d) the Environmental Protection Department jointly with the Authority, in relation to preventing and punishing sanitary and environmental laws; and

(e) the Ministry responsible for Cultural Heritage, in relation to preventing and punishing infringements of maritime heritage laws including trafficking in objects of a historical or archaeological nature.

Exclusive economic zone

Limits of the exclusive economic zone

33.(1) The exclusive economic zone of Barbados is established in accordance with Article 57 of the UNCLOS.

(2) The limits of the exclusive economic zone comprise the area of Barbados waters up to a limit not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Rights in, and jurisdiction over, the exclusive economic zone

34.(1) Barbados shall have,

(a) in accordance with Article 56 of the UNCLOS, all rights in, and jurisdiction over, the exclusive economic zone in relation to the following:

(i) the exploration, utilization, conservation, protection or management of the natural living and non-living resources of the seabed, subsoil and superjacent waters;

(ii) energy production from the water, currents and winds;

(iii) the establishment and use of offshore islands, installations and structures;

(iv) the authorization and regulation of the construction, operation, maintenance or use of structures or devices relating to the

exploration and utilization of the resources of the exclusive economic zone, the regulation and safety of shipping or any other economic purpose;

(v) the authorisation, regulation or control of marine scientific research;

(vi) the protection and preservation of the marine environment;

(vii) the prevention and control of marine pollution; and

(viii) all other activities relating to the economic exploration or utilization of the exclusive economic zone; and

(b) all other rights in, and jurisdiction over, the exclusive economic zone to the extent recognised by international law.

(2) The limits of the inner continental shelf comprises the seabed and subsoil of submarine areas that extend beyond Barbados' territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

(3) The laws of Barbados shall apply to offshore islands, installations and structures in the exclusive economic zone as if they were in the territorial sea, and in accordance with Article 60 of the UNCLOS.

(4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 60 of the UNCLOS.

(5) In exercising rights and performing its rights and duties in the exclusive economic zone, Barbados shall have due regard to the rights and duties of any other State and shall act in a manner compatible with international law.

Boundary lines of the exclusive economic zone

35.(1) The Minister responsible for Foreign Affairs shall cause the boundary lines of the exclusive economic zone to be marked on a scaled map or chart.

(2) The Minister responsible for Foreign Affairs shall, by notice,

(a) make provision for the safe custody of the map or chart referred to in subsection (1); and

(b) specify the place where any person may inspect that map or chart or purchase a certified copy thereof.

Freedom of navigation, overflight and laying of cables etc.

36. Subject to this Act, vessels, aircraft and spacecraft of all States are not, in or over the EEZ, as the case may be, restricted in, or prohibited from, the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognised by international law.

Application of certain enactments to EEZ

37.(1) The President of Barbados may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the EEZ or any part thereof, and an enactment so extended shall have effect in relation to the EEZ as if it had been enacted by this Act.

(2) An order made under this section is subject to affirmative resolution, and shall be judicially noticed.

Jurisdiction of courts

38.(1) The jurisdiction and powers of the courts extend to the EEZ for the purpose of giving effect to the provisions of this Act and any other enactment extended to the EEZ as if the EEZ were a part of the territory of Barbados.

(2) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

Locus of offence in EEZ

39.(1) In any proceedings in a court in relation to the EEZ, the averment that an offence was committed or that an act was done within the limits of the EEZ shall, until the contrary is proved, be deemed to be *prima facie* evidence that the *locus in quo* was within the EEZ.

(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Barbados, be deemed to have occurred in Barbados if

(a) that incident occurs in, on, under, above or in relation to, any vessel, structure or device or any waters within 500 yards of that vessel, structure or device, in the EEZ; or

(b) that incident, if having occurred in Barbados, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

Continental shelf

Rights and jurisdiction over the continental shelf

40.(1) There is vested in Barbados over the continental shelf

(a) in accordance with Article 77 of the UNCLOS, all rights in, and jurisdiction over, the continental shelf in relation to the following:

(i) the exploration, utilization, conservation, protection and management of its natural resources;

(ii) the authorization and regulation of the construction, operation, maintenance and use of offshore islands, offshore terminals, installations and structures and devices necessary for the exploration and utilization of the resources of the continental shelf, shipping or any other economic purpose;

(iii) the authorization and regulation of drilling for any purpose;

(iv) the authorization, regulation and control of marine scientific research;

(v) the protection and preservation of the marine environment;

(vi) the prevention and control of marine pollution from activities on the shelf; and

(vii) all other activities relating to the economic exploration and utilization of the continental shelf; and

(b) all other rights in, and jurisdiction over, the continental shelf recognized by international law.

(2) Barbados shall have sovereign rights and jurisdiction over the continental shelf there is extended to the continental shelf, to the extent recognized by international law.

(3) The laws of Barbados shall apply to offshore islands, installations and structures in the continental shelf as if they were in the territorial sea and in accordance with Article 80 of the UNCLOS.

(4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 80 of the UNCLOS.

(5) The rights enjoyed by Barbados over the continental shelf shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.

(6) In exercising rights and performing its duties in the continental shelf, Barbados shall have due regard to the rights and duties of any other State and shall act in a manner compatible with international law.

Limits of the inner continental shelf

41. The inner continental shelf of Barbados is established in accordance with Article 76(1) of the UNCLOS.

Limits of the extended continental shelf

42.(1) The extended continental shelf of Barbados is established in accordance with Articles 76(5), (6) and (7) of the UNCLOS.

(2) The limits of Barbados' extended continental shelf comprises the seabed and subsoil of submarine areas that extend beyond 200 nautical miles upwards to the limits contained in the Final Recommendations issued to Barbados on April 13, 2012 by the United Nations Commission on the Limits of the Continental Shelf.

(3) The establishment of the final outer limits of the continental shelf of Barbados beyond 200 nautical miles is subject to delimitation agreements with other States.

Submarine cables and pipelines

43. Subject to any measures that may be necessary for protecting the interests of Barbados, Barbados shall not impede the laying or maintenance of any submarine cables or pipelines on the continental shelf by other States, except that the consent of the Minister responsible for Foreign Affairs shall be necessary for the delineation of the course for laying of the cables or pipelines.

Shared maritime areas agreement

44.(1) Where Barbados has overlapping claims in its outer continental shelf area, a shared maritime areas agreement with the relevant State with which Barbados has overlapping claims may be concluded.

(2) A shared maritime areas agreement referred to in subsection (1) may include the following:

(a) any agreement for continental shelf resources;

(b) any joint development agreements; and

(c) any other written agreements.

Transboundary continental shelf resources

45.(1) Resources within Barbados' continental shelf that straddle Barbados and one or more other States or extend beyond the delimitation line of Barbados into one or more States shall be managed in

(a) the context of an agreement;

(b) the interest of responsible and sustainable management and utilization of such resources; and

(c) the interests of maintaining harmony, peace and good relations.

(2) Barbados has exclusive jurisdiction over resources in its continental shelf and may prospect for, explore, recover and harvest such resources in accordance with international law and any agreements in force.

(3) Where it is determined that activities directed at continental shelf resources in Barbados may have transboundary impacts, Barbados shall notify the foreign State concerned with a view to entering into an agreement.

(4) Where it is determined that activities directed at continental shelf resources in one or more foreign States may have transboundary impacts for Barbados, the foreign State concerned shall notify Barbados with a view to entering into an agreement.

(5) Where Barbados and the foreign State concerned are unable achieve a fair agreement, appropriate dispute resolution mechanisms may be sought.

High seas

Freedom of the high seas

46.(1) The freedom of the high seas accorded under Article 87 of the UNCLOS shall vest in Barbados

(a) freedom of navigation;

(b) freedom of overflight;

(c) freedom to lay submarine cables and pipelines;

(d) freedom to construct offshore islands and other installations permitted under international law;

(e) freedom of fishing, subject to the interests of other States in the exercise of their freedom to fish on the high seas; and

(f) freedom of scientific research.

(2) The freedoms referred to in subsection (1) shall be exercised by Barbados with due regard for the

(a) interests of other States in their exercise of the freedom of the high seas; and

(b) rights under the UNCLOS with respect to activities in the Area.

Barbados vessels operating on the high seas

47.(1) The Administration shall ensure the following in relation to vessels flying the Barbados flag and operating on the high seas:

(a) there is a register of vessels containing the names and particulars of vessels flying the Barbados flag, except those which are excluded from generally accepted international regulations;

(b) the flag State jurisdiction is exercised in accordance with the laws of Barbados over each vessel flying the Barbados flag, masters, officers

and crew in relation to administrative, technical and social matters concerning the vessel;

(c) safety at sea measures including

(i) seaworthiness of vessels and equipment;

(ii) the manning of vessels, labour conditions and the training of crews, taking into account the applicable international instruments of the International Maritime Organization, International Labour Organization and Food and Agriculture Organization or any relevant organization or agency, as the case may be; and

(iii) the use of signals, the maintenance of communications and the prevention of collisions;

(d) qualified and approved surveyors or Recognized Organizations to survey vessels entitled to fly the Barbados flag in accordance with relevant enactments and international standards;

(e) Barbados vessels are compliant with international maritime laws on safety, security, protection of the marine environment and maritime labour welfare;

(f) Barbados vessels in the charge of a master and officers possess appropriate qualifications, in particular in seamanship, navigation, communications, marine engineering;

(g) crews of Barbados vessels are appropriate in qualification and numbers for the type, size, machinery and equipment of the vessel;

(h) charts and nautical publications are up-to-date and are on board Barbados vessels;

(i) navigational and communication equipment and instruments for the safe navigation of Barbados vessels are appropriate for the vessel size and type;

(j) that the master, officers, the crew of Barbados vessels comply with national and international laws concerning safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, maritime labour welfare and the maintenance of communications by radio or other appropriate means; and

(k) that inquiries are held by or before a suitably qualified person into any marine casualties or incidents of navigation on the high seas involving a Barbados vessel which caused loss of life or serious injury to a person, serious damage to a vessel or installations and structures or to the marine environment.

(2) For the purposes of this section, a "Recognized Organization" means an organization recognized by the Administration in accordance with the International Maritime Organization Resolutions A.739(18) and A.789(19) or later versions of these Resolutions, to verify compliance by Barbados vessels with maritime safety, including maritime labour safety, security and marine pollution prevention standards.

Marine environmental protection obligations on the high seas

48.(1) When on the high seas, no master of a Barbados vessel shall, engage in any activity, or do any act that may pollute, damage or otherwise destroy the marine environment.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of $7 000 000 or to imprisonment for 7 years or to both.

The Area

Oversight

49. The Authority shall collaborate with the Barbados Ocean Minerals Secretariat in performing oversight functions in relation to activities within

Barbados waters and activities by, on behalf of, or authorized by Barbados in the Area.

Activities in the Area

50. Activities carried out by the State of Barbados in the Area shall be carried out in accordance with

(a) Part XI of the UNCLOS;

(b) the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982;

(c) any rules, regulations and procedures of the International Seabed Authority;

(d) any relevant enactments; and

(e) international law.

PART V

MARITIME BOUNDARIES

Nautical charts and geographical coordinates

Nautical charts and geographical coordinates

51. The Minister responsible for Foreign Affairs, in consultation with the relevant agencies, shall ensure the preparation of nautical charts of an adequate scale or a list of geographical coordinates of points specifying the geodetic datum in relation to Barbados' maritime zones for ascertaining the positions of the following, including

(a) the baselines of the territorial sea;

(b) the outer limits of the territorial sea, the continental shelf and the exclusive economic zone;

(c) the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone; and

(d) sea lanes or traffic separation schemes.

Publication of charts and coordinates

52. The Minister responsible for Foreign Affairs shall

(a) publish the nautical charts and list of geographical coordinates;

(b) periodically review and update nautical charts and lists of geographical coordinates in relation to Barbados' maritime zones to ensure maritime safety; and

(c) deposit with the Secretary-General of the United Nations official copies of each chart and list of geographical coordinates in relation to Barbados' maritime zones.

Maritime boundary delimitation

Delimitation of boundaries

53.(1) Where the circumstances so warrant, the delimitation of

(a) the boundaries of the territorial sea between Barbados and a foreign State; and

(b) the boundaries of the continental shelf and the exclusive economic zone between Barbados and a foreign State,

shall be by agreement on the basis of international law.

(2) Where there is no agreement made on the basis of international law, the outer boundary limit shall be the median line, unless another boundary limit is agreed to.

(3) Where no agreement is reached, appropriate dispute resolution mechanisms may be sought.

Restrictions on activities within the outer boundary limit

54. Subject to another boundary limit being agreed to, no activities shall be conducted in the waters or seabed of Barbados' outer boundary limit of its continental shelf and exclusive economic zone without the relevant licences, permits or other written approvals or authorizations, as the case may be.

Continental shelf boundary agreements for areas beyond 200 nautical miles

55.(1) Continental shelf boundaries beyond 200 nautical miles shall be established in accordance with the terms of a continental shelf delimitation treaty or on the basis of international law.

(2) The following shall be taken into consideration when making agreements relating to delimiting continental shelf boundaries beyond 200 nautical miles:

(a) the basis for determining maritime boundaries in such circumstances;

(b) any potential oil, gas, minerals or other non-living resources;

(c) the need for cooperation and periodic consultation between States concerned in protecting their respective interests in such circumstances;

(d) enhancing the practice of good neighborliness and the benefits of strengthening friendly and cooperative relations between States concerned; and

(e) any other relevant considerations.

(3) A continental shelf boundary established in accordance with subsection (1) shall not affect or prejudice in any manner the positions of Barbados or other State Party to the agreement with respect to the extent of Barbados waters, the high seas or sovereign rights or jurisdiction for any other purpose.

Publication of maritime boundary agreements

56. The Ministry responsible for Foreign Affairs shall publish all maritime boundary agreements of Barbados.

Sea level rise impacts on maritime areas and the preservation of maritime areas

Declarations on sea level rise

57.(1) Barbados

(a) preserves its maritime zones in the face of climate change-related sea-level rise on the basis of continuity of its statehood, sovereignty, fairness, equality and self-determination, which cannot be challenged under any circumstances of climate change-related sea-level rise;

(b) affirms that the UNCLOS imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations;

(c) affirms the position that maintaining its maritime zones established in accordance with the UNCLOS, and rights and entitlements that flow from its maritime zones, notwithstanding climate change-related sea-level rise is supported by both the UNCLOS and the legal principles underpinning it;

(d) declares that once having, in accordance with the UNCLOS, established and notified its maritime zones to the Secretary-General of the United Nations, it intends to maintain these zones without reduction, notwithstanding climate change-related sea-level rise; and

(e) proclaims that its maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the UNCLOS, and the rights and entitlements that flow from its maritime

zones, shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

(2) The declarations made by Barbados in subsection (1) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones in future maritime boundary negotiations.

Sea level rise and existing maritime boundaries

58.(1) In the case of existing maritime boundary agreements Barbados has with other States, except where coastal geography was central to the parties consent to, and finality of, the maritime boundary agreement, major shifts in the coastlines of Barbados as a result of sea level rise and consequently major shifts in the baselines from which Barbados' maritime zones are generated shall not be invoked as a fundamental change in circumstances to terminate current maritime boundary agreements, in accordance with Article 62 of the *Vienna Convention on the Law of Treaties, 1969*.

(2) Barbados maintains, in accordance with this Act and international law, its maritime zones established in accordance with the UNCLOS and the rights and entitlements that flow from them, notwithstanding climate change-related sea level rise.

(3) Barbados endorses the declarations set forth in

(a) the Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise made on 6 August 2021; and

(b) the Declaration on Sea-Level Rise and Statehood, adopted by the Heads of State and Government on the Alliance of Small Island States on 23 September 2024.

(4) The declarations endorsed by Barbados in subsection (3) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones, in future maritime boundary negotiations.

Sea level rise and future maritime boundaries

59.(1) Sea level rise and its potential impacts on future maritime boundaries of Barbados or a foreign State with which Barbados has overlapping claims, shall be addressed prior to concluding a boundary agreement between Barbados and such potentially affected States.

(2) An agreement referred to in subsection (1) may provide for the following:

(a) a substantial shift in baselines caused by sea level rise resulting in a shift of the territorial sea limits, contiguous zone limits and EEZ limits consequentially affecting legislative, jurisdictional and enforcement powers in relation to the particular zones;

(b) substantial landward shifts in the baselines caused by sea level rise resulting in areas that were originally part of the territorial sea becoming part of the EEZ with consequential loss of sovereignty over areas that were formerly territorial sea with those said areas now being subject to the limited sovereign rights of the EEZ regime;

(c) significant reduction of the entire contiguous zone owing to a substantial baseline shift caused by sea level rise;

(d) substantial baseline shifts due to sea level rise resulting in areas of EEZ becoming part of the high seas regime thereby rendering former EEZ-declared areas subject to the freedom of high seas regime and thus opened to all States;

(e) implications of continental shelf areas that comprised the seabed of formerly EEZ-declared areas subsequently becoming part of the high seas;

(f) substantial seaward baseline shifts due to sea level rise, resulting in the increase of Barbados' maritime area while encroaching on the maritime territory of another state or states;

(g) any other considerations relating to sea level rise.

(3) Upon settlement by agreement on any future maritime boundaries in accordance with international law, Barbados may make all relevant declarations in accordance with this Act and international law.

Maritime boundary framework

60. The Ministry responsible for Foreign Affairs shall

(a) assist the Authority in ensuring that Barbados' maritime boundary framework in relation to climate-change related sea level rise and its impacts on maritime boundaries remains consistent with prevailing international practice;

(b) keep abreast of the work of the International Law Commission, International Tribunal for the Law of the Sea and any other relevant bodies;

(c) work jointly with the Authority in developing appropriate instruments; and

(d) perform any other related functions.

Preservation of Barbados' maritime areas

61. The Minister responsible for Foreign Affairs shall undertake any measures necessary to preserve Barbados' maritime areas.

Submerged areas

62. All areas of the island of Barbados which may become submerged as a result of sea level rise shall remain vested in the State of Barbados.

Deterritorialization

63.(1) Where the lands of Barbados have become submerged by severe sea level rise, the deterritorialized Barbados is entitled to

(a) continued status as a legal entity, taking into account that sovereignty and nationhood exist independently of territory in international law;

(b) maintain sovereignty and sovereign rights over maritime zones, including all submerged lands in its territory;

(c) protection from victimization or forced control by other States; and

(d) continued recognition as a State to promote peaceful relations, certainty in ocean governance for the benefit of citizens of Barbados.

(2) Barbados may seek to acquire new territory from a foreign State by way of the following, including

(a) a written agreement or a cession treaty by which territory is transferred in accordance with international law to Barbados by another State with the written consent by both Barbados and that other State;

(b) the formation of a federation; or

(c) any other appropriate territory-acquisition agreement with another State.

(3) For the purpose of this section,

(a) "federation" means the formation by Barbados with a group of States, or the joining of Barbados with a group of States, to acquire new territory; and

(b) "cession treaty" means a formal international agreement where one State or entity transfers sovereignty, territory or rights to Barbados.

Resettlement and climate-induced migration planning

64.(1) The Ministry responsible for Foreign Affairs, in collaboration with the Ministry responsible for Home Affairs, the Ministry responsible for Immigration and any relevant agencies, shall develop

(a) a resettlement plan in event of imminent deterritorialization of Barbados; and

(b) a climate-induced migration program in event of territorial degradation due to sea level rise impacts.

(2) A resettlement plan referred to in subsection (1)(*a*) shall include the following:

(a) mass evacuation procedures;

(b) financial aspects of resettlement;

(c) social aspects of resettlement;

(d) legal aspects of resettlement;

(e) political aspects of resettlement;

(f) administrative arrangements with the State considered for resettlement; and

(g) any other relevant considerations.

(3) A climate-induced migration program referred to in subsection (1)(*b*) shall outline arrangements for the following:

(a) the local emigration of persons resident in coastal areas to interior areas as part of intentionally-depopulating coastal areas to reduce human settlement pressures on the marine environment;

(b) the rehabilitation, restoration and resilience-building in intentionally-depopulated coastal areas;

(c) emigration of Barbados citizens to a foreign State;

(d) the immigration of persons from other States into Barbados;

(e) balancing the human pressures on interior areas as a result of population redistribution from coastal areas; and

(f) the sustainable re-population of rehabilitated or restored coastal areas.

PART VI

BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION

Application of the Agreement

65. The BBNJ

(a) shall be applied consistently with Articles 5(1) and (2) of the UNCLOS; and

(b) shall not be applied in a manner that undermines

(i) the IMO as the competent international organization for international shipping under the UNCLOS;

(ii) IMO instruments; or

(iii) harmony, coherence or coordination with IMO instruments and frameworks.

Administration

66.(1) This Part shall be administered jointly by the Authority and the Ministry responsible Foreign Affairs.

(2) The Authority shall

(a) regulate, manage and enforce measures related to activities by persons under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ;

(b) lead on biodiversity beyond national jurisdiction;

(c) develop and implement the Program and Plan to support continued effective implementation of the BBNJ by Barbados;

(d) provide technical and advisory support to persons seeking to engage in conservation activities or activities directed at marine biological diversity in areas beyond national jurisdiction;

(e) advise and make recommendations to the Ministry responsible for Foreign Affairs on matters relating to the BBNJ and in the interest of ensuring Barbados' continued fulfilment of its obligations under the BBNJ;

(f) coordinate with the Administration to ensure effective flag, port and coastal State control regulation of vessels engaged in activities directed at marine biological diversity in areas beyond national jurisdiction;

(g) supervise and regulate activities relating to marine biological diversity of areas beyond national jurisdiction;

(h) assist with policy formulation, implementation, compliance, enforcement and monitoring activities relating to the BBNJ;

(i) advise on any matters relating to biodiversity beyond national jurisdiction; and

(j) do such things as are necessary to effectively carry out the purposes of this Part.

(3) The Authority may

(a) issue, suspend, revoke, extend or vary licences, permits, certificates or any other documentation to facilitate and regulate activities relating to the conservation and utilization of marine biodiversity in the high seas and in the Area;

(b) specify fees relating to biological diversity in areas beyond national jurisdiction;

(c) develop regulations and procedures relating to biological diversity in areas beyond national jurisdiction; and

(d) consult with governmental and non-governmental organizations or other agencies relating to the conservation and sustainable use of marine biodiversity in areas beyond Barbados' national jurisdiction.

(4) A permit, licence, certificate or any other documentation referred to in subsection (3) may be subject to any relevant terms, conditions and restrictions.

BBNJ Inspectorate

67.(1) The Authority shall maintain an inspectorate and appoint inspectors to assist the Authority in monitoring and ensuring compliance with requirements relating to marine biological diversity in areas beyond national jurisdiction.

(2) A person qualifies as an inspector where he has

(a) the minimum number of years experience in any of the related fields;

(b) acquired professional training and certification at a local, regional or international institution in that capacity; and

(c) produced evidence of qualifications in any of the related fields.

(3) A person may apply to the Authority to be an inspector.

(4) An application shall be

(a) in the form and manner prescribed; and

(b) accompanied by the following:

(i) the prescribed fee; and

(ii) any other information or documentation required by the Authority.

(5) Where the Authority is satisfied that a person has met the requirements of this Act, it shall appoint a person as an inspector.

BBNJ Inspectors

68.(1) An inspector shall

(a) assist the Authority with its monitoring and compliance function under the Act and its statutory instruments;

(b) board or obtain access to a licensed area or contract area and all parts of any premises, vessel or equipment used for, or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;

(c) inspect or test any machinery or equipment that is being or is intended to be used in marine biological diversity activities;

(d) remove any samples or assays of such samples from any vessel or equipment used for or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;

(e) examine and take copies of books, accounts, documents or records of any kind required by the Authority or by statutory instrument, licence, permit, certificate or other written approval or authorization instrument to be kept under any law;

(f) inspect any licence, permit, certificate or other written approval or authorization, as the case may be;

(g) document any site visit or inspection activity by any means including video, audio, photograph or other form of recording;

(h) subject to any order of the court,

(i) take possession of any components of marine biological diversity in areas beyond national jurisdiction, machinery, equipment, materials or installation; or

(ii) dismantle any machinery, equipment or installation;

(i) upon written authorization from the Authority, perform any other functions of the Authority as its representative; and

(j) undertake or perform any actions as may be required to ensure compliance with this Act and its statutory instruments.

(2) An inspector shall take all reasonable steps to avoid

(a) expending excessive time on a vessel or installation and structure used in relation to activities directed at marine biological diversity in areas beyond national jurisdiction;

(b) disruption of activities directed at marine biological diversity in areas beyond national jurisdiction;

(c) unnecessary removal of samples of components of marine biological diversity; or

(d) interference with the safe and normal operations on board the vessel or structure, as the case may be.

Barbados Marine Biodiversity in Areas Beyond National Jurisdiction Program

69.(1) There is established a Program to be known as the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

(2) The Program shall

(a) outline the vision, mission, strategic direction and measures to be undertaken by Barbados to effectively implement the BBNJ;

(b) set standards for the formalities, documentary requirements and procedures for accessing, utilizing or undertaking any other activities in relation to marine biological diversity in areas beyond national jurisdiction;

(c) coordinate national, regional and international partnerships to ensure a harmonized approach consistent with the BBNJ in relation to marine biological diversity in areas beyond national jurisdiction; and

(d) provide a guiding framework for policies, legislation, initiatives, projects and other activities relating to marine biological diversity in areas beyond national jurisdiction.

Marine Biodiversity in Areas Beyond National Jurisdiction Plan

70.(1) There is established a Plan to be known as the Barbados Plan of Action for Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

(2) The Plan shall implement the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

The Program and Plan

71.(1) The Program and Plan

(a) shall be developed and implemented by the Authority respectively within 2 and 5 years after the commencement of this Act;

(b) may be reviewed, modified, withdrawn or replaced, as the case may be; and

(c) shall be binding on all persons to whom applicable.

(2) Activities directed at marine biological diversity in areas beyond national jurisdiction shall be consistent with the Program and Plan.

Notifications and inspections

72.(1) The Authority shall

(a) maintain records in relation to Barbados' BBNJ notification and documentation obligations;

(b) ensure applicants requesting approvals to engage in activities directed at marine biodiversity in areas beyond national jurisdiction sign a declaration attesting to the veracity of information submitted before and after collection of components of marine biodiversity in areas beyond national jurisdiction in accordance with the BBNJ; and

(c) maintain a system of inspections in relation to activities directed at marine biological diversity in areas beyond national jurisdiction.

(2) The Authority shall notify the Ministry responsible for Foreign Affairs of all persons engaging in activities directed at marine biological diversity in areas beyond national jurisdiction under Barbados' jurisdiction or control.

(3) The Ministry responsible for Foreign Affairs shall be responsible for communicating and liaising with the BBNJ Secretariat.

(4) For the purpose of this section, "BBNJ Secretariat" means the Division for Ocean Affairs and Law of the Sea of the United Nations.

Notices, guidelines and directives

73.(1) The Authority may issue any notices, guidelines and directives relating to access, conservation, utilization and all other activities concerning marine biodiversity beyond national jurisdiction.

(2) Notices, guidelines and directives issued by the Authority shall be complied with.

Marine biodiversity in areas beyond national jurisdiction investment schemes

74.(1) The Authority, may

(a) facilitate investment activities for the purpose of promoting activities directed at marine biodiversity in areas beyond national jurisdiction; and

(b) develop and manage schemes directed at investment in support of the Program and Plan in consultation with relevant stakeholders.

(2) The Authority shall not enter or conclude a investment scheme where it would be

(a) disadvantageous to Barbados' maritime sector or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados; or

(b) at variance with this Act, its statutory instruments or the BBNJ.

(3) An investment scheme shall be

(a) subject to the approval of the Cabinet; and

(b) legally binding on all parties to the scheme where the terms, conditions, restrictions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme.

(4) Where after entering into a scheme its disadvantages become apparent, the scheme may be temporarily suspended or cancelled, as the case may be, subject to the approval of the Cabinet, to allow for the rectification of the matters causing the identified disadvantages or winding up of matters in the case of cancellation.

Particulars of investment scheme

75. An investment scheme shall detail the following particulars:

(a) the parties to the scheme;

(b) the duration of the scheme;

(c) the scope of activities to be undertaken under the scheme;

(d) the rights and responsibilities of parties to the scheme;

(e) the insurance or other form of equivalent financial security for the venture;

(f) the nature of the investment;

(g) any benefit-sharing arrangements;

(h) any dispute settlement arrangements; and

(i) any other relevant particulars as determined by parties to the scheme.

Compliance requirements

76. A party to a scheme shall comply with the following:

(a) the BBNJ;

(b) the UNCLOS;

(c) all relevant national maritime laws and policies;

(d) any marine spatial planning requirements;

(e) any relevant maritime boundary and jurisdictional requirements; and

(f) any international best practices or standards relating to marine biological diversity.

Sustainable economic development strategies or initiatives

77.(1) A person or group with an interest in the protection, management and sustainable utilization of marine biological diversity in areas beyond national jurisdiction may formulate and submit a sustainable economic development strategy or initiative to the Authority.

(2) A proposed strategy or initiative shall be economically viable, environmentally sustainable and beneficial in the context of conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

(3) Where the Authority determines that a strategy or initiative meets the requirements of subsection (2), it shall, after consultation with the relevant agencies and stakeholders, approve the implementation of the proposed strategy or initiative.

(4) The Authority may impose any regulatory measures to ensure the implementation and proper management of the strategy or initiative.

Logistics and supply chain management

78.(1) The Authority, in consultation with Barbados Port Inc., shall

(a) coordinate the logistics of shipping and handling components of marine biological diversity obtained from areas beyond national jurisdiction for maritime transport and port delivery purposes; and

(b) undertake measures to support responsible and sustainable supply chain management of resources and products deriving from marine biodiversity in areas beyond national jurisdiction.

(2) For the purposes of this section, "supply chain management" means the process of overseeing and coordinating all activities involved in producing and delivering a product derived from biological resources found in areas beyond national jurisdiction to the consumer.

Vessels engaged in marine biodiversity activities in areas beyond national jurisdiction

79. All vessels engaged in activities directed at marine biodiversity in areas beyond national jurisdiction shall comply with all maritime safety, maritime security, marine environmental protection and maritime labour welfare requirements and all relevant enactments.

Management tools for biodiversity beyond national jurisdiction

80.(1) The Authority may, individually or in cooperation with other BBNJ Parties propose, develop and implement area-based management tools in order to achieve the conservation and sustainable utilization objectives of the BBNJ.

(2) The Administration may submit shipping-specific area-based management tools to the Authority relating to the following:

(a) load line zones, areas and seasonal periods pursuant to the *IMO's International Convention on Load Lines, 1966,* as amended;

(b) special areas and particularly sensitive sea areas pursuant to the *International Convention for the Prevention of Pollution from Ships, 1973,* as amended;

(c) METAREAS for the provision of maritime meteorological information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974,* as amended, and in accordance with World Meteorological Organization standards;

(d) NAVAREAS for the provision of maritime navigation information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974,* as amended, and in accordance with World Meteorological Organization standards;

(e) places of refuge and safety pursuant to the IMO's Guidelines on Places of Refuge;

(f) ship pollution emergency planning and response;

(g) maritime quarantine pursuant to international health regulations;

(h) area specific reporting measures pursuant to the *International Convention for the Safety of Life at Sea, 1974,* as amended;

(i) routing measures pursuant to *UNCLOS, International Convention for the Safety of Life at Sea, 1974,* as amended and the *International Regulations for Preventing Collisions at Sea, 1972,* as amended;

(j) maritime search and rescue zones pursuant to the *International Convention on Maritime Search and Rescue, 1979,* as amended; and

(k) any other shipping-specific area-based management tool.

(3) The Authority shall collaborate with the Administration in relation to shipping-specific area-based management tools.

(4) The Authority may undertake urgent and temporary measures to establish area-based management tools in areas beyond national jurisdiction where a natural phenomenon or human-induced disaster has caused or is likely to cause serious or irreversible damage to marine biological diversity.

(5) In establishing area-based management tools, the Authority and the Administration shall

(a) act with due regard to the rights and duties of other States;

(b) consult with relevant national, regional and international bodies; and

(c) ensure the compatibility of measures with existing instruments of the IMO, International Seabed Authority, regional fisheries management organizations and any other recognized regional and international regulatory bodies, consistent with the "not undermining" principle of the BBNJ.

(6) For the purposes of this section,

(a) "area-based management tools" mean spatial measures used to achieve conservation and sustainable use objectives of the BBNJ;

(b) "shipping-specific area-based management tool" means geographically defined marine areas in the high seas and the Area where shipping activities are managed, regulated or restricted to achieve conservation and sustainable use objectives of the BBNJ; and

(c) "not undermining" principle means the principle enshrined in Article 5(2) of the BBNJ to interpret and apply the BBNJ in a manner that does not undermine existing legal instruments or international, regional or sectoral bodies.

Registers

81. The Authority may establish and maintain registers including the following:

(a) permits, licences, certificates or written approvals or authorizations; and

(b) any other register as may be necessary.

PART VII

SPACE-RELATED OCEAN ACTIVITIES

Application of Part VII

82. This Part shall apply to the following:

(a) activities conducted by, on behalf of, or authorized by, Barbados in relation to Earth's oceans, particularly, Barbados waters and areas beyond Barbados jurisdiction, in accordance with international law, principles, standards and best practices; and

(b) activities conducted by, on behalf of, or authorized by Barbados in relation to extraterrestrial oceans including other cosmic water resources.

Treaty on Principles Governing Activities of States in Outer Space, 1967

83. All space-oriented ocean activities shall be carried out in accordance with the *Treaty on Principles Governing Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967*, as may be modified from time to time.

Barbados Space-related Ocean Program

84.(1) There is established the Barbados Space-related Ocean Program for the

(a) utilization of space capabilities and technologies to enhance governance, management and sustainable use of Earth's ocean and its resources;

(b) promotion, advancement and development of Barbados at the space frontier through exploration and study of extraterrestrial oceans and other cosmic water resources; and

(c) harnessing of benefits and optimization of opportunities provided by Earth's ocean, extraterrestrial oceans and other cosmic water resources.

(2) The Program shall in relation to Barbados waters, promote space-based technologies and services to support ocean governance and management activities including the following:

(a) using satellite data to map and monitor coastal and marine areas, ocean-based activities, oil spills, coastal erosion;

(b) identifying areas in the marine environment requiring protection, enhanced management measures or restoration;

(c) improving ocean monitoring and enforcement capabilities;

(d) increasing an understanding of the climate, the ocean and its ecosystems to strengthen decision-making and advance national ocean literacy;

(e) detecting marine pollution;

(f) tracking and identifying vessels;

(g) measuring sea level rise;

(h) monitoring the health of marine plant life;

(i) increasing the role of space services and solutions in supporting conservation and sustainable utilization of marine biological diversity within Barbados waters and in areas beyond national jurisdiction; and

(j) facilitating all other activities to enhance ocean governance and marine resources management using space capabilities.

(3) The Program shall in relation to extraterrestrial oceans and other cosmic water resources

(a) support extraterrestrial ocean exploration and study, including other cosmic water resources;

(b) create resource, scientific knowledge and other markets to tap into the benefits flowing from ecosystem goods and services provided by extraterrestrial oceans and other cosmic water resources;

(c) facilitate trade and commerce in high-resolution data from extraterrestrial ocean exploration, including other cosmic water resources, for material science, pharmaceutical and other industries seeking environmental innovations;

(d) create inroads into the astro-bioprospecting and astro-biotechnology sectors;

(e) explore partnership, investment and sustainable financing opportunities in relation to extraterrestrial oceans and other cosmic water resources; and

(f) participate in extraterrestrial conservation credit trading schemes;

(g) generally, for the continuous research, development and access to the extraterrestrial ocean world.

Administration of the Program

85.(1) The Space-related Ocean Program shall be administered by the Authority in collaboration with the Ministry responsible for Space Affairs.

(2) The Authority, in collaboration with the Ministry responsible for Space Affairs, shall

(a) develop regulations and other guidance in relation to licences, permits, approvals and other activities relating to ocean-specific space exploration and research activities;

(b) adopt or develop policies, sub-programs, projects, initiatives, strategies, plans of action to advance development at the intersections of the ocean and space;

(c) contribute to the protection and management of space including the undertaking of measures to prevent, reduce and control pollution; and

(d) carry out any other necessary action in furtherance of space-enabled ocean governance.

Registration of spacecraft, space objects, satellite stations and other facilities

86.(1) All spacecraft, space objects, satellite stations and other facilities to be used in ocean-specific space exploration and research activities shall be registered with the Ministry responsible for Space Affairs and in accordance with the *Convention on Registration of Objects Launched into Outer Space, 1975*, as amended.

(2) No licence, permit, certificate or written approval or authorization, as the case may be, shall be issued under this Part unless such spacecraft, space object, satellite station or other facility to be used in ocean-specific space exploration and research activities is registered.

Requirements for space exploration and research

87.(1) No person shall conduct or engage in any ocean-targeted space activities without the relevant licence, permit, certificate or written approval or authorization, as the case may be.

(2) A person may apply to the Ministry responsible for Space Affairs for the relevant licence, permit or written approval or authorization.

(3) An application for a licence, permit, certificate or written approval or authorization shall be accompanied by the following:

(a) the specified fee;

(b) a policy of insurance or an equivalent form of financial security;

(c) a document detailing the intended ocean-targeted activities to be undertaken from space;

(d) a space debris mitigation and remediation plan which shall be consistent with the following:

(i) the Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space; and

(ii) the Inter-Agency Space Debris Coordination Committee;

(e) a biological contamination prevention and management plan which shall be consistent with the Committee on Space Research Policy on Planetary Protection;

(f) an endorsement by the Authority or Administration, as the case may be, for the intended ocean-targeted space activities; and

(g) any other information or documentation required by the Ministry responsible for Space Affairs.

(4) Where a person has complied with the requirements and paid the specified fee, the Ministry responsible for Space Affairs, shall issue the relevant licence, permit, certificate or written approval or authorization, as the case may be.

(5) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of $10 000 000 or imprisonment for 15 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite station, facility, equipment, device or thing in connection with which the offence was committed.

Terms, conditions, restrictions

88.(1) A licence, permit, certificate or written approval or authorization, as the case may be, may be subject to such terms, conditions and restrictions.

(2) A person who breaches a term, condition or restriction imposed under a licence, permit, certificate or written approval or authorization, granted in relation to activities under this Part commits an offence and liable on conviction on indictment, to a fine of $7 000 000 or imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite stations, facilities, equipment, device or thing in connection with which the offence was committed.

Waste management

89.(1) The *London Dumping Convention and Protocol 1972*, as amended, shall apply to wastes from space flight and other space operation activities whether or not carried on under the jurisdiction or authority of Barbados.

(2) Waste management measures relating to spacecraft, space objects, satellite stations or other space-based facilities shall be consistent with guidance, best practices and requirements issued by the following:

(a) the International Maritime Organization;

(b) the Secretariat of the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter* and its 1996 Protocol; and

(c) the United Nations Office for Outer Space Affairs.

(3) A person who intentionally disposes waste from any spacecraft, space object, satellite station or other space-based facility into Barbados or Barbados waters commits an offence and liable on conviction on indictment to a fine of $10 000 000 or imprisonment for 15 years or to both.

PART VIII

MISCELLANEOUS

Publication or disclosure of information

90.(1) No person shall, without the consent in writing given by or on behalf of the Authority, the Administration, any Ministry or agency specified in this Act, publish or disclose to any person, other than in the course of his duties or when lawfully required to do so by any court or under any law, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under the Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

Confidentiality

91.(1) No employee or agent of the Authority, the Administration, any Ministry or agency specified in this Act, shall

(a) use, either directly or indirectly, any confidential information obtained as a result of his employment for his own benefit or advantage; or

(b) disclose confidential information obtained as a result of his employment to any person other than to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act or its statutory instruments.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $100 000 or to imprisonment for 5 years or to both.

Administrative penalties

92.(1) The Authority, the Administration or agency specified in this Act, shall have the power to impose administrative penalties, in an amount not exceeding $100 000, in relation to contraventions of a directive, a licence, permit, certificate, written approval or authorization or any requirement contained in any other instrument.

(2) An administrative penalty notice shall be in the form approved by the Authority, Administration or agency specified in this Act.

(3) A person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, appeal to a Judge in Chambers.

(4) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

General penalty

93.(1) A person who commits an offence under the Act or under its statutory instruments for which no other penalty is provided is liable on summary conviction to a fine of $150 000 and on indictment to a fine of $10 000 000.

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

Environmental clean-up and restoration

94. In the case of marine environmental damage or loss, notwithstanding any administrative penalty, fine or term of imprisonment imposed under this Act or its statutory instruments, an offender may be required to engage in

environmental clean-up and restoration or liable to cover the costs associated with any environmental clean-up and restoration, as the case may be.

Barbados Port Inc.

95.(1) The Barbados Port Inc. may, by order, prescribe the following in the interest of navigational safety:

(a) designate sea lanes in accordance with IMO standards;

(b) traffic separation schemes for the regulation of the passage of vessels through the internal waters and territorial sea in accordance with IMO standards; and

(c) generally for the purpose of giving effect to this Act.

(2) The Barbados Port Inc. may issue notices, guidelines, and directives to regulate access by vessels to any port or place designated as a port within Barbados waters, including access to port areas.

(3) The Barbados Port Inc. shall have the power to regulate and enforce any measures related to navigational safety by vessels in any port or place designated as a port within Barbados waters including access to port areas.

Orders in the interest of peace, good order or security of Barbados

96.(1) The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may make orders in relation to Barbados waters in the interest of peace, good order or security.

(2) The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may take any measures including the suspension, whether absolutely or subject to any exceptions and qualifications as he thinks fit, of the right of innocent passage of all or any class of foreign vessels through any area of Barbados' territorial sea.

Marine environmental risks

97. Where on the basis of a risk management plan or an independent assessment, any activity poses significant irreversible risks to the marine environment, no ministry, entity or agency shall issue a licence, permit, certificate or grant approval or authorization of any kind for such activities to be conducted or performed in Barbados waters or under the authorization of Barbados in areas beyond national jurisdiction.

Transfer of functions

98.(1) Where it considers it justifiable, the Ministry responsible for Maritime Affairs may

(a) transfer any or all of its functions to any relevant entity; or

(b) authorize a person or an entity outside of Barbados to perform its functions.

(2) A transfer made in relation to subsection (1)(*b*) shall be effected by way of transfer agreement.

Regulations by Minister responsible for Foreign Affairs

99. The Minister responsible for Foreign Affairs may make regulations prescribing the following:

(a) maritime zones;

(b) maritime boundary delimitations; and

(c) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Maritime Affairs

100. The Minister responsible for Maritime Affairs may make regulations prescribing the following:

(a) the protection and preservation of the marine environment;

(b) the protection, conservation, management and sustainable utilization of marine living and non-living resources;

(c) activities and regulation and of activities directed at marine biological diversity in areas beyond national jurisdiction;

(d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for the Authority; and

(e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Shipping

101. The Minister responsible for Shipping may make regulations prescribing the following:

(a) vessel passage;

(b) sea lanes and traffic separation schemes;

(c) coastal State controls in relation to Barbados vessels and foreign vessels in Barbados waters;

(d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Shipping; and

(e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for National Security

102. The Minister responsible for National Security may make regulations prescribing the following:

(a) entry by warships, submarines and other submersible vessels in Barbados waters;

(b) maritime security and marine environmental security in relation to Barbados waters including the seabed and subsoil thereof; and

(c) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Telecommunications

103. The Minister responsible for the Telecommunications may make regulations prescribing the following:

(a) maritime telecommunication and radio communication services;

(b) submarine cable protection and management;

(c) safety and security of telecommunications and radio communication infrastructure, equipment and facilities;

(d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Telecommunications; and

(e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for the Environment

104. The Minister responsible for the Environment may make regulations prescribing the following:

(a) to effectively implement PART XII of the UNCLOS; and

(b) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Space Affairs

105. The Minister responsible for Space Affairs may make regulations prescribing the following:

(a) space-related ocean activities;

(b) Barbados Space-related Ocean Program;

(c) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Space Affairs; and

(d) generally for the purpose of giving effect to this Act.

Repeal

106. The following are repealed:

(a) *Barbados Terrritorial Waters Act*, Cap. 386; and

(b) *Marine Boundaries and Jurisdiction Act*, Cap. 387.

BARBADOS

The Official Gazette Part A 18th June, 2026

Act 2026-10

SEAFARERS ACT, 2026-10

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

3. Ambulatory references

4. Objectives

5. Application

6. Prohibition on registration of MLC non-compliant ships

7. Application in relation to ships and yachts

8. List of Barbadian seafarers working on board foreign-registered ships

9. Application in respect of non-MLC states

10. Human Element in Shipping Care Inspectorate

11. Act binds the State

PART II

STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING

12. STCW convention and code to have force of law

13. Exceptions

14. Communication of information

15. Equivalents

16. Certificates of competency

17. Certificates

18. Transitional

19. Other candidates

20. Powers of Director

21. Dispensation

22. Report to Secretary-General

23. Certificate-related inspections

24. Notice of offence

25. Promotion of technical co-operation

26. Certification of seafarers

27. Certificate of competency and certificate of proficiency

28. Production of certificate or other document

29. Administration may vary requirements as to certificates

30. Certificates granted by competent foreign authorities

31. Certificates held by seafarers with criminal matters

PART III

GENERAL MARITIME LABOUR CONVENTION PROVISIONS

32. MLC to have force of law

33. Vessels under 200 GT

34. Definitions

35. Fundamental rights and principles

36. Employment and social rights

37. Exercise of jurisdiction over ships flying the Barbados flag

38. Maritime labour certificate and declaration of maritime labour

39. Port state inspections in respect of MLC certificates and documentation

40. Ships not carrying required certificates

41. Notification requirements for foreign ports

PART IV

MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

42. Minimum age

43. Employment of young Barbadians on ships

44. Night work prohibitions for seafarers under 21

45. Exceptions to night work restriction

46. Health and safety of seafarers under 21

47. Medical certificate

48. Timing of medical examination

49. Nature of medical certificate

50. Other particulars on medical certificate

51. Additional STCW requirements

52. Language requirements for medical certificates

53. Medical certificate issued in accordance with STCW Convention

54. Seafarers who have been refused a medical certificate

55. Duration of medical certificate

56. Urgent cases and absence of valid medical certificate

57. Period of validity of certificate expiring during voyage

58. Training and qualifications

59. IMO requirements for seafarer training programs

60. Training and certification in accordance with mandatory IMO instruments

61. Accreditations by the Administration for Maritime Training

62. Private Maritime Training Providers

63. Public Maritime Training Providers

64. Seafarers' identity documents

65. Recruitment and placement

66. Non-Convention state seafarer recruitment and placement agencies

67. Recruitment and placement agencies operating in Barbados

68. Cadets

69. Prohibition on number of cadets to be engaged

70. Obligations of all seafarer recruitment and placement agencies

71. Public seafarer recruitment and placement agencies

72. Obligations of shipowners

73. Supervision of seafarer recruitment and placement agencies

74. Complaints concerning seafarer recruitment and placement agencies

75. Labour supply responsibilities

76. Offences

77. Specification of standards of competence by the Administration

78. Administration regulations respecting standards of competence

PART V

CONDITIONS OF EMPLOYMENT

79. Employment agreements

80. Replacement of seafarer employment agreement

81. Conditions for seafarers' employment agreements

82. Continuation of seafarers' employment agreements

83. Incorporation of collective bargaining agreements

84. Collective bargaining agreement to be kept on board

85. Language of collective bargaining and employment agreements

86. Flag state duties and seafarers' employment agreements

87. Matters to be included in seafarers' employment agreements

88. List of young persons

89. Wages

90. Timing of wages

91. Certificate of discharge

92. Withholding certificate of discharge

93. Character report

94. Settlement of wages

95. Registrar’s decision on wages

96. Ship’s papers

97. Rate of exchange

98. Conditional agreements

99. Allotment note

100. Facilities for remitting wages

101. Recovery of allotted sums

Rights of Seafarer in respect of Wages

102. Right to wages, time of

103. Wages and salvage

104. Wages and freight

105. Wages when service ends

106. Refusal to work

107. Illness by default

108. Costs of procuring conviction

109. Improper discharge

110. Protection of wages

Annual Leave and Pubic Holidays

111. Leave and holidays

Mode of Recovering Wages

112. Suit for wages

113. Limited jurisdiction of Supreme Court

114. Master’s remedy for wages

Power of Court to Rescind Contracts

115. Power to rescind contracts

Property of Deceased Seafarer

116. Definitions

117. Property of deceased seafarer

118. Delivery of the property

119. Forgery of document

120. Monthly account of payments due

121. Transmissions of seafarers earnings

122. Charges for transmission services

123. Hours of work and rest

124. Musters, fire-fighting and lifeboat drills

125. Compensatory rest period

126. Inadequate rest

127. Posting of shipboard working arrangements

128. Format of shipboard working arrangements

129. Records of seafarers' daily hours of work or rest

130. Hours of work and rest for young seafarers

131. Exceptions

132. Hours of work necessary for immediate safety reasons

133. Personal protective equipment

134. Entitlement to leave

135. Calculation of annual leave pay

136. Level of pay during annual leave

137. Timing of annual leave

138. Place of annual leave

139. No agreement to forego minimum annual leave with pay

140. Recall of seafarer taking annual leave

141. Accumulation of annual leave

142. Uninterrupted period of leave

143. Seafarers under 21 years of age

Retirement

144. Retirement age

145. Length of seafaring service

Repatriation

146. Repatriation

147. No advance payment by seafarers

148. Financial security for repatriation

149. Claims brought by seafarer

150. Financial obligations on abandonment

151. Financial security for abandonment

Shipowners' Liability for Contractual Claims

152. Definitions

153. Financial security

154. Financial security certificate documentary evidence

155. Conditions of coverage

156. Change of financial security provider

157. Documentary evidence

158. Posting of declaration

159. Seafarer compensation for the ship's loss or foundering

160. No prejudice to other rights

General

161. Manning levels

162. Determining manning levels

163. Coastal ships

164. Prohibition against going to sea undermanned

165. Complaints concerning manning levels

166. Career and skill development and opportunities

167. Offences

168. Regulations

PART VI

ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

169. Accommodation and recreational facilities

170. Accommodation and recreational facilities

171. Constructed ship

172. Inspections

173. Seafarers with differing religious practices

174. Ships of less than 200 GT

175. Conditions for exemptions

176. Request for exemption

177. Requirements for ship design and construction

178. Requirements for ventilation and heating

179. Requirements for lighting

180. Requirements for sleeping rooms

181. Floor areas for sleeping rooms

182. Additional space provided

183. Mess rooms

184. Sanitary facilities

185. Hospital accommodation

186. Laundry facilities

187. Recreational facilities

188. Food and catering

189. Complaint as to provisions

190. Allowance for provisions

191. Weights and measures

192. Certified cook

193. Qualifications for ship’s cooks

194. Exemption

195. Permitting a non-qualified cook

196. Inspections under master’s authority

197. Additional protections in respect of food and catering

198. Offence and penalties

199. Regulations

PART VII

HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

200. Medical care on board ship and ashore

201. Penalty for contravention of section 200

202. International cooperation activities

203. Scales of medical stores

204. Shipowners’ liability for medical care

205. Sickness or injury resulting in incapacity

206. Financial security

207. Exceptions in respect of shipowner's liability

208. Health and safety protection and accident prevention

209. On-board occupational safety and health management policies and programs

210. Access to shore-based welfare facilities

211. Detained seafarers

212. Shore leave

213. International cooperation

214. Social Security

215. Seafarers Social Security Protection Agreements

216. Social security

217. Collaboration and coordination with the insurance industry

218. Offences

PART VIII

COMPLIANCE AND ENFORCEMENT

219. Flag state responsibilities

220. Authorization of recognized organizations

221. Marine surveyors

222. Maritime labour certificate and declaration of maritime labour compliance

223. Maritime labour certificate

224. Interim maritime labour certificate

225. Recording of inspection results

226. Availability of certificate and declaration

227. Exception

228. Invalidity of certificate

229. Inspection and enforcement

230. Investigation of complaint

231. Maintenance of records

232. Alleged wrongful exercise of inspectors' powers

233. On-board complaint procedures

234. Facilities for complaints

235. Treatment of seafarers in the event of a maritime accident

236. Port state inspection and monitoring system

237. Inspections in port

238. On-shore seafarer complaint handling procedures

240. Documentary requirements for ships less than 500 GT but above 150 GT

241. Powers to inspect ships and their equipment

242. Powers of inspectors and law enforcement

243. Appointment of inspectors

244. Enforcement powers: national maritime law enforcement

245. Improvement notices

246. Prohibition notices

247. Referral of notice to arbitration

248. Compensation for invalid prohibition notice

249. Offences – improvement and prohibition notices

250. Enforcing detention of a ship

251. Referral of detention notice to arbitration

252. Compensation for invalid detention of ship

253. Non-liability of authorized officers

254. Offences

PART IX

MARITIME LABOUR CONVENTION AND STCW CONVENTION AUDITS

255. Auditing of seafarer recruitment and placement agencies

256. Auditing of seafarer training and education programs

257. Communications to IMO

258. Regulations

PART X

REMOTELY OPERATING SEAFARERS

259. Application

260. Treatment for remote ship operators

261. Minimum age for remote ship operators

262. Training and experience required

263. Medical certificate

264. Training and qualifications

265. Skills and competencies required for remote ship operators

266. Recruitment and placement of remote ship operators

267. Employment agreement for remote ship operators

268. Wages

269. Hours of work for remotely operating seafarers: short-distance shipping

270. Health protection, medical care, welfare and social security protection

271. Age of retirement for remote ship operators

272. Physically manning ship by remote ship operator

273. Offences and penalties

274. Autonomous Vessel Operations and Remote Ship Operators

275. Regulations

276. Regulations on training and certification for remote ship operators

PART XI

MARITIME LABOUR DISPUTE SETTLEMENT

277. Jurisdiction of Barbados

278. Labour-supply state dispute settlement option

279. Maritime Labour Tribunal

280. Flag state maritime labour dispute settlement option

281. Dispute settlement jurisdiction clauses in seafarers' agreements

282. Non-Barbados seafarers' maritime labour dispute-settlement options

283. Protection of seafarer against discrimination

PART XII

GENDER MAINSTREAMING, MATERNITY AND PATERNITY

284. Rights of female seafarers

285. Violation of rights

286. Maternity and seafarers

287. Paternity and seafarers

288. Offences in respect of paternity rights

289. Returns of births and deaths of seafarers

290. Gender policy and seafarers

PART XIII

PROTOCOLS IN RESPECT OF SEAFARERS DURING PANDEMIC OUTBREAKS

291. Responsibility for seafarers during disease outbreaks

292. Duties of the Minister

293. Duties of ship masters

294. Elements of the ship-specific pandemic management plan

295. Application of the FAL Convention 1965, as amended

296. Duties of the Minister

297. Contingency plan for seafarers during pandemic outbreaks

298. Shipowner liability during pandemic outbreaks

299. Sea-time

300. Survey and certification of Barbados-registered ships during pandemic outbreaks

301. International health regulations

302. Seafarers as essential workers during pandemics

303. Crew change clauses

304. Duty of Minister

PART XIV

SEAFARERS SERVING ON BOARD DEEP-SEA MINING WORK VESSELS

305. Application 305.

306. Definitions

307. Application of MLC to seafarers working in the offshore industry

308. Application of MLC to offshore workers not classified as seafarers

309. Non-offshore work

310. Framework agreement relating to marine non-living natural resources work

PART XV

MISCELLANEOUS

Seafarers Certificates, Documentation and Related Matters

311. Production of certificates and other documents of qualifications

312. Crew’s knowledge of English

313. Unqualified seafarers going to sea

314. Financial assistance

315. National seafarers register

316. Relief and repatriation relief costs

317. Limit of employer’s liability

318. Recovery of expenses from employer incurred for relief return

319. Recovery of expenses from seafarer

320. Lists of crews

321. Handing over of documents by master

322. Passport-level status of seafarers' identity document

323. Seafarer’s entry requirements

324. Restriction of assignment of and charge upon wages

325. Award of interest on wages due other than under a crew agreement

326. Allotment notes

327. Right of person named in allotment to sue in his own name

328. Right or loss of right to wages

329. Protection of rights and remedies

330. Trade disputes involving seafarers

331. Remedies of master for remuneration, disbursements and liabilities

332. Certifying authority

333. Certificates in respect of non-Barbados seafarers and non-Barbados-registered ships

334. Issuance of certificates by another government in respect of Barbados-registered ships

335. Seafarers' documentation

336. STCW Convention certification of CARICOM and non-CARICOM seafarers

337. Suspension, cancellation or revocation STCW Convention certification

338. Offences by seafarers

Duties, Offences and Disciplinary Matters

339. General duty of seafarers

340. Disciplinary matters

341. Offences for which no penalty provided

342. Bribery

343. Administration may impose penalty upon admission of guilt

344. Release from forfeiture or mitigation of penalties

345. Forgery and other fraudulent acts

346. Obstructing administration of the act

347. Protection from personal liability

348. Conveyance of deserter on board ship

349. Inquiry into fitness or conduct of officer

350. Disqualification of holder of certificate

351. Inquiry into fitness or conduct of seafarer

352. Re-hearing and appeal from inquiry

353. Rules as to inquiries and appeals

354. Failure to deliver cancelled or suspended certificate

355. Power to restore certificate

356. Power to summon witness to inquiry

357. Refusal to give evidence to inquiry

358. Civil liability for absence without leave

359. Civil liability for smuggling

360. Civil liability for fines under immigration laws

361. Defence

Maritime Labour Notices

362. Marine notices

363. Criteria for maritime labour notices

364. Validity of maritime labour notices

365. Sources of information for maritime labour notices

366. Criteria for maritime labour guidance notice

367. Validity of marine labour guidance notes

368. Sources of information for marine labour guidance notes

369. Criteria for marine information notes

370. Validity of marine information notes

371. Sources of information for marine information notes

372. Issuance of maritime labour notices

373. Issuance of marine labour guidance notes and marine information notes

374. Issuance of marine information notes

375. Compliance and enforcement

376. MLC exemption certificates

377. Repeal

378. Conventions prevail

379. Travaux préparatoires

380. Allocation of monies

381. MLC-related fees

382. Regulations

383. Amendment of Schedules

384. Standards adopted after the commencement of this Act

385. Consequential amendments

FIRST SCHEDULE

Shipowners' and Seafarers' Organizations

SECOND SCHEDULE

Activities or work likely to jeopardize the health or safety of seafarers under 21 years of age

THIRD SCHEDULE

Compensation in the event of the death or long-term disability

FOURTH SCHEDULE

Social Security Scheme

FIFTH SCHEDULE

Form for the Maritime Labour Certificate

SIXTH SCHEDULE

Form for Part I of Declaration of Maritime Labour Compliance

SEVENTH SCHEDULE

Form for Part II of Declaration of Maritime Labour Compliance

EIGHTH SCHEDULE

Interim Maritime Labour Certificate

NINTH SCHEDULE

General areas subject to a detailed inspection under the Maritime Labour Convention

TENTH SCHEDULE

Declaration of Maritime Labour Compliance for ships less than 500 GT but above 150 GT - Part I

ELEVENTH SCHEDULE

Form of Seafarers' Medical Certificate

TWELFTH SCHEDULE

Certificate of Accreditation for Private Maritime Training Providers of STCW Training

THIRTEENTH SCHEDULE

Certificate of Accreditation for Public Maritime Training Providers of STCW Training

FOURTEENTH SCHEDULE

Certificate of Compliance for Private Seafarer Recruitment and Placement Services

FIFTHTEENTH SCHEDULE

Model Receipt and Release Form

SIXTEENTH SCHEDULE

Self-Declaration Form for STCW Convention Proficiency

SEVENTEENTH SCHEDULE

Consequential Amendments

BARBADOS

I assent
J. GIBSON
Acting President of Barbados
11th June, 2026.

2026-10

An Act to provide for international maritime standards for seafarers;

[Commencement: 18th June, 2026]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Seafarers Act, 2026*.

Interpretation

2.(1) In this Act,

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

"apprentice" means a person, including a minor, bound by a formal agreement or otherwise to a ship master or shipping company to learn a specific trade, craft or profession, over a defined period, typically involving on-the-job-training and formal instruction for which compensation and maintenance is received;

"authorized officer" in respect of a port, means a person undertaking duties connected with the navigation, processing and clearance of vessels, and other technical, operational and administrative matters in respect of vessels, in the port or within areas under the authority of the port, and includes

(a) a port official, customs official, immigration official and any other person authorized by the Director, the chief executive officer of the port, the Comptroller of Customs, the Chief Immigration Officer or the Chief Environmental Health Officer to act in such a capacity; and

(b) a port state control officer, as defined in Chapter 1.7 of the International Maritime Organization's Resolution A.1119 (30), designated by the Administration;

"Barbados-registered ship" means a ship registered under the Barbados flag;

"Barbados waters" has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2);

"Caribbean trading area" has the same meaning as in the International Maritime Organization's Code of Safety for Small Commercial Vessels Operating in the Caribbean;

"certificate of competency" means

(a) a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapter II, III, IV or VII of the Annex to the STCW Convention; or

(b) a port operation certificate, not issued under a convention, that entitles the holder to serve in the capacity of, and perform the functions involved at, the level of responsibility specified in it;

"declaration of maritime labour compliance" means the declaration described in section 222(5);

"degree one maritime autonomous surface ship" means a ship with automated processes and decision support, with seafarers on board to operate and control shipboard systems and functions;

"degree two maritime autonomous surface ship" means a remotely controlled ship, controlled and operated from another location, with seafarers are available on board to take control and operate the shipboard systems and functions;

"degree three maritime autonomous surface ship" means a ship that is remotely controlled from another location with no seafarers physically on board;

"degree four maritime autonomous surface ship" means a fully autonomous ship, with an operating system capable of making decisions and determining actions by itself;

"Director" means the Director of Ocean Affairs;

"Director General" means the Director General of the International Labour Organization;

"dollar" means the Barbados dollar;

"domestic trading area" means the area within Barbados' territorial sea, contiguous zone and exclusive economic zone;

"FAL Convention" means the Convention on Facilitation of International Maritime Traffic, 1965, as amended, given force of law under the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2);

"fishing vessel" means a vessel above 150 GT, operating outside of the domestic trading area or the Caribbean trading area, that is used for catching fish, whales, seals, walrus or other living resources of the sea;

"foreign-registered ship" means a ship or vessel registered in a country other than Barbados;

"GT" means a ship's gross tonnage, and refers to a ship's overall internal volume, not its weight;

"human element" means an issue that affects maritime safety, security and marine environmental protection, involving the entire spectrum of human activities performed by ships' crews, remote vessel management, regulatory bodies, recognized organizations, shipyards, legislators and other relevant parties;

"International Labour Organization" means the organization of that name established in 1919 as part of the Treaty of Versailles that became a specialized agency of the United Nations in 1946;

"International Maritime Organization" means the organization established under the Convention on the International Maritime Organization that was adopted on March 6th, 1948 and entered into force on March 17th, 1958;

" key worker status" means the designation of seafarers as essential personnel who are critical to the continued functioning of global trade and supply chains, especially during times of crisis, including health crisis;

"local" means located in Barbados;

"marine notice" includes a maritime labour notice, marine labour guidance note and marine information note made under this Act;

"maritime autonomous surface ship" means a ship that to varying degrees, can operate independently of human interaction;

"maritime autonomous vessel" means any seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part of the control and steering of the vessel, irrespective of whether the exercise of control or steering takes place from the vessel, from another location at sea or from land;

"Maritime Labour Convention" means the Maritime Labour Convention adopted by the International Labour Organization in 2006, as amended;

"maritime labour notice" means a notice described as such containing information and requirements relating to maritime labour affairs;

"maritime law enforcement" means the Barbados Coast Guard or the Marine Police Unit of the Barbados Police Service;

"maritime law enforcement officer" means officers and enlisted members of the

(a) Barbados Defence Force; or

(b) the Marine Police Unit of the Barbados Police Service;

"master" includes any person, other than a pilot, having command or charge of a ship;

"Minister" means the Minister with responsibility for Shipping and Seafaring Affairs;

"MLC Member State" means State Party to the Maritime Labour Convention 2006, as amended;

"non-national seafarer" means a seafarer other than a seafarer who is a citizen or permanent resident of Barbados;

"passenger" means a person carried on a ship, other than

(a) a person employed or engaged in any capacity on board the ship in the business of the ship;

(b) a person on board the ship by reason of the obligation of the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner could have prevented or forestalled; or

(c) a child less than one year of age;

"passenger ship" means a ship that carries more than 12 passengers;

"Principal Registrar" means person responsible for administration of Barbados' International Ships Registry Program;

"private maritime training provider" means

(a) a private individual or private entity providing training to

(i) persons intending to be seafarers;

(ii) seafarers;

(iii) small vessel operators registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and

(b) includes private maritime training schools or institutions registered under the *Shipping (Domestic Vessels) Act, 2024*;

"proper officer" in relation to a function or activity, means an officer appointed to perform that function or activity, and includes a consular officer;

"public maritime training provider" means

(a) a government entity providing training to

(i) persons intending to be seafarers;

(ii) seafarers;

(iii) small vessel operators registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and

(b) includes public maritime training schools or institutions providing training registered under the *Shipping (Domestic Vessels) Act, 2024*;

"reasonable time" means a period that is fair, proper or moderate, depending on the circumstances of the case;

"regulations" include any kind of instrument designed to regulate seafaring affairs, and includes Maritime Labour Notices guidelines;

"remote control centre" means a physical area reserved solely for maritime vessel operations that is detached from the vessel and that is controlled onshore or on board another vessel;

"remote ship operator" means a person who

(a) holds qualifications to a level equivalent to, or higher than, the master of a conventionally manned ship;

(b) manages, operates and monitors the navigation of one or more autonomous ships or vessels without being physically on board the vessel;

(c) was a seafarer serving on a conventionally-manned ship or vessel, but transitioned to employment in the autonomous shipping industry; and

(d) is entitled to represent the vessel to the authorities;

"riverine transport vessel" includes any vessel specifically designed to navigate rivers and inland waterways;

"seafarer" means

(a) a person who is employed, engaged or works in any capacity on board a ship;

(b) a person who is employed, engaged or works in any capacity in respect of a maritime autonomous surface ship;

(c) a person who is employed, engaged or works in any capacity on board

(i) an oil rig; or

(ii) any other kind of vessel, offshore unit, facility or structure engaged in activities related to oil, gas, minerals and other non-living marine resources;

(d) a person who is employed, engaged or works in any capacity on board a riverine transport vessel;

(e) self-employed contract personnel serving on a vessel,

but does not include an apprentice, a person not belonging to the ship's crew who has the conduct of the ship as a pilot or person temporarily employed on a ship in port;

"seafarers' organization" means an organization formally established for the purposes of collective seafaring interests and for promoting the interests of seafarers in matters of shipping policy and ship operations;

"seafaring industry (fee) notice" means a notice described as such, and issued pursuant to this Act and its regulations;

"Secretary-General" means the Secretary-General of the International Maritime Organization;

"ship" means a ship howsoever propelled, other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, and a reference to a ship in this Act or its statutory instruments includes a reference to a vessel;

"shipowner" means

(a) the owner of a ship;

(b) another organization or person, such as a manager, agent or charterer, who has assumed the responsibility for the operation of the ship from the owner and who has agreed to take over the duties and responsibilities imposed on shipowners under this Act, the

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended, the Maritime Labour Convention 2006, as amended, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the owner;

"shipowners' and seafarers' organizations" means the organizations set out in the *First Schedule*;

"shipowners' organization" means a body or organization formally established for purposes of collective shipping interests and for promoting the interests of shipowners and ship operators in matters of shipping policy and shipping business;

"special purpose ship" means a ship constructed in compliance with the International Maritime Organization Code of Safety for Special Purpose Ships, 1983;

"spouse" has the same meaning as in section 2 of the *Succession Act*, Cap. 249;

"STCW Code" means the Seafarers, Training, Certification and Watchkeeping Code, as amended, adopted by the International Maritime Organization in 1995;

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, of the International Maritime Organization; and

"vessel" includes any craft or structure capable of navigation on which seafarers serve, or in relation to which seafarers provide services, and a reference to a vessel is also a reference to a ship on which seafarers serve, or in relation to which seafarers provide services.

(2) Except where expressly provided otherwise in this Act or the statutory instruments made thereunder, a reference in this Act or the statutory instruments made thereunder to a ship includes a ship or other vessel that is

(a) Barbados-registered;

(b) foreign-registered on which Barbadian seafarers are serving; or

(c) foreign-registered and in Barbados waters.

Ambulatory references

3.(1) In this Act and the statutory instruments made thereunder, a reference to an international convention, code, protocol, resolution, guideline or other international maritime instrument given the force of law under this Act or implemented in the statutory instruments is to be construed

(a) as a reference to that convention, code, protocol, resolution, guidelines or international maritime instrument as modified from time to time; and

(b) if the convention, code, protocol, resolution or other international maritime instrument is replaced by another instrument, as a reference to that instrument.

(2) For the purpose of subsection (1), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 is to be considered to be modified if

(a) an omission, addition or other alteration to the text takes effect in accordance with Article XII of the Convention; or

(b) a supplementary provision made under Article XII of the Convention takes effect.

(3) A modification to, or a replacement of, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 has effect at the time the modification or replacement comes into force in accordance with Article XII of the Convention.

(4) The Maritime Labour Convention is to be considered to be amended if

(a) an omission, addition or other alteration to the text takes effect in accordance with Article XV of the Convention; or

(b) a supplementary provision made under article XV of the Convention takes effect.

(5) A modification to, or a replacement of, the Maritime Labour Convention has effect at the time the modification or replacement comes into force in accordance with Article XV of the Convention.

Objectives

4.(1) The objectives of this Act are to

(a) implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;

(b) implement the Maritime Labour Convention (MLC) 2006, as amended;

(c) provide a framework to support continued improvement and development of Barbados' seafaring sector; and

(d) ensure the highest possible standards of protection for seafarers.

(2) The Administration and the Ministry responsible for Labour shall jointly collaborate in the administration of this Act and any statutory instrument made thereunder, in fulfillment of the objectives specified at subsection (1).

(3) The Administration and the Ministry responsible for Labour may undertake any action or perform any function necessary in furtherance of the objectives of this Act and any statutory instruments made thereunder.

Application

5.(1) Except where otherwise provided, this Act and any statutory instruments thereunder, applies to the following categories of ships:

(a) all conventionally manned ships, with master and crew on board, whether publicly or privately owned, that are ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits;

(b) ships of traditional build, such as dhows and junks;

(c) degree one maritime autonomous surface ships;

(d) degree two maritime autonomous surface ships;

(e) degree three maritime autonomous surface ships; and

(f) riverine transport vessels.

(2) Except where otherwise provided, this Act and its statutory instruments does not apply to

(a) warships or naval auxiliary ships;

(b) Barbados-registered ships that are less than 200 GT;

(c) ships that are not engaged in international voyages; or

(d) degree four maritime autonomous surface ships.

(3) Except where otherwise provided, this Act and its statutory instruments does not apply to

(a) seafarers of any nationality serving on Barbados-registered ships;

(b) seafarers who are nationals of Barbados serving on foreign-registered ships, wherever such ships may be operating;

(c) seafarers, irrespective of nationality, serving on board oil platforms and other deep-sea mining work vessels stationed in Barbados waters;

(d) seafarers who are nationals of Barbados, serving on board

(i) oil platforms and other deep-sea mining work vessels;

(ii) riverine transport vessels; and

(e) all seafarers who are in national seaports, including seafarers of foreign origin working on board Barbadian-registered ships, seafarers of national origin working on foreign-registered ships, and seafarers of foreign origin working on board foreign-registered ships.

(4) Subsection (3) does not prejudice the law of a flag state that applies to a ship on which a Barbadian seafarer is employed, to the extent that the law of the flag state is consistent with the Maritime Labour Convention, as amended, and is being effectively enforced by the state.

(5) Notwithstanding subsection (4), where the law of a foreign flag is

(a) inconsistent with the STCW Convention;

(b) inconsistent with the Maritime Labour Convention; or

(c) not being effectively enforced,

the deficiencies shall be addressed in accordance with this Act and the regulations, so as to ensure that Barbadian seafarers working on board foreign-registered ships are properly protected, in accordance with the Maritime Labour Convention.

Prohibition on registration of MLC non-compliant ships

6.(1) Ships that do not comply with the

(a) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; and

(b) Maritime Labour Convention,

shall not be registered under the Barbados flag.

(2) Prior to registering a ship under the Barbados, flag the Principal Registrar shall verify that that ship meets the requirements of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers and the Maritime Labour Convention.

(3) For the purpose of subsection (2), the Principal Registrar shall commission such ship surveys as may be necessary in the circumstances of the case.

Application in relation to ships and yachts

7.(1) For greater certainty, sections 5(3) to (5) apply to seafarers working on board publicly and privately owned ships, including commercial and private yachts.

(2) After consultation with the yachting industry, the Minister shall specify, in a maritime labour notice, accommodation requirements for seafarers working on commercial and private yachts, to ensure the production of substantially equivalent Maritime Labour Convention accommodation standards for seafarers working on board those yachts, having regard to the yachting industry's needs to maintain an adequate volume of guest areas on yachts.

List of Barbadian seafarers working on board foreign-registered ships

8. The Chief Maritime Social Services Officer shall, as far as practicable to do so, maintain a list of all Barbadian seafarers working on board foreign-registered ships.

Application in respect of non-MLC states

9.(1) This Act applies to ships that fly the flag of any state, including a state that has not ratified or acceded to the Maritime Labour Convention.

(2) A ship that flies the flag of a state that has not ratified or acceded to the Maritime Labour Convention is not to receive more favourable treatment under this Act than ships that fly the flag of a state that has ratified that Convention.

Human Element in Shipping Care Inspectorate

10.(1) The Human Element in Shipping Care Inspectorate is hereby established as a division under the Ministry responsible for Shipping and Seafaring Affairs.

(2) The Human Element in Shipping Care Inspectorate shall be jointly managed by the Administration and the Ministry responsible for Labour, in accordance with formal administrative arrangements.

(3) Notwithstanding anything in this Act or its statutory instruments, the Administration may in accordance with a transfer agreement, wholly or partly transfer the Maritime Labour Convention related affairs to the Ministry responsible for Labour.

(4) The mandate of the Human Element in Shipping Care Inspectorate is to

(a) promote at the national level the International Maritime Organization's and International Labour Organization's human-element-in-shipping mandate, having due regard to local circumstances, including the representation of national seafaring interests at International Maritime Organization's Sub-Committee on Human Element, Training and Watchkeeping meetings;

(b) act as the inspectorate-general for all maritime-industry workers, ensuring that decent labour and social conditions are being afforded to persons working in the maritime industry;

(c) provide public seafarer training, recruitment and placement services;

(d) provide shore-based welfare facilities and services to seafarers, including the establishment of seafarer welfare boards;

(e) provide travelling welfare services for seafarers working abroad on Barbados-registered ships;

(f) commission maritime-industry-worker funds;

(g) commission the setting up of maritime workers' financial services systems;

(h) commission the establishment of a mariner's church, as a special mission to travelling maritime workers;

(i) act as the focal point for the dissemination of information to seafarers and other maritime-industry workers;

(j) act as the intermediary between consuls and other foreign organizations, in relation to the handling of matters for seafarers who

are nationals of Barbados, or non-nationals working on board Barbados-registered ships, in foreign ports;

(k) handle seafarer complaints;

(l) handle all welfare and social care matters for maritime-industry workers, including seafarers, remote ship operators, fisherfolk and port workers;

(m) regulate and supervise the recruitment of Barbadian seafarers by shipping companies and their agents;

(n) secure the best possible terms of employment contracts for Barbadian seafarers and ensure compliance with them;

(o) provide free placement services for Barbadian seafarers;

(p) promote the employment of Barbadian seafarers in the international maritime industry;

(q) perform administrative functions, as directed by the Chief Maritime Social Service Officer, in relation to the National Seafarers Register;

(r) develop foreign employment programs for Barbadian seafarers to work on international ocean-going ships or foreign-based energy platforms, or in overseas remote control centres;

(s) ensure the deployment of skilled and competent Barbadian seafarers for international employment, in accordance with the STCW Convention; and

(t) develop policies and programs for seafarers in support of the Maritime Labour Convention and the STCW Convention.

(5) The Human Element in Shipping Care Inspectorate shall be headed by the Chief Maritime Social Services Officer, whose responsibilities shall include

(a) executing the mandate of the Human Element in Shipping Care Inspectorate set out in subsection (2);

(b) assisting the Director in the implementation of international human element instruments to which Barbados is party, including

(i) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

(ii) the Maritime Labour Convention; and

(iii) the International Safety Management Code;

(c) managing affairs related to

(i) crew resource management in respect of Barbados-registered vessels;

(ii) the human element and safety, including accident causation, human error prevention and mitigation and human-computer interaction;

(iii) human factors, including manning, personnel issues, training, cultural and national differences, fatigue and company culture, habitability such as noise, light and vibration, workability and occupational health and safety;

(iv) maritime organizational ergonomics, including

(A) implementation of International Maritime Organization and International Labour Organization Guidelines on Ergonomic Criteria for ships and ports;

(B) liaising with technical experts on user-centered design concepts for port and ship working environments; and

(C) optimization of organizational structures, policies and processes;

(v) maritime cognitive ergonomics, including mental workload and psychological health and safety at sea, and health and safety in shore-based maritime work environments;

(vi) maritime occupational health and safety climate and culture;

(vii) human resource management, including health, well-being and working conditions; and

(viii) human resource mobilization for the maritime sector, including training, recruitment and selection for conventional seafaring and virtual seafaring jobs;

(d) developing

(i) social care policies for the maritime sector, including tailoring specific social care regimes for seafarers, remote ship operators and fisherfolk; and

(ii) social and labour programs for the maritime sector, both in respect of the local marine sector and the national foreign-going merchant fleet;

(e) developing maritime career social awareness and preparedness programs for seafarers, remote ship operators, fisherfolk and other shore-based maritime workers;

(f) preparing national-level maritime-based employment and social status reports;

(g) advising on national-level responses to matters of international concern raised by the Sub-Committee on Human Element, Training and Watchkeeping of the International Maritime Organization; and

(h) perform all other functions pertaining to the human element in shipping matters, including the development of policies and legislation for humans engaged in work on conventionally manned merchant ships or with maritime autonomous surface ships.

Act binds the State

11. This Act shall bind the State.

PART II

STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING

STCW convention and code to have force of law

12.(1) Subject to section 13, the STCW Convention and the STCW Code have the force of law and apply, except where otherwise provided, to

(a) seafarers referred to in section 5(3); and

(b) seafarers working on board vessels of a kind specified in a maritime labour notice.

(2) The Administration shall develop and maintain an STCW Quality Management System, in consultation with relevant agencies.

Exceptions

13.(1) The STCW Convention does not apply to seafarers serving on board

(a) warships, naval auxiliary ships or other ships owned or operated by a state and engaged only on governmental non-commercial service;

(b) fishing vessels below 150 GT operating within the domestic trading area or the Caribbean trading area;

(c) pleasure yachts not engaged in trade or pleasure vessels operating in the domestic trading area or the Caribbean trading area; or

(d) wooden ships of primitive build.

(2) The Minister shall ensure the adoption of measures that do not impair the operations or operational capabilities of ships owned or operated by Barbados to ensure that persons serving on board such ships meet the requirements and obtain the benefits of the STCW Convention.

Communication of information

14.(1) The Director shall communicate, as soon as practicable, to the Secretary-General

(a) the text of laws, decrees, orders, regulations and instruments promulgated on matters within the scope of the STCW Convention; and

(b) where appropriate, the content and duration of study courses, together with national examination and other requirements, for each certificate issued in compliance with the STCW Convention.

(2) National institutions that provide seafarer training and educational programs shall advise the Director of the content and duration of study of those courses, together with national examination and other requirements, at least 3 months prior to the commencement of courses, to allow the Director to review the courses and verify that they comply with STCW Convention requirements and standards.

(3) No institution providing seafarer training and education shall issue a certificate in respect of a course that does not comply with STCW Convention requirements and standards.

(4) The Director shall not issue an endorsed Certificate of Service to a seafarer who has not received training or been certified in accordance with the STCW Convention.

(5) Seafarers who have completed training at an institution providing seafarer education and training shall produce their qualifications to the Administration in order to receive an endorsed Certificate of Service.

Equivalents

15.(1) The Director may, in consultation with the Minister, retain or adopt other educational and training arrangements, including those involving sea-going service and shipboard organization, especially adapted to technical developments

and to special types of ships and trades, if the level of sea-going service, knowledge and efficiency as regards navigational and technical matters pertaining to ships and cargo ensures a degree of safety at sea and prevents pollution to a degree at least equivalent to the requirements of the STCW Convention.

(2) The Director shall report the details of any such arrangements to the Secretary-General as soon as practicable.

Certificates of competency

16.(1) Where the laws of another country provide for the examination for, and grant of, certificates to persons intending to act as master, officers and engineers on board ships and

(a) the Director is satisfied that all examinations conducted are as effective as the examinations for the same purpose in Barbados under this Act; and

(b) the certificates are granted on principles that show the same qualifications and competency as those granted under this Act,

the Director may order that they be accepted as certificates in Barbados.

(2) The Director shall notify the Minister as to the countries whose laws provide for the examination and grant of certificates to persons intending to act as master, officers, and engineers on board ships that satisfy the requirements of subsection (1).

(3) Where a person holding a certificate referred to in subsection (1) desires to serve as a master, officer or engineer on a Barbados-registered ship, the Director may direct

(a) if the person is a citizen of Barbados, that he be granted a certificate of equivalent grade under this Act; or

(b) if the person is not a citizen of Barbados, that he be issued with an endorsement authorising him to go to sea in a Barbados-registered ship

in the same rank or station as if his certificate had been granted under this Act.

(4) An endorsement issued under subsection (3)

(a) has during its currency the same force as a certificate of competency granted under this Act and may be cancelled or suspended in the same manner; and

(b) is valid for a period of up to 5 years from the date it was issued and may be renewed on payment of the fee specified in a shipping (fee) notice.

Certificates

17.(1) The Administration shall issue certificates for masters, officers or ratings to those candidates who, to the satisfaction of the Administration, meet the requirements for service, age, medical fitness, training, qualification and examinations in accordance with the Annex to the STCW Convention.

(2) Certificates for masters and officers that are issued in compliance with Article VI of the STCW Convention shall be endorsed by the Administration in the form prescribed in Regulation I/2 of the Annex to that Convention.

Transitional

18.(1) A certificate of competency or of service in a capacity for which the STCW Convention requires a certificate that was issued, before entry into force of this Act, in accordance with the laws of Barbados shall be recognized as valid for service after the coming into force of this Act.

(2) For a period not exceeding 5 years after the coming into force of this Act, the Director may continue to issue certificates of competency in accordance with the previous national practice.

Other candidates

19. Candidates for certification other than those referred to in section 17 shall be examined and certificated in accordance with the STCW Convention.

Powers of Director

20. The Director may, within 2 years after the commencement of this Act, issue a Certificate of Service to a seafarer who holds neither an appropriate certificate under the STCW Convention nor a certificate of competency issued under the laws of Barbados before the commencement of this Act, if the seafarer has

(a) served in the capacity for which he seeks a Certificate of Service for not less than 3 years at sea within the last 7 years prior to the commencement of the Act;

(b) produced evidence that he has performed that service satisfactorily; and

(c) satisfied the Administration as to his medical fitness, including eyesight and hearing, taking into account his age at the time of application.

Dispensation

21.(1) Subject to subsections (2) to (4), the Director, in consultation with the Minister, may issue a dispensation permitting a specified seafarer to serve on a specified ship, for a specified period not exceeding 6 months, in a capacity other than that of the radio officer or radiotelephone operator for which he does not hold the appropriate certificate, if in the Director's opinion the seafarer is adequately qualified to fill the vacant post in a manner that will not cause danger to persons, property or the environment.

(2) A dispensation shall not be granted permit a seafarer to serve as a master or chief engineer officer other than in circumstances of *force majeure* and then only for the shortest possible period.

(3) A dispensation granted for a post shall be granted only to a person who is properly certificated to fill the post immediately below.

(4) Where certification of the post below is not required by the STCW Convention, a dispensation may be issued to a person whose qualifications and experience are, in the opinion of the Director, in consultation with the Minister, clearly equivalent to the requirements of the post to be filled.

(5) Where a person referred to in subsection (4) does not hold an appropriate certificate

(a) he shall be required to pass a test accepted by the Director as demonstrating that such a dispensation may safely be issued; and

(b) the Director shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

Report to Secretary-General

22. The Director shall, within one month after the 1st of January each year, send a report to the Secretary-General setting out the total number of dispensations in respect of each capacity that have been issued during the year to sea-going ships, together with information as to the number of those ships above 1,600 GT.

Certificate-related inspections

23.(1) Every ship shall be inspected by an authorized officer to verify that all seafarers serving on board who are required to be certificated hold such certificates or hold an appropriate dispensation.

(2) A certificate shall be accepted unless there are clear grounds for believing that the certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom the certificate was issued.

(3) A person who holds a fraudulently obtained certificate commits an offence and is liable on summary conviction to a fine of $10 000.

(4) A person who holds a certificate that was issued to another person commits an offence and is liable on summary conviction to a fine of $10 000.

Notice of offence

24.(1) Where an authorized officer determines that an offence was committed under subsection (3) or (4) or that the procedures specified in Regulation 1/4 of the STCW Convention were not followed, the officer shall without delay inform, in writing, the master of the ship and the consul or, in his absence, the nearest diplomatic representative or the maritime authority, of the state whose flag the ship is entitled to fly.

(2) A notice under subsection (1) shall specify the details of the deficiencies found and the grounds on which the officer determines that these deficiencies pose a danger to persons, property or the environment.

(3) In the circumstances referred to in subsection (1) if, having regard to the size and type of the ship and the length and nature of the voyage, the deficiencies referred to in paragraph (3) of Regulation 1/4 of the STCW Convention are not corrected and it is determined that this poses a danger to persons, property or the environment, the authorized officer shall, in consultation with the Director, take steps to ensure that the ship will not sail until the danger has been removed.

(4) Any actions taken under subsection (3) shall be reported promptly to the Secretary-General.

(5) When exercising control under this section, all possible efforts shall be made to avoid a ship being unduly detained or delayed.

(6) When a ship is unduly detained or delayed, the shipowner may bring an action in a court of competent jurisdiction for compensation for any resulting loss or damage.

(7) Subsection (3) shall be applied in a manner that ensures that a ship that flies the flag of a state that has not ratified or acceded to the STCW Convention

does receive more favourable treatment than ships that fly the flag of a state that has ratified that Convention.

Promotion of technical co-operation

25. The Minister shall promote technical co-operation with the parties to the STCW Convention.

Certification of seafarers

26.(1) No seafarer is to be rated as an able seafarer unless he holds a certificate of competency as an able seafarer.

(2) The Minister may make regulations respecting the grant of certificates of competency as an able seafarer, including regulations directing that no certificate is to be granted to a person unless that person

(a) is not less than 18 years of age;

(b) has performed at least 3 years of qualifying service at sea; and

(c) has passed any examinations prescribed by the regulations.

(3) The regulations may authorise the grant of a certificate to a person who has not passed the prescribed examinations, if he can show that he was serving as an able seafarer or equivalent seafarer rating immediately before the 12th May, 1994.

Certificate of competency and certificate of proficiency

27.(1) No person shall go to sea

(a) as a master or officer of a ship, unless he is the holder of a valid certificate of competency; or

(b) as a rating of a ship, unless he is the holder of a valid certificate of proficiency.

(2) A certificate referred to in subsection (1)*(a)* shall be of a grade appropriate to the ship in which the master or officer is employed and to his station in the ship, or of a higher grade.

(3) Any question that arises as whether a certificate is of a higher grade than another certificate shall be determined by the Administration in accordance with the regulations.

Production of certificate or other document

28.(1) A person engaged to serve in a ship who holds a certificate or other document that is evidence that he is qualified for the purposes of section 27 shall, on demand, produce the certificate or other document to the Administration, a surveyor of ships or a proper officer and, if he is not the master, to the master of the ship.

(2) The master of a ship shall produce to the official from whom he requests a clearance for the ship, the certificates of competency and proficiency that the master, officers and other persons on board the ship are required to hold under section 27.

Administration may vary requirements as to certificates

29.(1) Notwithstanding section 27, the Administration may, in for such periods and under such conditions as it may specify, permit a Barbados-registered ship to go to sea from a port or any other ship to go to sea from a port in Barbados without the prescribed number of certificated officers or other persons, if it is satisfied that no suitable holder of a certificate of the grade required under section 27 is available.

(2) While a permission under subsection (1) remains in force, a person who acts in accordance with it shall not be considered to have contravened section 27.

Certificates granted by competent foreign authorities

30.(1) A master or ship's officer who holds a valid certificate of competency granted by a competent authority in another country shall not be engaged as such

on a Barbados-registered ship, except as authorised under subsection (2) or as specified in a maritime labour notice.

(2) If the Administration is satisfied that a certificate referred to in subsection (1) corresponds in value to a certificate of competency granted under this Act, the Administration may, with or without conditions, permit the engagement on a Barbados-registered ship of a person who holds the certificate and who has knowledge of a language sufficient to enable him to communicate effectively in the performance of his duties.

(3) While such a permission remains in force, if any conditions under which it was granted are complied with, the person engaged shall be considered duly certificated under this Act in respect of the ship, if the certificate is of a grade appropriate to his station in the ship, or of a higher grade.

(4) If an agreement has been entered into between the Administration and a foreign authority recognising that a certificate referred to in subsection (2) that was issued by the foreign authority is of corresponding value to a certificate of competency granted under this Act, the Administration shall, with or without conditions, permit the engagement on a Barbados-registered ship of a person who is the holder of the certificate, and who possesses knowledge of a language sufficient to enable him to communicate effectively in the performance of his or her duties.

(5) Subsections (1) to (3) do not apply to a coastal ship engaged only in coastal traffic.

Certificates held by seafarers with criminal matters

31.(1) Seafarers with criminal records shall be treated fairly and with respect to their rights, and in accordance with the *Guidelines on Fair Treatment of Seafarers Detained on Suspicion of Committing Crimes*, jointly created by the International Maritime Organization and International Labour Organization.

(2) The Administration shall support, to the extent practicable

(a) a Barbadian seafarer serving on any ship; and

(b) a non-national seafarer serving on board a Barbados-registered ship,

during a criminal matter by not suspending or cancelling a certificate of competency or proficiency held by the seafarer, to enable him to continue to earn an income throughout the criminal matter.

(3) A certificate of competency or proficiency held by a seafarer may be suspended or cancelled only for the reasons specified under section 337.

(4) Where a seafarer is convicted for a reason other than those specified in section 337, the seafarer's certificate of competency or proficiency shall be sustained, unless justifiable reasons for its suspension or cancellation, supported by relevant documentation, are provided to the Administration in respect of the seafarer.

(5) An owner of a Barbados-registered ship who is aware of a conviction, finding or circumstance referred to in subsection (1) shall report it to the Administration together with any available evidence.

PART III

GENERAL MARITIME LABOUR CONVENTION PROVISIONS

MLC to have force of law

32. Except as otherwise provided by this Act, the Maritime Labour Convention and the Maritime Labour Code have the force of law.

Vessels under 200 GT

33.(1) Notwithstanding section 5(2)*(b)*, the owner of a vessel under 200 GT shall ensure its operator holds STCW Basic Safety certifications and undergoes 5 year periodic refresher training, in the interest of safety of life at sea.

(2) The Minister may make regulations providing for minimum maritime labour requirements for service on board vessels under 200 GT.

Definitions

34.(1) In this Part,

"managing director" in relation to a remote control centre, includes a person, who is not an agent, in whom the authority for the general management of the remote control centre has been vested;

"maritime autonomous surface ship" means a ship that, to varying degrees, can operate independently of human interaction;

"maritime autonomous vessel" means a seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part the control and steering of the vessel, irrespective of whether the exercise and control or control of steering takes place from the vessel, from an other location at sea or from land;

"maritime labour certificate" means a certificate issued under section 222(3);

"operations manager" in relation to a remote control centre, means a person in charge of the overall operational activities of the remote control centre;

"recognized organization" means an organization recognized by the Administration, in accordance with International Maritime Organization Resolutions A.739(18) and A.789(19), to verify compliance by Barbados vessels with International Maritime Organization and International Labour Organization maritime labour safety standards; and

"seafarer recruitment and placement agency" means a person, company, institution, agency or other organization, that is engaged in recruiting seafarers on behalf of shipowners or remote control centres or placing seafarers with shipowners or remote control centres.

(2) Where there is doubt as to whether a person working or engaged on a ship is a seafarer, the Minister shall determine the person's status having regard to the advice and guidance provided by the International Labour Organization.

Fundamental rights and principles

35.(1) Every seafarer has the right to

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) refuse to work on a ship that employs child labour; and

(d) the elimination of discrimination in respect of employment and occupation.

(2) Shipowners shall respect seafarers' rights as stated in subsection (1).

(3) If any seafarer alleges that any of the rights under subsection (1) has been, is being or is likely to be contravened in relation to him (or, in the case of a seafarer who is detained, if any other person alleges such a contravention in relation to the detained seafarer), then, without prejudice to any other action with respect to the same matter which is lawfully available, that seafarer (or that other person) may apply to the High Court for redress.

(4) The High Court shall have original jurisdiction

(a) to hear and determine any application made by any seafarer or by any person on behalf of a seafarer in pursuance of subsection (3);

(b) to make and issue such orders and give such directions, as it may consider appropriate for the purpose of enforcing or securing enforcement of subsection (1).

Employment and social rights

36.(1) Every seafarer has the right to

(a) a safe and secure workplace that complies with safety standards;

(b) fair terms of employment; and

(c) health protection, medical care, welfare measures and other forms of social protection.

(2) Shipowners shall respect seafarers' rights as stated in subsection (1).

(3) If any seafarer alleges that any of the rights under subsection (1) has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that seafarer may apply to the High Court for redress.

(4) The High Court shall have original jurisdiction

(a) to hear and determine any application made by any seafarer or by any person on behalf of a seafarer pursuant to subsection (3);

(b) to make and issue such orders and give such directions, as it may consider appropriate for the purpose of enforcing or securing enforcement of subsection (1).

Exercise of jurisdiction over ships flying the Barbados flag

37.(1) Every Barbados-registered ship and foreign-registered ship in Barbados waters shall be inspected in accordance with the regulations and international rules and procedures relating to the conduct of Maritime Labour Convention inspections.

(2) A report on an inspection under subsection (1) shall be provided to the Director.

(3) The Director shall establish a monitoring system to ensure compliance with the requirements of the Maritime Labour Convention set out in this Act.

Maritime labour certificate and declaration of maritime labour

38.(1) Every Barbadian-registered vessel, and every foreign-registered ship calling at a Barbados seaport, shall carry on board a maritime labour certificate and a declaration of maritime labour compliance.

(2) A shipowner who has more than one Barbados-registered ship shall obtain a maritime labour certificate, declaration of maritime labour compliance and any other certificates or documentation specified under this Act or the regulations for each ship.

Port state inspections in respect of MLC certificates and documentation

39. Authorized personnel of a seaport, when conducting inspections of ships, shall also check for a maritime labour certificate and declaration of maritime labour compliance as part of their port state control measures.

Ships not carrying required certificates

40. The owner of a ship that is not carrying a valid maritime labour certificate and declaration of maritime labour compliance required under this Act commits an offence and is liable on summary conviction to a fine of $20 000.

Notification requirements for foreign ports

41. Where a port authority of a foreign jurisdiction determines that a Barbados-registered ship has not complied with the Maritime Labour Convention, the authority shall immediately report the breach to the Director, in the customary reporting form of the foreign port's state.

PART IV

MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

Minimum age

42. Subject to section 43, no person shall employ, or engage to work on board a ship, a person under 18 years of age.

Employment of young Barbadians on ships

43.(1) No person shall employ a Barbadian person under 18 years of age to work on board a ship, unless

(a) the person is employed in work approved by the Director on board a school-ship or training ship; or

(b) the Director certifies that he is satisfied that the employment will be beneficial to the person, having regard to the health and physical condition of the person and to the prospective and immediate benefit of the employment.

(2) No person shall employ a Barbadian person under 18 years of age in any capacity on a ship unless there is delivered to the master of the ship a certificate, granted by a duly qualified medical practitioner, certifying that that person is fit to be employed in that capacity.

(3) A medical certificate referred to in subsection (2) is valid for one year from the date of its issuance, unless it is revoked earlier.

(4) A medical certificate referred to in subsection (2) may be revoked at any time by a duly qualified medical practitioner, if he is satisfied that the individual to whom it refers is no longer fit for work on board a ship.

(5) No Barbadian person under 18 years of age shall be employed to work in the engine-room of a ship unless he is an apprentice working under supervision.

(6) This section and section 42 shall not apply to a ship in which only members of one family are employed.

Night work prohibitions for seafarers under 21

44.(1) Subject to sections 45 and 46, no person shall employ or engage a person under 21 years of age to work at night on board a ship.

(2) In this section, "night" means the period after sunset and before sunrise of at least 9 hours, starting no later than midnight and ending no earlier than 5 a.m.

Exceptions to night work restriction

45.(1) Section 44 does not apply if

(a) the effective training of the seafarer concerned, in accordance with established programs and schedules, would be impaired; or

(b) the nature of the duty or a recognized training program requires that the seafarer perform duties at night and the Director has determined under subsection (2), on an application by a shipowners' or seafarers' organization, that the work will not be detrimental to the health or well-being of the seafarer.

(2) A seafarers' organization or shipowners' organization that wishes to have seafarers under 21 years of age how is recruited by it or working onboard its ships permitted to work at night shall apply for permission to do so from the Director.

Health and safety of seafarers under 21

46. No person shall employ or engage a Barbadian seafarer, or engage or employ a seafarer of any nationality aboard a Barbados registered ship, to perform work of a type set out in the *Second Schedule,* if the seafarer is under 21 years of age.

Medical certificate

47.(1) No seafarer shall work on board a ship unless he holds a valid medical certificate, obtained in accordance with subsections (2) and (3), attesting that he is medically fit to perform the duties he is to carry out at sea.

(2) A medical examination for the purpose of subsection (1) shall be conducted by a duly qualified general medical practitioner and provide the information set out in the *First Schedule*.

(3) The medical examination for a seafarer shall include the following:

(a) measurement of height and weight;

(b) a standard eye test;

(c) a colour blindness test;

(d) a hearing test;

(e) an evaluation of the ears and throat;

(f) an inspection of the teeth and gums;

(g) a medical history, including drinking and smoking habits;

(h) a urine sample to test kidney functionality and blood sugar;

(i) reflex testing;

(j) listening for abnormalities in the heart and lungs;

(k) recording of blood pressure and heart rate; and

(l) testing for a herniations.

Timing of medical examination

48. A medical examination of a seafarer shall be undertaken prior to the prospective seafarer going to sea.

Nature of medical certificate

49. A medical certificate issued after the medical examination of a seafarer shall be in the form set out in the *Eleventh Schedule* and indicate that the seafarer is

(a) fit without restrictions, indicating that the individual can work in any capacity on board ship;

(b) fit with restrictions, indicating that the individual can work on ship, but limited in respect of time, field of work on board ship or trading area;

(c) temporarily unfit, indicating that the seafarer's career prospects will be temporarily curtailed until a subsequent medical examination indicates that he is fit without restrictions or fit with restrictions; or

(d) permanently unfit, indicating that the individual should never be allowed to work on a ship.

Other particulars on medical certificate

50. A seafarer's medical certificate shall indicate that

(a) the hearing and sight of the seafarer and the seafarer's colour vision is satisfactory, if he is seafarer to be employed in a capacity where fitness for the work to be performed is liable to be affected by defective colour vision; and

(b) the seafarer is not suffering from any medical condition

(i) likely to be aggravated by service at sea;

(ii) likely to render the seafarer unfit for such service; or

(iii) likely to endanger the health of other persons on board.

Additional STCW requirements

51. In addition to the requirements of sections 49 and 50, a seafarers' medical certificate shall also conform with the requirements of the STCW Convention.

Language requirements for medical certificates

52. A medical certificate for seafarers working on ships ordinarily engaged on international voyages shall be provided in English.

Medical certificate issued in accordance with STCW Convention

53. A medical certificate issued to a seafarer in accordance with the STCW Convention shall be accepted whether or not the seafarer is covered by the STCW Convention.

Seafarers who have been refused a medical certificate

54. A seafarer who has been refused a medical certificate or who has had limitations imposed on his ability to work, or as to time, field of work or trading area, may undergo a further examination by another independent medical practitioner.

Duration of medical certificate

55. Unless a shorter period is required by reason of the specific duties to be performed by a seafarer or is required under the STCW Convention

(a) a medical certificate is valid for a period of 2 years, for a seafarer over 18 years of age;

(b) a medical certificate is valid for a period of one year, for a seafarer under 18 years of age; and

(c) a certification of colour vision is valid for a period of 6 years, for any seafarer.

Urgent cases and absence of valid medical certificate

56. In an urgent case, the Director may permit a seafarer who is in possession of an expired medical certificate of recent date to work without a valid medical certificate until the earlier of

(a) the seafarer's arrival at the next port of call where the seafarer can obtain a medical certificate from a duly qualified medical practitioner; and

(b) 3 months.

Period of validity of certificate expiring during voyage

57.(1) A seafarer's medical certificate that expires during the course of a voyage shall continue in force until the next port of call, or for a period of 3 months, whichever is the shorter.

(2) A seafarer whose medical certificate has expired shall obtain a new medical certificate from a duly qualified medical practitioner before engaging on a sea voyage.

Training and qualifications

58. A seafarer shall not work on a ship unless

(a) he is trained or certified as competent, or is otherwise qualified to perform his duties;

(b) he has successfully completed training for personal safety on board ship; and

(c) has been issued with a seafarers' identity document.

IMO requirements for seafarer training programs

59. The curriculum of every seafarer training program shall meet the International Maritime Organization requirements and standards for such a program.

Training and certification in accordance with mandatory IMO instruments

60. Training and certification done in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered to meet the requirements of paragraphs 1 and 2 of Regulation 1.3 of the Maritime Labour Convention.

Accreditations by the Administration for Maritime Training

61.(1) Notwithstanding any provision in any other enactment, the Administration shall be the competent authority for issuing accreditations for

(a) training of persons to serve on board international seagoing vessels;

(b) training of persons to serve on board vessels engaged on domestic voyages, including vessels registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and

(c) any other form of maritime training within the purview of regulatory activities of the Administration, as specified in regulations.

(2) The Minister after consultation with the Director, shall specify in regulations which training programs only require accreditations by the Administration and which training programs require accreditations by the Administration and/or the Barbados Accreditation Council.

Private Maritime Training Providers

62.(1) The following categories of private entities may be registered as STCW instructor or STCW training institution in the Approved Private Maritime Training and Examining Bodies Register established under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22):

(a) private maritime training providers;

(b) private maritime training schools or institutions, including those registered in relation to training activities under the *Shipping (Domestic Vessels) Act, 2024*;

(c) locally operating private seafarer recruitment agencies that wish to provide seafarer training and education.

(2) The application requirements under section 151 of the *Shipping (Domestic Vessels) Act, 2024* apply *mutatis mutandis* to a private maritime training provider

in relation to registration in the Approved Private Maritime Training and Examining Bodies Register.

(3) Where the private maritime training provider has satisfied documentary and any other requirements relating to subsection (2), and paid the specified registration fees, the Administration shall register the private maritime training provider under either of the STCW designations specified under subsection (1).

(4) A private maritime training provider shall pay to the Administration the following fees specified in a Seafaring Industry (Fee) Notice:

(a) the initial registration fee; and

(b) the annual registration fee.

(5) A private maritime training provider providing STCW training shall comply with

(a) STCW syllabus requirements as provided in the STCW Code and IMO STCW training manuals;

(b) the curriculum, assessment and certification requirements specified in any statutory instruments made under this Act; and

(c) any other training and certification and training requirements, as may be specified from time to time for seafarers, to ensure their competencies continually evolve with industry changes.

(6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of $20 000 and is subject to have its name removed from the Approved Private Maritime Training and Examining Bodies Register.

(7) Prior to registering a private maritime training provider, the Administration shall verify that the training provider is competent to provide STCW training and has the capacity to deliver such training in accordance with the STCW Convention and Code.

(8) Subject to a verification conducted by the Administration in relation to subsection (7), the Administration shall issue a Certificate of Accreditation in the form set out in the *Twelfth Schedule*.

(9) The Administration or any person approved by the Administration shall audit the STCW training programs offered by a private maritime training provider every 5 years. Where circumstances warrant, the Administration may conduct an earlier audit.

(10) A private maritime training provider shall pay the costs associated with the audit, as specified in a Seafaring Industry (Fee Notice).

(11) The Administration shall issue an audit report on completion of the audit process.

(12) A private maritime training provider shall rectify any deficiency stated in an audit report in order to ensure compliance with the requirements at subsection (5).

(13) Where, following an audit report, a private maritime training provider fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall

(a) remove the private maritime training provider from the Approved Private Maritime Training and Examining Bodies Register;

(b) suspend or revoke a Certificate of Accreditation issued under subsection (8);

until such time that the deficiency is rectified.

(14) Nothing in this Act shall be construed as restricting a private maritime training provider from providing training in other maritime fields of study.

(15) The provider has a duty to provide training in accordance with applicable standards specific to those fields of study.

Public Maritime Training Providers

63.(1) The Administration shall maintain a register of public educational or training institutions providing STCW training.

(2) A public educational or training institution intending to provide STCW training and certification services shall be registered as an STCW training institution with the Administration.

(3) Prior to registering a public maritime training provider as an STCW training institution, the Administration shall verify that the training provider is competent to provide STCW training and has the capacity to deliver such training in accordance with the STCW Convention and Code.

(4) Subject to a verification conducted by the Administration in relation to subsection (3), the Administration shall issue a Certificate of Accreditation in the form set out in the *Thirteenth Schedule*.

(5) A public maritime training provider providing STCW training shall comply with

(a) STCW syllabus requirements as provided in the STCW Code and IMO STCW training manuals;

(b) with the curriculum, assessment and certification requirements specified in any statutory instruments made under this Act; and

(c) any other training and certification and training requirements, as may be specified from time to time for seafarers, to ensure their competencies continually evolve with industry changes.

(6) The Administration shall audit at 5-year intervals, the STCW programs of training provided by public educational and training institutions, or conduct earlier audits, where circumstances so warrant.

(7) The Administration shall issue an audit report on completion of the audit process.

(8) A public educational or training institution shall rectify any deficiency stated in an audit report in order to ensure compliance with the STCW training, assessment and certification requirements.

(9) Where, following an audit report, a public educational or training institution fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall

(a) remove the private maritime training provider from the Approved Private Maritime Training and Examining Bodies Register;

(b) suspend or revoke a Certificate of Accreditation issued under subsection (4)

until such time that the deficiency is rectified.

(10) Nothing in this Act shall be construed as restricting a public maritime training provider from providing training in other maritime fields of study. The provider has a duty to provide training in accordance with applicable standards specific to those fields of study.

Seafarers' identity documents

64.(1) A seafarers' identity document shall not be issued to a seafarer unless the seafarer presents proof of National Insurance and Social Security Scheme registration.

(2) A seafarers' identity document shall not be renewed unless the seafarer proof of continuing contributions to

(a) the National Insurance and Social Security Scheme; or

(b) a private insurance scheme entered into by the seafarer for his benefit.

Recruitment and placement

65.(1) Persons shall be recruited for seafaring jobs through

(a) a public recruitment and placement agency; or

(b) a private seafarer recruitment agency operating locally, and officially recognized on a list of Maritime Labour Convention-compliant seafarer recruitment services approved by the Administration.

(2) Notwithstanding subsection (1), where a person obtains a seafaring job directly from a ship or shipping company, that person shall ensure that the recruitment process is Maritime Labour Convention-compliant, and may contact the Human Element in Shipping Care Inspectorate for assistance in this regard.

Non-Convention state seafarer recruitment and placement agencies

66. The owner of a Barbados-registered ship who uses a seafarer recruitment and placement agency that is based in a country or territory in which the Maritime Labour Convention does not apply shall ensure that the agency complies with the requirements of section 67.

Recruitment and placement agencies operating in Barbados

67.(1) Every seafarer recruitment and placement agency operating in Barbados shall

(a) ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights under this Act;

(b) operate in Barbados only if it is certified for that purpose by the Administration;

(c) maintain an up-to-date register of all seafarers recruited and placed through it and make it available for inspection by the Director;

(d) maintain the confidentiality of information regarding the medical examinations, seafarers' identity documents and any other information required for a seafarer to gain employment;

(e) maintain complete records of the seafarers covered by its recruitment and placement system, including the seafarers'

(i) qualifications;

(ii) record of employment;

(iii) personal data relevant to employment; and

(iv) medical data relevant to employment;

(f) inform seafarers of their rights and duties under their employment agreements prior to or in the process of engagement, give seafarers the opportunity to examine their employment agreements before and after they are signed and provide them with a copy of the agreements;

(g) advise each seafarer of any particular conditions applicable for the job for which he is to be engaged and of the shipowner's policies relating to employment;

(h) verify that every seafarer recruited or placed by the agency is qualified and holds the documents necessary for the job concerned;

(i) verify that every seafarer's employment agreement is in accordance with applicable laws and its statutory instruments and any collective bargaining agreement that forms part of the employment agreement;

(j) have procedures in place

(i) to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;

(ii) to verify that labour conditions on each ship where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between the shipowner and a representative seafarers' organization, or are otherwise in conformity with this Act or the Maritime Labour Convention; and

(iii) to supply seafarers only to shipowners who offer conditions of employment that comply with this Act and its statutory

instruments, the Maritime Labour Convention and any applicable collective agreements;

(k) ensure, as far as practicable, that every shipowner has the means to protect seafarers from being stranded in a foreign port;

(l) maintain up-to-date lists of ships for which it provides seafarers and ensure that there is a means by which the agency can be contacted in an emergency at all hours;

(m) have procedures in place to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically at no cost;

(n) examine and respond to any complaint concerning their activities and advise the Director of any unresolved complaint;

(o) have procedures in place that accord with the principles of natural justice for dealing with cases of incompetence or indiscipline, consistent with national laws and practice and any applicable collective agreements;

(p) establish a system of protection, by way of insurance or an equivalent measure, to compensate seafarers for any monetary loss that they may incur as a result of the failure of the agency or the shipowner to meet its obligations to them under the seafarers' employment agreements; and

(q) ensure that every seafarer recruited by it is registered with the National Insurance and Social Security Scheme or is otherwise an insurance policyholder in relation to seafarers' benefits.

(2) The Administration jointly with the Ministry responsible for Labour, and in consultation with insurance and other stakeholders, shall establish a system of protection by way of insurance or an equivalent form of financial security, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them, and ensure

seafarers are informed, prior to the process of the engagement, of their rights under that system.

Cadets

68.(1) No person shall be engaged as a cadet on board a Barbados-registered ship, or a seafarer's employment agreement signed for that purpose, unless he

(a) is a Barbados citizen or a citizen of

(i) a treaty country with which Barbados has a bilateral cadetship development agreement; or

(ii) another country with which Barbados has a bilateral agreement on cadet development and training that has been approved by the Minister;

(b) is at least 18 years of age;

(c) has passed the prescribed colour and form vision tests;

(d) has been certified physically fit for the sea service by a medical practitioner approved by the Administration; and

(e) has obtained an undertaking from the master of the ship to train him in

(i) navigation and as a seafarer; or

(ii) engineering and the duties of a ship's officer.

(2) The Minister may make regulations prescribing training and certification requirements pertaining to cadets.

Prohibition on number of cadets to be engaged

69. No person shall engage or permit cadets to serve on board a Barbados-registered ship in excess of the number specified in a marine notice by the Barbados Coast Guard and notified to the Administration.

Obligations of all seafarer recruitment and placement agencies

70.(1) A public or private seafarer recruitment agency shall not use any means that are intended to prevent or deter seafarers from gaining employment for which they are qualified.

(2) No seafarer recruitment agency shall impose, either directly or indirectly, a fee or other charge on a seafarer for recruitment or placement, or for providing employment, other than the cost of the seafarer obtaining

(a) a national statutory medical certificate;

(b) a national seafarers' identity document; or

(c) a passport or other travel document other than a visa.

(3) The cost of any visa required by a seafarer shall be borne by the shipowner.

(4) Every seafarer recruitment and placement agency shall

(a) adopt measures to prevent opportunities for exploitation of seafarers arising from the issuance of joining advances, or other financial transactions between shipowners and seafarers, that are handled by the agency; and

(b) clearly publicize any costs that the seafarer will be expected to bear in the recruitment process.

Public seafarer recruitment and placement agencies

71. Every public seafarer recruitment and placement agency shall

(a) take the measures necessary to promote effective cooperation among seafarer recruitment and placement services, whether public or private;

(b) take into account the needs of the maritime industry, at both the national and international levels, when developing training programs for seafarers that form the part of a ship's crew responsible for the ship's

safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and training institutions;

(c) arrange for the cooperation of any representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services;

(d) determine, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage and combination of such data and its communication to third parties;

(e) collect and analyse all relevant information on the maritime labour market, including the current and prospective supply of seafarers, classified by age, sex, rank and qualifications and the industry's requirements, and ensure that the collection of data on age or sex is admissible only for statistical purposes or in the framework of a program to prevent discrimination based on age or sex;

(f) ensure that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew responsible for the ship's safe navigation and pollution prevention operations have had adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry and relevant maritime international instruments on training, certification and labour standards; and

(g) adhere to international standards, best practices, codes of conduct and ethical practices promoted by the International Labour Organization for seafarer recruitment and placement services.

Obligations of shipowners

72.(1) A certificate issued by the Administration for the operation of a private recruitment and placement agency in Barbados is valid for a period of 3 years.

(2) A shipowner using a private recruitment and placement agency for seafarers in a country that has ratified the Maritime Labour Convention or International Labour Organization Convention No. 179 on the Recruitment and Placement of Seafarers (1969) shall

(a) ensure that the agency holds a valid certificate or license documenting that it is operating in accordance with the requirements of that Convention; or

(b) if the country does not issue such a certificate or licence, procure another form of official confirmation that the agency is operated in accordance with the requirements of either of those Conventions.

(3) A shipowner using a private recruitment and placement agency for seafarers in a country that has not ratified the Maritime Labour Convention or International Labour Organization Convention No. 179 shall document that the agency meets the requirements for recruitment and placement agencies stipulated in those Conventions.

Supervision of seafarer recruitment and placement agencies

73. The Administration shall effectively monitor all seafarer recruitment and placement agencies operating in Barbados, including verifying that any licences, certificates or similar authorizations for the operation of each private agency in Barbados are granted or renewed only after verification that the agency meets the requirements of national laws and regulations.

Complaints concerning seafarer recruitment and placement agencies

74.(1) A seafarer referred to in subsection (3) may make a complaint relating to any matter that is alleged to constitute a breach of the recruitment and placement requirements of this section.

(2) A seafarer recruitment and placement agency operating in Barbados shall advise each seafarer of the complaints procedure in this section, at the time of placement of that seafarer.

(3) This section applies to

(a) seafarers recruited and placed by recruitment and placement agencies operating in Barbados for employment on board Barbados-registered and foreign-registered ships; and

(b) seafarers recruited and placed by foreign-based recruitment and placement agencies for employment on board Barbadian-registered ships.

(4) A recruitment and placement agency referred to in subsection (3) shall provide each seafarer with a copy of the complaint procedures set out in this section and a copy of his seafarer employment agreement.

(5) Subject to subsection (5), a seafarer who wishes to make a complaint referred to in subsection (1) shall initially make the complaint to the recruitment and placement agency concerned and attempt to resolve the complaint with that agency.

(6) If a seafarer considers that he may be victimized by presenting a complaint, he may contact the Director or submit the complaint directly to the Director within 7 days from the date of discovery of the alleged occurrence of the labour grievance.

(7) Any investigation of a complaint concerning the activities of a seafarer recruitment and placement agency shall involve appropriate representatives of the shipowner and seafarer.

Labour supply responsibilities

75. The Director shall establish an effective system for enforcing the requirements of this Act applicable to the operation and practice of seafarer recruitment and placement services established on its territory, through inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for under this Part.

Offences

76.(1) A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of $300 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

Specification of standards of competence by the Administration

77.(1) Subject to the regulations, the Administration may specify standards of competence to be attained and other conditions to be satisfied by officers and other seafarers in order to be qualified for the purposes of this Act.

(2) Conditions specified under subsection (1) may include conditions as to nationality and provide, or enable the Director to provide, for

(a) the manner in which the attainment of a standard or the satisfaction of any other condition is to be evidenced;

(b) the conduct of examinations, the conditions for admission to them and the appointment and remuneration of examiners; and

(c) the issuance, form and recording of certificates and other documents.

(3) Conditions specified under subsection (1) may differ for different circumstances.

Administration regulations respecting standards of competence

78. The Administration may make regulations in relation to standards of competence relating to ships or their operation and to establish standards and conditions referred to in section 77(2).

PART V

CONDITIONS OF EMPLOYMENT

Employment agreements

79.(1) The master of every Barbados-registered ship shall enter into a written agreement, in accordance with the regulations, with every seafarer whom he engages and carries to sea as one of his crew.

(2) The master, agent or representative of every foreign-registered ship engaging a Barbadian seafarer shall enter into a written agreement, in accordance with the regulations, with every Barbadian seafarer whom he engages in Barbados or carries to sea from Barbados as part of his crew.

Replacement of seafarer employment agreement

80. Any existing employment contract entered into prior to the entry into force of this Act is null and void, and shall be replaced by a standard seafarers' employment agreement under the Maritime Labour Convention.

Conditions for seafarers' employment agreements

81. A seafarer's employment agreement shall be agreed to by the seafarer under conditions that ensure that the seafarer has an opportunity to review and seek advice on the terms of the agreement and freely accepts them before signing.

Continuation of seafarers' employment agreements

82. A seafarer's employment agreement shall continue to have effect during any period that the seafarer is held captive on or off the ship as a result of piracy or armed robbery against ship, regardless of any termination date in the agreement.

Incorporation of collective bargaining agreements

83. Seafarers' employment agreements are to be read to incorporate any applicable collective bargaining agreements, to the extent they are compatible with national employment law and practice.

Collective bargaining agreement to be kept on board

84. A Barbados-registered ship shall keep on board and make available any collective bargaining agreement that forms all or part of the employment agreement of seafarers working on the ship.

Language of collective bargaining and employment agreements

85. Where the language of a seafarer's employment agreement and any applicable collective agreement is not in English, a Barbados-registered ship engaged only in international voyages shall keep and make available in English on board the ship

(a) a copy of those agreements;

(b) a copy of a standard form of the seafarer's employment agreement; and

(c) the portions of the collective bargaining agreement that are subject to a port state inspection under section 237.

Flag state duties and seafarers' employment agreements

86.(1) Every seafarer working on a Barbados-registered ship shall have

(a) a seafarers' employment agreement, signed both by the seafarer and the shipowner or his representative, providing the seafarer with the working and living conditions on board the ship required by this Act; or

(b) where the seafarer is not an employee, evidence of a similar contractual arrangement.

(2) A seafarer signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, and access to any other facilities necessary to ensure that he has freely entered into the agreement with a sufficient understanding of his rights and responsibilities.

(3) The shipowner shall keep a signed original of the seafarers' employment agreement.

(4) The shipowner shall ensure that clear information on the conditions of employment can be easily obtained on board by seafarers, including the ships' master, and that such information and a copy of each seafarer's employment agreement is also accessible for review by the Director or the administration in ports to be visited.

(5) The shipowner shall provide each seafarer with a document containing a record of his employment on board the ship

(a) when the seafarers work on the ship ends; or

(b) at the seafarer's request.

(6) A record of employment referred to in subsection (5) shall not contain any statement as to the quality of the seafarer's work or the seafarer's wages.

(7) No person shall enter into a record of employment referred to in subsection (5) or a seafarers' identity document any indication that the seafarer is blacklisted, any marking in red or any other indication that would affect the seafarer's chances of acquiring future employment on board another ship.

Matters to be included in seafarers' employment agreements

87. Every seafarers' employment agreement shall contain the following particulars:

(a) the seafarer's full name, date of birth or age and birthplace;

(b) the shipowner's name and address;

(c) the place where, and date when, the agreement was entered into;

(d) the capacity in which the seafarer is to be employed;

(e) the amount of the seafarer's wages or the formula used for calculating it;

(f) the amount of paid annual leave or the formula used for calculating it;

(g) conditions of termination of the agreement, including

(i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it and a required notice period, of not less than 7 days, that is not less for the shipowner than for the seafarer;

(ii) if the agreement has been made for a definite period, the date fixed for its expiry; or

(iii) if the agreement has been made for a voyage, the port of destination and the minimum period after arrival before which the seafarer may not be discharged;

(h) the health and social security protection benefits to be provided to the seafarer by the shipowner;

(i) the seafarer's entitlement to repatriation;

(j) reference to any applicable collective bargaining agreement;

(k) any other particulars required under Barbados laws on employment contracts;

(l) the nature, and, as far as is practicable, the duration of the intended voyage or engagement;

(m) the maximum period of the voyage or engagement, not exceeding 12 months, and the port at which it is intended to discharge the crew;

(n) any places or parts of the world to which the voyage or engagement is not to extend;

(o) the number and description of the crew;

(p) if possible, the place and date at which the seafarer is to be on board or to begin work;

(q) the prescribed scale of food and provisions that is to be furnished to the seafarer; and

(r) the amount of shore leave to be provided to the seafarer between voyages.

List of young persons

88. Every shipowner shall maintain a list of any persons taken on who are under 18 years of age and their dates of birth.

Wages

89.(1) All non-national seafarers working on Barbados-registered ships and nationals of Barbados working on Barbados-registered ships or foreign-registered ships shall be paid for their work at intervals not greater than one month or less than bi-weekly, and in accordance with their employment agreements and any applicable collective agreements.

(2) Wages and other entitlements of seafarers held captive as a result of piracy or armed robbery shall continue to be paid until the seafarer is released and duly repatriated or his date of death is determined.

Timing of wages

90.(1) The master, owner or operator of a Barbados-registered ship shall pay to each seafarer working on that ship the wages of the seafarer, if demanded, within 2 days after arrival of the ship at the port where the crew is to be discharged, or upon the seafarer's discharge, whichever happens first.

(2) The master, owner or operator of a Barbadian-registered ship and the master, owner or operator of a foreign-registered ship upon which a Barbadian is employed shall, not less than 24 hours before paying off or discharging any

seafarer, deliver a full account of the seafarer's wages and of all deductions to be made from them.

(3) No deduction from the wages of a seafarer may be made unless the deduction is included in the account delivered in accordance with subsection (2), except in respect of a matter that occurs after the delivery of the account.

(4) The master, owner or operator of a ship shall, during each voyage

(a) enter in a book kept for the purpose any matters in respect of which deductions from a seafarer's wages are made, as they occur, and the amount of the deductions; and

(b) if required, produce the book at the time of payment of the wages, or at a hearing before any competent authority of any complaint or question relating to that payment.

Certificate of discharge

91.(1) Subject to section 92, on discharge or payment of wages, the master shall sign and give to a seafarer a certificate of discharge in a form specified by the Administration in a marine labour guidance note, specifying the period of his service and the time and place of discharge.

(2) A certificate of discharge under subsection (1) shall not contain any statement as to the wages or the quality of work of the discharged seafarer.

(3) On the discharge of a certificated officer whose certificate of competency has been delivered to and retained by the master, the master shall return the certificate to the officer.

Withholding certificate of discharge

92.(1) Where it is shown to the satisfaction of a competent authority outside Barbados that a seafarer lawfully engaged on a Barbados-registered ship has wilfully or through misconduct failed to join his ship, the competent authority shall report the matter to the Principal Registrar.

(2) The Principal Registrar may direct that the certificate of discharge of a seafarer referred to in subsection (1) be withheld for such a period as he thinks fit.

(3) While a seafarer's certificate of discharge is withheld under subsection (2), a competent authority or other person having custody of the documents may refuse to furnish copies of any of the seafarer's certificates of discharge or certified extracts of particulars of his service or character.

Character report

93.(1) When a seafarer is discharged from a Barbados-registered ship, its master shall make and sign a report, in which the master shall

(a) report on the conduct, character and qualification of the seafarer being discharged; or

(b) state that he declines to give such a report.

(2) The master before whom the discharge of a seafarer is being made shall, subject to section 92, at the request of the seafarer, give the seafarer a copy of the character report.

(3) A person commits an offence where he

(a) knowingly makes a false report of character;

(b) forges or fraudulently alters a certificate of discharge or character report, or copy of a character report; or

(c) fraudulently uses a certificate of discharge or a character report, or copy of a character report, that is forged or altered, or that does not belong to him.

Settlement of wages

94.(1) When a seafarer is discharged from a Barbados-registered ship and the settlement of his wages is completed, he shall sign a release, in the form set

out in the *Fifteenth Schedule*, of all claims in respect of the past voyage or engagement.

(2) The release shall be signed also by the master or owner of the ship.

(3) A signed and attested release operates as a mutual discharge and settlement of all demands between the parties to it in respect of the past voyage or engagement.

(4) The release shall be delivered to the owner of the ship, and it shall be retained by him for a period of 7 years after the after the date of the release.

(5) The release shall be produced by the owner at the demand by a competent authority or other proper officer.

Registrar's decision on wages

95.(1) Where any question between a master or owner of a Barbados-registered ship and a member of its crew is raised before a competent authority and both parties have agreed in writing to submit the question to the competent authority, the competent authority shall hear and decide the question whether the nature of the question or the amount in dispute might otherwise be beyond the jurisdiction of the competent authority.

(2) An award made by a competent authority pursuant to a submission under subsection (1) is conclusive as to the rights of the parties.

(3) A document purporting to be a submission or award made under this section is admissible in evidence.

Ship's papers

96.(1) In any proceedings under this Act before a competent authority relating to wages, claims or the discharge of a seafarer, a competent authority

(a) may require the owner, the master, a mate or any other member of the crew to produce any logbooks, papers or other documents in his

possession or power relating to the matter in question in the proceedings; and

(b) may require the attendance of, and examine on the matter, any of those persons who are at or near the place of the proceeding.

(2) In any proceedings under this Act before a competent authority relating to the wages, claim, dispute or discharge of a seafarer, all travelling and other expenses incurred by the competent authority shall be paid by the owner or master of the ship in question.

(3) For the purposes of subsection (1), a competent authority may administer oaths.

Rate of exchange

97. Where a seafarer has agreed with the master of a Barbadian-registered ship, or where a Barbadian seafarer working on board a foreign-registered ship has agreed with the master of that ship, for payment of his wages in a specific currency, any payment of or on account of his wages made in a currency other than that stated in the agreement shall, notwithstanding the agreement, be made at the rate of exchange current at the place where the payment is made.

Conditional agreements

98.(1) A seafarer's employment agreement may contain a stipulation for payment to, or on behalf of, the seafarer of a sum not exceeding 2 weeks' wages that is conditional on his going to sea.

(2) Any other agreement by the employer of a seafarer for the payment of money to, or on behalf of, a seafarer that is conditional on his going to sea is void.

(3) Any money paid in respect of a void agreement described in subsection (2) shall not be deducted from the seafarer's wages, and a person purporting to conclude a void agreement with a seafarer has no right of action or set-off against the seafarer or his assignee in respect of that money.

Allotment note

99.(1) A stipulation made by a seafarer at the commencement of a voyage for the allotment of a part of his wages during his absence may be inserted in the seafarer's employment agreement, and shall state the amounts and times of the payments to be made.

(2) Where a seafarer's employment agreement is required to be made in a prescribed form, the seafarer may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note of one half or less of the seafarer's wages, in favour either of a near relative or of a bank account in the seafarer's name.

(3) When a seafarer is engaged under this Act, the master shall, after the seafarer has signed the seafarer's employment agreement, ask the seafarer whether he requires a stipulation for the allotment of his wages by means of an allotment note and, if the seafarer requires such a stipulation, the master shall insert the stipulation in the seafarer's employment agreement.

(4) A stipulation inserted under subsection (3) is to be considered to have been agreed to by the master.

(5) An allotment note shall be in a form specified in a marine labour guidance note.

(6) For the purposes of this section and section 100, "near relative" means a spouse, father, mother, grandfather, grandmother, child, grandchild, brother or sister.

Facilities for remitting wages

100.(1) Where the balance of wages due to a seafarer is more than $150 and the seafarer expresses to the master of the ship his desire to remit all or part of the balance to an account in a bank or to a near relative, the master shall provide the seafarer with all necessary facilities for doing so.

(2) While his ship is in port, the master is under no obligation

(a) to provide the facilities described in subsection (1) if the balance becomes payable before the ship leaves port; or

(b) to provide the facilities otherwise than conditionally upon the seafarer going to sea in the ship.

Recovery of allotted sums

101.(1) A person in whose favour an allotment note is made may recover the sums allotted as they are made, payable with costs, from

(a) the owner of the ship with respect to which the engagement was made; or

(b) an agent of the owner who has authorised the allotment,

in the same court and manner in which wages of seafarers are recoverable under this Act, unless the seafarer is shown in a manner specified in this Act to have forfeited, or ceased to be entitled to, the wages out of which the allotment is to be paid.

(2) In any proceedings under subsection (1), it is sufficient for the claimant to prove that

(a) he is the person mentioned in the note; and

(b) the note was given by the ship's owner or master or by an authorised agent.

(3) In any proceedings under subsection (1), the seafarer is presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court

(a) by an official statement of the change in the crew caused by his absence, made and signed by the master as required by this Act;

(b) by a certified copy of an entry in the official logbook to that effect; or

(c) by such other evidence as the court considers sufficient to show that the seafarer has ceased to be entitled to the wages out of which the allotment is to be paid.

Rights of Seafarer in respect of Wages

Right to wages, time of

102. A seafarer's right to wages and provisions begins at the earlier of

(a) the time at which he commences work; and

(b) the time specified in the seafarer's employment agreement for his commencement of work or presence on board.

Wages and salvage

103.(1) A seafarer cannot by an agreement

(a) forfeit his lien on a ship;

(b) be deprived of a remedy for the recovery of his wages to which, in the absence of the agreement, he would be entitled;

(c) abandon his right to wages in case of the loss of the ship; or

(d) abandon any right that he may have or obtain in the nature of salvage.

(2) A stipulation in any agreement inconsistent with subsection (1) or any other provision of this Act is void.

(3) Subsection (1)*(d)* does not apply to a stipulation in an agreement made in respect of the remuneration to be paid for salvage services to another vessel to seafarers who belong to the vessel that is to be employed on salvage service under the agreement.

Wages and freight

104.(1) Subject to subsection (4), a right to wages does not depend on the earning of freight.

(2) Every seafarer who would be entitled to demand and recover wages if the vessel in which he has served had earned freight is, subject to all other applicable rules of law, entitled to demand and recover his wages, notwithstanding that freight has not been earned.

(3) In a case of the wreck or loss of the vessel, proof that a seafarer has not exerted himself to the utmost to save the vessel, cargo and stores bars his claim for wages.

(4) Where a seafarer who would, but for his death, be entitled under this section to demand and recover any wages dies before the wages are paid, the wages shall be paid and applied by the same person and in the same way as in the case of a seafarer who dies during a voyage.

Wages when service ends

105.(1) Where the service of a seafarer terminates before the date contemplated in his seafarers' employment agreement by reason of his being left on shore at a place abroad under a certificate of his unfitness or inability to proceed on the voyage, the seafarer is entitled to wages for the time served prior to that termination, but not for any further period.

(2) Where the service of a seafarer terminates before the date contemplated in his seafarers' employment agreement by reason of the loss or foundering of the vessel on which he is employed, he is entitled to receive wages in respect of each day on which he is unemployed during a period of 2 months from the date of termination of the service, at the rate to which he was entitled at that date, unless he obtains other suitable employment.

Refusal to work

106. A seafarer is not entitled to wages

(a) for any time during which he refuses or neglects to work when required, whether before or after the time fixed by the seafarer's employment agreement for him to begin work; or

(b) for any period during which he is lawfully imprisoned for an offence committed by him, unless a court otherwise directs.

Illness by default

107.(1) Where a seafarer is by reason of sickness incapable of performing his duty and it is proved that his sickness was caused by his own wilful act or default, or is a sickness or infirmity that he wilfully concealed at the time of engagement, he is not entitled to wages for the time during which he is, by reason of the sickness, incapable of performing his duty.

(2) Subsection (1) does not remove the right of a seafarer to any payment or other benefits to which he is entitled under a law providing for compensation to injured or sick workers.

Costs of procuring conviction

108. When in any proceedings relating to seafarer's wages it is shown that a seafarer has, in the course of the voyage, been convicted of an offence by a competent authority and punished for that offence by imprisonment or otherwise, the court may direct that a part of the wages due to the seafarer, not exceeding one month's wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Improper discharge

109.(1) Where a seafarer who has signed a seafarers' employment agreement is discharged otherwise than in accordance with the terms of the agreement

(a) before the commencement of the voyage; or

(b) before one month's wages are earned,

without fault on his part justifying the discharge and without his consent, he is entitled to receive from the master or owner, in addition to any wages he might have earned, compensation for the damage caused to him by the discharge, not exceeding one month's wages.

(2) A seafarer may recover compensation under subsection (1) as if it were wages duly earned.

Protection of wages

110.(1) Wages due or accruing to a seafarer are not subject to attachment by a court.

(2) An assignment or sale of wages before they are due does not bind the person making the assignment or sale.

(3) A power of attorney or authority for the receipt of wages is revocable.

(4) A payment of wages to a seafarer is valid in law notwithstanding that the wages have been sold, assigned, attached or encumbered.

(5) Nothing in subsections (1) to (4) affects the provisions of this Act with respect to allotment notes.

Annual Leave and Pubic Holidays

Leave and holidays

111.(1) Every seafarer is entitled after 12 months of continuous service on a Barbados-registered ship, or for the same employer, to an annual leave with pay, the duration of which shall be

(a) in the case of the master and other officers, not less than 18 working days; and

(b) in the case of other members of the crew, not less than 12 working days.

(2) Where the length of continuous service under a seafarer's employment agreement is less than 12 months, the annual paid leave to which the seafarer is entitled under subsection (1) shall be pro rated.

(3) For the purpose of calculating when a leave is due

(a) service of articles shall be included in the determination of continuous service;

(b) a short interruption of service not due to the act or fault of the employee and not exceeding a total of 6 weeks in any 12 months does not break the continuity of the periods of service that precede and follow it; and

(c) continuity of service is not interrupted by a change in the management or ownership of the ship in which the person has served.

(4) The following shall not be included in an annual leave with pay:

(a) interruptions of service due to sickness or injury; and

(b) public holidays.

(5) In addition to the entitlement under subsection (1) or (2), every member of the crew of a Barbados-registered ship is entitled to 11 days annual leave *in lieu* of public holidays.

Mode of Recovering Wages

Suit for wages

112.(1) A seafarer, or a person duly authorised on his behalf, may, when any wages due to him become payable, sue for them in a court of competent jurisdiction in Barbados.

(2) Notwithstanding any other law, an order made by a court in an action under subsection (1) is final and not subject to appeal.

(3) For the purposes of proceedings under this section, a court, upon complaint on oath made to it, may summon the master, shipowner or any other person to appear before it to answer the complaint.

(4) Upon the appearance of the master, shipowner or other person, the court may examine on oath the parties and their respective witnesses regarding the

complaint and the amount of wages due, and may make an order for the payment of any wages found to be due.

(5) Where a master, owner or other person does not appear, the court, on due proof that the master, owner or other person was duly summoned, may examine on oath the complainant and his witnesses regarding the complaint and the amount of wages due, and may make an order for the payment of any wages found to be due.

(6) Where an order under this section for the payment of the wages is not obeyed within 24 hours after it is made, the court may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made, together with all the charges and expenses incurred in connection with the distress and levy and the enforcement of the order.

(7) Where sufficient distress cannot be found, the court may, subject to subsection (8), cause the amount of the wages, charges and expenses to be levied on the ship in respect of which the wages were earned or on its tackle and apparel, if the ship is within the jurisdiction of the court.

(8) If the ship is not within the jurisdiction of the court, the court may cause the person upon whom the order for payment is made to be arrested and committed to prison for a term not exceeding 3 months.

Limited jurisdiction of Supreme Court

113. The Supreme Court does not have jurisdiction to hear or determine an action, suit or proceeding instituted by or on behalf of a seafarer for the recovery of wages, except where

(a) the owner of the ship is insolvent;

(b) the ship is under arrest or is sold by the authority of the Supreme Court; or

(c) a magistrate’s court refers the claim to the Supreme Court.

Master's remedy for wages

114.(1) The master of a Barbados-registered ship has the same rights, liens and remedies for the recovery of his wages as a seafarer has under this Act or by any other law or custom.

(2) The master of a Barbados-registered ship, and every person lawfully acting as master of a Barbados-registered ship by reason of the deceased or incapacity from illness of the master of the ship, has the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) Where, in any proceedings regarding the claim of a master in respect of wages or the disbursements or liabilities referred to in subsection (2), a right or set-off or counter-claim is claimed, the court may enter into, and adjudicate upon, all questions and settle all accounts outstanding and unsettled between the parties to the proceedings, and may direct payment of any balance found to be due.

Power of Court to Rescind Contracts

Power to rescind contracts

115.(1) Where proceedings are instituted in a court in relation to a dispute between an owner or master of a Barbados-registered ship and a seafarer, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court may rescind any contract between the owner or master and the seafarer, or any contract or indentures of apprenticeship, upon such terms as the court thinks just.

(2) The power of a court under subsection (1) is in addition to any other jurisdiction that the court independent of this section.

Property of Deceased Seafarer

Definitions

116. For the purposes of sections 117, 118 and 119 "property", in relation to a deceased seafarer, means the money and effects belonging the seafarer that are on board the ship on which the seafarer was engaged and the balance of wages due to the seafarer.

Property of deceased seafarer

117.(1) If a seafarer belonging to a Barbados-registered ship, or a Barbadian seafarer working on a foreign-registered ship, dies during a voyage, the master of the ship shall take charge of the property of the seafarer.

(2) The master shall enter in the official log-book

(a) a statement of the amount of the money and of the effects of the seafarer; and

(b) a statement of the wages due to the seafarer, the amount of any deductions to be made from the wages and the balance of the wages due.

(3) The entry shall be signed by the master and attested by a mate or other member of the crew.

(4) The master may cause any effects of a deceased seafarer to be sold.

(5) The master of the ship shall without delay provide a statement of the property of the deceased seafarer

(a) where the seafarer belongs to a Barbados-registered ship, to the Principle Registrar; and

(b) where the seafarer belongs to a foreign-registered ship, to the Director.

Delivery of the property

118.(1) Subject to subsection (2), the property of a deceased seafarer shall be delivered by the master of the ship by the most practicable means to the personal representative of the deceased or, if there is no personal representative, the master shall dispose of the property

(a) in accordance with the law for determining the distribution or succession of personal property of deceased persons of the place in which the deceased was last resident; or

(b) in accordance with the order of a court having jurisdiction to determine the distribution of the property of the deceased.

(2) A master may deduct from the proceeds of the sale of the property of a deceased seafarer expenses properly incurred in complying with subsection (1).

(3) After complying with subsection (1), the master shall render a statement of account to a registrar the Principal Registrar respecting the property of the deceased seafarer.

Forgery of document

119. A person commits an offence where he, for the purpose of obtaining the property of a deceased seafarer

(a) forges or fraudulently alters a document purporting to show or assist in showing a right to that property;

(b) makes use of such a document;

(c) gives, assists in giving or procures to be given false evidence, knowing it to be false;

(d) makes a false representation, knowing it to be false; or

(e) assists in procuring false evidence or a false representation to be made, knowing it to be false.

Monthly account of payments due

120. A monthly account shall be given to seafarers of payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to in the seafarer's employment agreement.

Transmissions of seafarers earnings

121. The owner of a Barbados-registered ship, or of a foreign-registered ship engaged in international voyages, shall provide a Barbadian seafarer with a means to transmit all or part of his earnings to his family, dependants or legal beneficiaries, including a system for enabling the seafarer, at the time of his entering employment or during it, to allot a proportion of his wages for remittance at regular intervals directly to such persons by a bank transfer or similar means, in a timely manner.

Charges for transmission services

122.(1) Any charge for a transmission service referred to in section 121 shall be an amount that the Principal Registrar considers to be reasonable.

(2) The rate of currency exchange on amounts transmitted under section 121 shall be, unless otherwise provided in accordance with national laws, at the prevailing market rate or the official published rate, whichever is lower.

Hours of work and rest

123.(1) In this section

(a) "hours of work" means the time during which seafarers are required to do work on account of the ship; and

(b) "hours of rest" means the time outside hours of work, other than short breaks.

(2) The maximum hours of work for seafarers working on conventionally manned ships shall not exceed

(a) 14 hours in any 24 hour period; and

(b) 72 hours in any 7 day period.

(3) The minimum hours of rest for seafarers working on conventionally manned ships shall not be less than

(a) 10 hours in any 24 hour period; and

(b) 77 hours in any 7 day period.

(4) Hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

Musters, fire-fighting and lifeboat drills

124. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

Compensatory rest period

125. Seafarers shall be provided a compensatory rest period with the prescribed regulations.

Inadequate rest

126. Where no collective agreement or arbitration award exists, or if the Director determines that the provisions in a collective agreement or arbitration award in respect of paragraphs 7 and 8 of the Maritime Labour Convention Code A2.3 of Regulation 2.3 are inadequate, the Director, in consultation with the Ministry responsible for Labour shall assess the circumstances of the case, to ensure the seafarers concerned have sufficient rest.

Posting of shipboard working arrangements

127. The master of a ship shall post, in an easily accessible place, a table with the shipboard working arrangements, setting out for every position

(a) the schedule of service at sea and service in port; and

(b) the maximum hours of work or the minimum hours of rest required by section 123 or applicable collective agreements.

Format of shipboard working arrangements

128. The master of a ship shall establish shipboard working arrangements in a standardized format in the working language or languages of the ship and in English.

Records of seafarers' daily hours of work or rest

129.(1) The master of a ship shall maintain records of seafarers' daily hours of work or of their daily hours of rest, for monitoring and compliance purposes, in the working language or languages of the ship and in English.

(2) Each seafarer shall be given a copy of the records pertaining to him, endorsed by the master or a person authorized by the master and by the seafarer.

Hours of work and rest for young seafarers

130. For a seafarer under 21 years of age, while at sea and in port

(a) his working hours shall not exceed 8 hours in any 24 hour period and 40 hours per week;

(b) overtime shall be worked only where unavoidable for safety reasons;

(c) sufficient time shall be allowed for all meals, including a break of at least one hour for the main meal of the day; and

(d) a 15 minute rest period shall be provided as soon as possible following each 2 hours of continuous work.

Exceptions

131.(1) Section 130 does not apply if

(a) it is impracticable for a seafarer in the deck, engine room or catering department assigned to watchkeeping duties or working on a rostered shift-work system; or

(b) the effective training of the seafarer in accordance with established programs and schedules would be impaired.

(2) Where section 130 is not applied, the master shall keep and sign a record of the reasons.

Hours of work necessary for immediate safety reasons

132.(1) Notwithstanding sections 123, 126 and 130, a ship's master may require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board the ship or its cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

(2) In the circumstances referred to in subsection (1), the master may suspend the schedule of hours of work or rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

(3) As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work during a scheduled rest period are provided with an adequate period of rest.

Personal protective equipment

133. Every shipowner shall provide seafarers with appropriately sized personal protective equipment.

Entitlement to leave

134.(1) Barbadian seafarers employed on foreign-registered ships are entitled to paid annual leave consistent with the Maritime Labour Convention and section 111.

(2) The master of a ship shall grant shore leave to seafarers to benefit their health and well-being, consistent with the operational requirements of their positions.

Calculation of annual leave pay

135.(1) The pay for a seafarer on annual leave shall be calculated in accordance with the Maritime Labour Convention standards and specified by the Administration in a maritime labour notice, after consultation with the Ministry responsible for Labour.

(2) The following shall not be counted as part of annual leave with pay:

(a) public and customary holidays, whether or not they fall during the annual leave with pay;

(b) periods of incapacity for work resulting from illness or injury or from maternity or paternity;

(c) temporary shore leave granted to a seafarer under an employment agreement;

(d) compensatory leave of any kind;

(e) time spent awaiting repatriation and repatriation travel time; or

(f) justified absences from work.

Level of pay during annual leave

136.(1) The level of pay during annual leave shall be at the seafarer's normal level of remuneration provided in the seafarer's employment agreement.

(2) For seafarers employed for periods shorter than one year or in the event of the termination of the employment agreement, entitlement to leave shall be calculated on a pro-rata basis.

Timing of annual leave

137. The time at which annual leave is to be taken shall, unless otherwise fixed by regulation, collective agreement, arbitration award or other means, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives.

Place of annual leave

138.(1) Subject to subsection (2), a seafarer shall not be required, without his consent, to take annual leave due to him in a place other than a place to which he has a substantial connection, unless otherwise provided in the seafarer's employment agreement.

(2) For the purpose of subsection (1), a place to which a seafarer has a substantial connection includes the place to which he is entitled to be repatriated.

(3) If a seafarer is required to take annual leave from a place other than a place referred to in subsection (1)

(a) the seafarer is entitled to free transportation to the place where he was engaged or the place where he was recruited, whichever is nearer to his home;

(b) the subsistence and other costs that are directly involved shall be paid the shipowner; and

(c) the travel time shall not be deducted from the annual leave with pay due to the seafarer.

No agreement to forego minimum annual leave with pay

139. Any agreement to forego the minimum annual leave with pay provided for in this Act is invalid.

Recall of seafarer taking annual leave

140. A seafarer taking annual leave shall be recalled only in an emergency and with the seafarer's consent.

Accumulation of annual leave

141. Annual leave due in respect of one year may be added to a subsequent period of leave.

Uninterrupted period of leave

142. Unless otherwise provided in a seafarer's employment agreement, a seafarer's annual leave with pay shall consist of an uninterrupted period.

Seafarers under 21 years of age

143. A seafarer under 21 years of age who has served without leave for 6 months, or any shorter period of time provided for in a collective agreement or seafarers' employment agreement, on a foreign-going ship that has not returned to his country of residence during that time and will not return in the next 3 months of the voyage shall be repatriated, at no expense to the seafarer, to his country of residence for the purpose of taking any leave earned during the voyage.

Retirement

Retirement age

144. A seafarer may retire at 55 years of age, but may continue service until 65 years of age based on

(a) his medical fitness;

(b) the nature of seafaring work engaged in; and

(c) other relevant considerations.

Length of seafaring service

145. The length of service of a seafarer shall be calculated on the following basis:

(a) an absence from work to attend an approved maritime vocational training course, by reason of illness or injury or for maternity or paternity shall be counted as part of the period of employment; and

(b) service other than under the seafarer's employment agreement shall be counted as part of the period of employment.

Repatriation

Repatriation

146.(1) Every seafarer shall be repatriated to his home country at no cost to himself, and with payment of all wages and remuneration due to the seafarer without undue delay

(a) if the seafarers' employment agreement expires when abroad;

(b) if the seafarers' employment agreement is terminated by the shipowner, or terminated or interrupted in accordance with an industrial award or collective agreement, or for another similar reason;

(c) when the seafarers' employment agreement is terminated by the seafarer for justified reasons;

(d) when the seafarer is no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances, including an illness, injury, death or other medical condition that renders the seafarer unfit or unable to travel;

(e) if the ship is shipwrecked;

(f) if the shipowner is unable to continue to fulfill his legal or contractual obligations as employer of the seafarer by reason of insolvency, the

sale of the ship, a change of ship's registration or another similar reason;

(g) if the ship is bound for a war zone to which the seafarer does not consent to go; or

(h) for other compassionate or emergency reasons.

(2) The Human Element in Shipping Care Inspectorate shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of Standard A2.5.2, paragraph 2 of the Maritime Labour Convention 2006, as amended.

(3) The Human Element in Shipping Care Inspectorate shall cooperate with port States, flag States and labour-supplying States to ensure that seafarers engaged on a ship to replace

(a) seafarers who have been abandoned in Barbados;

(b) Barbadian seafarers who have been abandoned in a foreign port; or

(c) seafarers irrespective of nationality, on a ship flying the flag of Barbados,

are accorded their rights and entitlements under the Maritime Labour Convention 2006, as amended.

(4) For the purposes of this section, a seafarer's home country is

(a) the place at which the seafarer entered the seafarer's employment agreement;

(b) the place stipulated in any applicable collective agreement;

(c) the seafarer's country of residence; or

(d) any other place as mutually agreed at the time of engagement.

(5) In the case of a dispute, the shipowner shall provide evidence that the seafarer was afforded options for the place of repatriation.

No advance payment by seafarers

147. A shipowner shall not

(a) require a seafarer to make an advance payment towards the cost of repatriation at the beginning of his employment; or

(b) recover the cost of repatriation from the seafarer's wages or other entitlements, except where the seafarer has been found, in accordance with this Act, the regulations, other measures or an applicable collective bargaining agreement to be in serious default of the seafarer's employment obligations.

Financial security for repatriation

148. Every Barbados-registered ship, and every foreign-registered ship engaged in international voyages that employs a Barbadian seafarer, shall provide financial security to ensure that seafarers are duly repatriated in accordance with this Act and provide evidence of that security to the Director.

Claims brought by seafarer

149. Notwithstanding anything in this Act, in respect of any claim brought by a seafarer, a seafarer is entitled to seek compensation, and a shipowner is entitled to limit liability, in accordance with the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30).

Financial obligations on abandonment

150.(1) In the event of the abandonment of a ship, the shipowner remains responsible for maintaining financial security to ensure that seafarers belonging to the ship are repatriated in accordance with this Act and the regulations.

(2) A seafarer shall be deemed to have been abandoned if the shipowner violates the requirements of this Act, the regulations or the seafarer's employment agreement and

(a) fails to cover the cost of the seafarer's repatriation;

(b) has left the seafarer without the necessary maintenance and support; or

(c) has otherwise unilaterally severed ties with the seafarer, including a failure to pay contractual wages for a period of 2 months or more.

(3) For the purposes of subsection (2), necessary maintenance and support includes the provision of adequate food, accommodation, drinking water supplies, fuel essential for survival on board the ship and necessary medical care.

(4) Where a seafarer nominates a person to represent him in the event of abandonment, the nomination shall be in writing.

Financial security for abandonment

151.(1) A shipowner shall provide financial security sufficient to provide direct access, sufficient coverage and expedited financial assistance to any abandoned seafarer.

(2) Any amount payable by from the financial security may be offset against amounts received by the seafarer from other sources following their abandonment.

(3) Financial security for abandonment shall cover

(a) outstanding wages and other entitlements due from the shipowner to the seafarer under the seafarer's employment agreement, a collective bargaining agreement or the national law of Barbados, an amount equal to up to 4 months of any such outstanding wages and entitlements;

(b) all expenses reasonably incurred by the seafarer, including the cost of repatriation; and

(c) the needs of the seafarer until the seafarer's arrival at home, including adequate food, clothing, accommodation, drinking water supplies, fuel for survival on board, medical care and other reasonable costs due to the abandonment.

(4) For the purposes of subsection (3)*(b)*, the cost of repatriation includes travel by appropriate and expeditious means, including travel by air, the cost of food and accommodation from the time of leaving the ship until arrival at the seafarer's home, necessary medical care and the transport of personal effects.

(5) The financial security provider shall notify the Administration 30 days in advance, if the financial security is to cease before the end of the period of validity.

Shipowners' Liability for Contractual Claims

Definitions

152. For the purposes of sections 153 to 158, "contractual claim" means a claim that relates to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as per the seafarer's employment contract or another contractual agreement.

Financial security

153.(1) A shipowner shall provide financial security for the payment of all contractual claims that arise during the validity period seafarers' employment contracts.

(2) Compensation for a contractual claim shall be paid in full and without delay.

(3) No person shall pressure a claimant to accept a payment that is less than the contractual amount.

(4) Where the nature of a long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim

payment or payments shall be made to the seafarer so as to avoid undue hardship.

(5) The seafarer shall receive payment for a contractual claim without prejudice to other legal rights, but the payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident.

(6) A claim for contractual compensation may be brought directly by a seafarer, his next of kin, or a representative or designated beneficiary of the seafarer.

(7) A shipowner shall notify any affected seafarers at least 30 days in advance if a financial security is to be cancelled or terminated.

(8) A financial security provider shall notify the Administration at least 30 days in advance of the date on which a financial security will cease to be valid.

(9) Where payment is made in relation to a contractual claim, the parties to the payment shall use the Model Receipt and Release Form, set out in the *Fifteenth Schedule*, as the basis for the agreement.

(10) A shipowner shall ensure that any contractual claims relating to compensation are addressed expeditiously in an impartial and fair manner.

Financial security certificate documentary evidence

154.(1) When applying for a Part I declaration of maritime labour compliance, the shipowner shall provide the Administration with documentary evidence of the required financial security.

(2) The Administration shall accept financial security in the form of insurance or another similar financial security arrangement.

(3) The Administration may accept evidence of financial security in an electronic format, if all seafarers have access to the electronic system on which the information is maintained.

Conditions of coverage

155.(1) The Administration shall annually review the conditions of coverage provided for financial security in an application under section 154 to determine if the requirements of the Maritime Labour Convention, 2006 Standard A.2.5.2 and Standard A.4.2.1 are satisfied.

(2) In conducting such a review, the Administration shall take into consideration the International Labour Organization and International Maritime Organization Resolutions A. 930(22) and A. 931(22) guidelines on financial security provision and the International Maritime Organization Legal Committee's guidelines for accepting documentation from insurance companies, financial security providers and protection and indemnity clubs.

(3) The Administration shall review the submitted financial security information for compliance with the Maritime Labour Convention, 2006 and issue a Statement of Verification if the financial security complies with that Convention.

(4) A shipowner shall maintain a Statement of Verification with the declaration of maritime labour compliance and maritime labour certificate.

Change of financial security provider

156. Where there is a change of the financial security provider or financial security system after a maritime labour certificate and declaration of maritime labour compliance has been issued, the shipowner shall notify the Administration in writing and, where the maritime labour certificate was not issued by the Administration, the body that issued the maritime labour certificate.

Documentary evidence

157. Subsequent to the issuance of a Part I declaration of maritime labour compliance, and on an annual basis thereafter, the shipowner shall provide the Administration with documentary evidence of valid financial security.

Posting of declaration

158.(1) If a financial security provider and financial security is accepted by the Administration, the certificate or other documentary evidence of the financial security shall be posted in a conspicuous place on board the ship that is available to the seafarers.

(2) If more than one provider provides financial security, the documents provided by each provider shall be carried on board.

(3) The certificate or other documentary evidence shall include the following information:

(a) the name of the ship;

(b) the port of registry of the ship;

(c) the call sign of the ship;

(d) the International Maritime Organization number of the ship;

(e) the name and address of the provider of the financial security;

(f) the contact details of the person or entity responsible for handling seafarers requests for relief or seafarer contractual claims;

(g) the name of the shipowner on whose behalf financial security has been provided;

(h) the period of validity of the financial security; and

(i) an attestation from the financial security provider that the financial security meets the requirements of the Maritime Labour Convention, 2006 Standard A 2.5.2 or A 4.2.1, as applicable.

Seafarer compensation for the ship's loss or foundering

159. A shipowner shall pay each seafarer employed on board an indemnity against unemployment resulting from the ship's loss or foundering, to a maximum of 2 months' wages, for the days during which the seafarer remains

unemployed, at the same rate as the wages payable under the seafarer's employment agreement.

No prejudice to other rights

160. A payment under section 159 does not prejudice any other rights a seafarer may have for losses or injuries arising from a ship's loss or foundering.

General

Manning levels

161.(1) A ship entitled to fly the Barbados flag shall have a sufficient number of seafarers on board to ensure that ship can be operated safely, efficiently and with due regard to security.

(2) Every Barbados-registered ship shall be manned by a crew with adequate qualifications to

(a) ensure the safety and security of the ship and its personnel under all operating conditions, in accordance with the safe manning document issued by the Administration under section 162; and

(b) comply with the standards provided for in this Act and the regulations.

Determining manning levels

162. The Director shall determine or approve the manning level for each Barbados-registered ship, having regard to the need to avoid or minimize excessive hours of work, to ensure sufficient rest and to limit fatigue.

Coastal ships

163. The owner and the master of every ship engaged in coastal traffic shall ensure that, in addition to the requirements in section 161, the seafarers employed on board that ship are Barbadian nationals.

Prohibition against going to sea undermanned

164.(1) The owner or master of a ship that does not comply with section 161 shall not permit the ship to go to sea, or attempt to go to sea.

(2) Subsection (1) does not apply to the owner or master of a maritime autonomous surface ship.

Complaints concerning manning levels

165.(1) The Director shall conduct an investigation of any complaint concerning the manning level of a Barbados-registered ship.

(2) The Director shall establish a process for the investigation and settlement of such complaints and arrange for representatives of shipowners' and seafarers' organizations to participate, with or without other persons or authorities, in that process.

Career and skill development and opportunities

166.(1) In order to provide the maritime sector with a stable and competent workforce, the Administration shall develop national policies

(a) to help seafarers strengthen their competencies, qualifications and employment opportunities;

(b) to promote employment in the maritime sector; and

(c) to encourage career and skill development and employment opportunities for seafarers domiciled in Barbados.

(2) Policies developed under subsection (1) shall

(a) be guided by Regulation 2.8, Standard A2.8 and Guideline B2. 8 of the Maritime Labour Convention; and

(b) establish of clear objectives, after consultation by seafarer education and training providers with shipowners' and seafarers' organizations, for the vocational guidance, education and training of seafarers whose

duties on board ship relate primarily to safe operation and navigation of the ship.

(3) In fulfillment of Barbados' Maritime Labour Convention obligations outlined under subsections (1) and (2), the Minister in collaboration with the Minister responsible for Labour, Barbados Port Inc. and other stakeholders shall

(a) work towards continued and effective implementation of section 35 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13); and

(b) undertake any other actions necessary for maintaining the seafaring industry as a viable career option, in view of the reliance of the shipping industry on seafarers, and the need to ensure a consistent supply of competent persons for seafaring labour in its various forms.

Offences

167.(1) A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of $700 000.

(2) A person referred to in subsection (1) shall be subject, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

Regulations

168. The Minister may make regulations regarding

(a) the hours of rest required for seafarers;

(b) the entitlement of seafarers to compensatory rest periods; and

(c) the safe manning requirements for autonomous vessels.

PART VI

ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

Accommodation and recreational facilities

169. The Administration shall adopt measures to ensure that

(a) Barbados-registered ships provide and maintain Maritime Labour Code-compliant accommodations and recreational facilities for seafarers working or living on board, consistent with promoting seafarers' health and well-being; and

(b) foreign-registered ships on which Barbadian seafarers will be serving provide and maintain Maritime Labour Code-compliant accommodations and recreational facilities for seafarers working or living on board, consistent with promoting seafarers' health and well-being.

Accommodation and recreational facilities

170. Ships and equipment constructed before June 20th, 2013 shall provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, that will promote the seafarers' health and well-being.

Constructed ship

171. For the purposes of section 170, a ship is deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

Inspections

172.(1) Every Barbados-registered ship shall

(a) be inspected in accordance with section 229, to ensure compliance with section 170; and

(b) be inspected frequently, under the authority of the master, to ensure that seafarer accommodation is clean, habitable and maintained in a good state of repair.

(2) The results of each inspection under subsection (1) are to be recorded and made available for review.

Seafarers with differing religious practices

173. Where a seafarer has religious and social practices that differ from the other seafarers, the Chief Maritime Social Services Officer may, after consultation with the shipowners' and seafarers' organizations, permit variations in the requirements of this Act, if such variations do not result in overall facilities that are less favourable than those that would result from the application of section 170.

Ships of less than 200 GT

174.(1) The Director may, after consultation with the shipowners' and seafarers' organizations

(a) exempt ships of less than 200 GT from the requirement to be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;

(b) in respect of ships that are not passenger ships, exempt ships of less than 200 GT from the requirement for each sleeping room to be provided with a wash basin having hot and cold running fresh water, unless a wash basin is situated in a private bathroom that is provided;

(c) exempt ships of less than 200 GT from the requirement to be furnished with laundry facilities;

(d) exempt ships from the requirement for the floor area of single berth sleeping rooms of seafarers who do not perform duties of ships' officers to be not less than

(i) 4.5 square metres in ships of less than 3,000 GT;

(ii) 5.5 square metres in ships of 3,000 GT or over but less than 10,000 GT; and

(iii) 7 square metres in ships of 10,000 GT or over;

(e) exempt ships from in respect of ships that are not passenger ships or special purpose ships, the requirement for ships of less than 3,000 GT to provide sleeping rooms of seafarers who do not perform duties of ships' officers to be occupied by a maximum of 2 seafarers with a floor area of not be less than 7 square metres;

(f) in respect of passenger ships and special purpose ships, exempt ships of less than 200 GT from the requirement for the floor area of sleeping rooms for seafarers who do not perform the duties of ships' officers to be not less than

(i) 7.5 square metres in rooms accommodating 2 persons;

(ii) 11.5 square metres in rooms accommodating 3 persons; and

(iii) 14.5 square metres in rooms accommodating 4 persons;

(g) in respect of special purpose ships, exempt ships of less than 200 GT from the requirement that sleeping rooms of seafarers who do not perform duties of ships' officers not accommodate more than 4 persons with a floor area of not be less than 3.6 square metres per person;

(h) in respect of ships other than passenger ships and special purpose ships, exempt ships from the requirement for sleeping rooms for seafarers

who perform duties of ships' officers, where no private sitting room or day room is provided, to have a floor area, per person, of not less than

(i) 7.5 square metres in ships of less than 3,000 GT;

(ii) 8.5 square metres in ships of 3,000 GT or over but less than 10,000 GT; and

(iii) 10 square metres in ships of 10,000 GT or over; or

(i) in respect of passenger ships and special purpose ships, exempt ships of less than 200 GT from the requirement that the floor area for seafarers performing the duties of ships' officers, where no private sitting room or day room is provided, for junior officers to not be less than 7.5 square metres per person and for senior officers to be not less than 8.5 square metres per person.

(2) For the purpose of subsection (1)*(i)*, a junior officer is an officer performing duties at the operational level and a senior officer is an officer performing duties at the management level.

Conditions for exemptions

175. An exemption under section 174

(a) shall expressly identify the requirement concerned;

(b) shall be reasonable, taking into account the size of the ship and the number of persons on board;

(c) shall be clearly justified in the particular circumstances; and

(d) is subject to the need to protect seafarers' health and safety.

Request for exemption

176.(1) A shipowner or seafarers' organization may request an exemption under section 174 in writing.

(2) A request for an exemption shall be provided to the Director

(a) during the construction stages of the ship, in respect of a new build;

(b) during the modification stages of the ship, in respect of a re-purposed ship; and

(c) at any other time, in respect of an existing ship.

Requirements for ship design and construction

177.(1) Subsections (2) to (19) apply to every Barbados-registered ship.

(2) The ship shall provide adequate headroom in all seafarer accommodation.

(3) The Administration, on the written request of a shipowner, may permit a limited reduction in headroom in any accommodation, or a part of it, where he is satisfied that the reduction is reasonable and will not result in discomfort to the seafarers.

(4) In other areas of the ship where full and free movement is necessary, the headroom provided shall be not less than 203 centimetres.

(5) Accommodation on the ship shall be adequately insulated.

(6) In a ship other than a passenger ship, sleeping rooms shall be situated aft of the collision bulkhead

(a) above the load line amidships or aft; or

(b) where the size, type or intended service of the ship renders any other location impracticable, in the fore part of the ship.

(7) In respect of a passenger ship or a special purpose ship, on the written request of a shipowner, the Administration may, if arrangements satisfactory to the Administration are made for lighting and ventilation, permit the location of sleeping rooms below the load line, if they are not located immediately beneath working alleyways.

(8) There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal

sanitary areas, and a bulkhead separating such places from sleeping rooms and external bulkheads of sleeping rooms shall be constructed of steel or another approved substance and be watertight and gas-tight.

(9) Materials used to construct internal bulkheads, paneling, sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.

(10) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated, and all machinery casings and boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passage-ways.

(11) Measures shall also be taken to provide protection from heat effects of steam or hot-water service pipes or both.

(12) Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space shall be sufficiently insulated to prevent condensation or overheating.

(13) Bulkhead surfaces and deck-heads shall be of a material with a surface easily kept clean and bulkhead surfaces and deck-heads in sleeping rooms and mess rooms shall be light in colour with a durable, non-toxic finish.

(14) Bulkhead surfaces and deck-heads shall be constructed in a manner that is not likely to harbour vermin.

(15) Decks in all seafarer accommodation shall be of approved material and construction and shall provide a non-slip surface that is impervious to damp and easily kept clean.

(16) Where the floorings in seafarer accommodation are made of composite materials, the joints with the sides shall be profiled to avoid crevices.

(17) Proper lighting and sufficient drainage in seafarer accommodation shall be provided.

(18) Accommodation, recreational and catering facilities shall meet the requirements of section 208 to prevent the risk of exposure to hazardous levels

of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers, including

(a) locating accommodation, recreational and catering facilities as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus;

(b) using acoustic insulation or other appropriate sound-absorbing materials in the construction and finishing of bulkheads, deck-heads and decks within the sound-producing spaces and providing self-closing noise-isolating doors for machinery spaces;

(c) providing engine rooms and other machinery spaces, wherever practicable, with soundproof centralized control rooms for engine-room personnel;

(d) insulating working spaces, such as the machine shop, as far as practicable, from the general engine-room noise and reducing noise in the operation of machinery;

(e) limiting noise levels for working and living spaces in conformity with International Labour Organization code of practice entitled "Ambient factors in the workplace, 2001," the protection recommended by the International Maritime Organization, and any subsequent amending and supplementary instruments for acceptable noise levels on board ships;

(f) not exposing accommodation, recreational or catering facilities to excessive vibration; and

(g) fitting ships regularly trading to mosquito-infested ports with appropriate devices.

(19) A copy of the instruments referred to in subsection (18)*(e)* in English or the working language of the ship shall be carried on board the ship and be accessible to seafarers.

Requirements for ventilation and heating

178.(1) Subsections (2) to (13) apply to every Barbados-registered ship.

(2) Sleeping rooms and mess rooms on the ship shall be adequately ventilated.

(3) The system of ventilation for sleeping rooms and mess rooms on the ship shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(4) The ship shall be equipped with air conditioning for seafarers' accommodation, for any separate radio room and for any centralized machinery control room, unless it is regularly in trade where temperate climatic conditions do not require this.

(5) The ship's air-conditioning systems, whether of a centralized or individual-unit type, shall be designed to

(a) maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and

(b) facilitate easy cleaning and disinfection to prevent or control the spread of disease.

(6) All sanitary spaces on the ship shall have ventilation to the open air, independently of any other part of the accommodation.

(7) Adequate heat through an appropriate heating system on the ship shall be provided, unless the ship voyages exclusively in tropical climates.

(8) The system of heating the seafarer accommodation on the ship shall be in operation at all times when seafarers are living or working on board and conditions require its use.

(9) Subject to subsection (10), if a heating system is required on the ship, the heating shall be by means of hot water, warm air, electricity, steam or the equivalent.

(10) Within the accommodation area on the ship, steam shall not be used as a medium for heat transmission.

(11) The heating system on the ship shall be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate that are likely to be met within the trade in which the ship is engaged.

(12) Radiators and other heating apparatus on the ship shall be placed and, where necessary, shielded so as to avoid a risk of fire or danger or discomfort to the occupants.

(13) Power for the operation of the air conditioning and other aids to ventilation required under this section, other than power provided from an emergency source, shall be available at all times when seafarers are living or working on board and conditions so require.

Requirements for lighting

179.(1) Subsections (2) to (6) apply to every Barbados-registered ship, other than passenger ships for which other arrangements are permitted by the Administration, on the written request by a shipowner.

(2) Sleeping rooms and mess rooms on the ship shall be lit by natural light and provided with adequate artificial light.

(3) Electric light on the ship shall be provided in seafarers' accommodation.

(4) If there are not 2 independent sources of electricity for lighting on the ship, additional lighting shall be provided by lamps or lighting apparatus constructed for emergency use.

(5) In seafarers' sleeping rooms on the ship, an electric reading lamp shall be installed at the head of each berth.

(6) All seafarer accommodation on the ship shall comply with

(a) International Organization for Standardization standards of lighting for ships; and

(b) International Maritime Organization standards of lighting for ships.

Requirements for sleeping rooms

180.(1) Subsections (2) to (14) apply to sleeping rooms on Barbados-registered ships.

(2) In a ship other than a passenger ship, an individual sleeping room shall be provided for each seafarer.

(3) On the written request by a shipowner, the Administration may exempt a ship of less than 3,000 GT or a special purpose ship from subsection (2) after consultation with the shipowners' and seafarers' organizations.

(4) Subject to the minimum floor area requirements outlined in section 181

(a) on a ship of less than 3,000 GT that is not a passenger ship or special purpose ship, sleeping rooms shall be occupied by a maximum of 2 seafarers;

(b) on a passenger ship, sleeping rooms shall be occupied by a maximum of 4 seafarers not carrying out duties of ships' officers, or 2 seafarers performing the duty of petty officers; and

(c) on a special purpose ship, sleeping rooms may accommodate more than 4 persons if the floor area of the rooms is not less than 3.6 square metres per crew member.

(5) Separate sleeping rooms on the ship shall be provided for men and for women.

(6) As far as practicable, sleeping rooms of seafarers on the ship shall be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.

(7) Sleeping rooms on the ship shall be of adequate size and equipped so as to ensure reasonable comfort and to facilitate tidiness.

(8) Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms on the ship shall be planned and equipped with a private bathroom, including a toilet.

(9) The furniture in each sleeping room on the ship shall be of smooth, hard material not liable to warp or corrode and shall, for each occupant, include a clothes locker with a minimum of 475 litres of space, fitted with a shelf and able to be locked by the occupant so as to ensure privacy, and a drawer or equivalent space of not less than 56 litres.

(10) If a drawer is incorporated in a clothes locker, the minimum volume of the clothes locker and drawer shall be 500 litres.

(11) Each sleeping room on the ship shall be provided with a table or desk of a fixed, drop-leaf or slide-out type, and with comfortable seating accommodation.

(12) Sleeping rooms on the ship shall be fitted with curtains or the equivalent for the sidelights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

(13) Berths on the ship shall meet the following standards:

(a) a separate berth shall be provided for each seafarer;

(b) the minimum inside dimensions of the berth shall be at least 198 centimetres by 80 centimetres;

(c) there shall be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer;

(d) berths shall not be arranged in more than 2 tiers;

(e) where berths are placed along the ship’s side, there shall be only a single tier if a sidelight is situated above a berth;

(f) the lower berth in a double tier shall be not less than 30 centimetres above the floor, and the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams;

(g) the framework and any lee-board of a berth shall be of approved material that is hard, smooth and not likely to corrode or to harbour vermin;

(h) if tubular frames are used for the construction of berths, they shall be completely sealed and without perforations that would give access to vermin;

(i) each berth shall be fitted with a comfortable mattress with a cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress;

(j) mattresses and cushioning material used shall be made of approved material;

(k) stuffing of material that is likely to harbour vermin shall not be used;

(l) when one berth is placed over another, a dust-proof bottom shall be fitted beneath the bottom mattress or spring bottom of the upper berth; and

(m) clean, good-quality bedding shall be supplied to all seafarers for use on board during service on the ship.

(14) Seafarers shall be responsible for the return of any bedding supplied, at times specified by the master and on completion of service in the ship.

Floor areas for sleeping rooms

181.(1) Subject to section 174, the sleeping rooms in a ship shall have the following minimum floor areas:

(a) in single berth seafarers' sleeping rooms, a floor area of not less than

(i) 4.5 square metres in a ship of less than 3,000 GT;

(ii) 5.5 square metres in a ship of 3,000 GT or over but less than 10,000 GT; and

(iii) 7 square metres in a ship of 10,000 GT or over;

(b) in a ship of less than 3,000 GT other than a passenger ship or special purpose ship, where sleeping rooms are occupied by 2 seafarers, a floor area of not less than 7 square metres;

(c) on a passenger ship or special purpose ship, in sleeping rooms for seafarers not performing the duties of ships' officers, a floor are of not less than

(i) 7.5 square metres in rooms accommodating 2 persons;

(ii) 11.5 square metres in rooms accommodating 3 persons; and

(iii) 14.5 square metres in rooms accommodating 4 persons;

(d) on a special purpose ship, in sleeping rooms where more than 4 seafarers are accommodated, a floor area of not less than 3.6 square metres per person;

(e) on a ship other than a passenger ship or special purpose ship, in sleeping rooms for seafarers who perform the duties of ships' officers where no private sitting room or day room is provided, a floor area per person of not less than

(i) 7.5 square metres in a ship of less than 3,000 GT;

(ii) 8.5 square metres in a ship of 3,000 GT or over but less than 10,000 GT; and

(iii) 10 square metres in a ship of 10,000 GT or over; and

(f) on a passenger ships or special purpose ship, in sleeping rooms for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, a floor area per person for junior officers of not less than 7.5 square metres and a floor area per person for senior officers of not less than 8.5 square metres.

(2) For the purpose of subsection (1)

(a) space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area; and

(b) small or irregularly shaped spaces that do not add effectively to the space available for free movement and that cannot be used for installing furniture shall be excluded.

(3) For the purpose of subsection (1)*(f)*, a junior officer is an officer performing duties at the operational level and a senior officer is an officer performing duties at the management level.

(4) In order to provide single berth sleeping rooms on a passenger ship, a special purpose ship or any other ship of less than 3,000 GT, on the written request by a shipowner the Administration may permit a reduced floor area.

Additional space provided

182.(1) The master, the chief engineer, the chief navigating officer of a ship and, where practicable, the second engineer officer shall be provided with, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space.

(2) The Director may exempt a ship of less than 3,000 GT from complying with subsection (1) after consultation with the shipowners' and seafarers' organizations.

Mess rooms

183.(1) The mess room shall comply with the following standards:

(a) it shall be located apart from the sleeping rooms and as close as practicable to the galley;

(b) it shall be of adequate size and comfort and properly furnished and equipped, and include ongoing facilities for refreshment, having regard to the number of seafarers likely to use it at any one time;

(c) provision shall be made for separate or common mess room facilities, as appropriate, having regard to factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers;

(d) where separate mess room facilities are to be provided to seafarers, mess rooms shall be provided for the master and officers separate from those for petty officers and other seafarers;

(e) on a ship other than a passenger ship, the floor area of a mess room for seafarers shall be not less than 1.5 square metres per person of the planned seating capacity;

(f) the mess room shall be equipped with tables and appropriate fixed or movable seats that are sufficient to accommodate the greatest number of seafarers likely to use them at any one time;

(g) the tops of tables and seats shall be of damp-resistant material; and

(h) there shall be available at all times when seafarers are on board

(i) a refrigerator that is conveniently situated and of sufficient capacity for the number of persons using the mess room;

(ii) facilities for hot beverages and cool water; and

(iii) where available pantries are not accessible to the mess room, adequate lockers for mess utensils and facilities for washing utensils; and

(i) mess utensils, including plates and cups, of approved material that can be easily cleaned, shall be supplied by the shipowner to all seafarers for use on board during service on the ship.

(2) A decision to provide separate or common mess room facilities under subsection (1)*(c)* shall be taken after consultation with seafarers' and shipowners' representatives and is subject to the approval of the Director.

(3) Seafarers shall be responsible for the return of mess utensils at times specified by the master and on completion of service in the ship.

(4) The Director may exempt a ship of less than 3,000 GT from complying with subsection (1)*(a)* after consultation with the shipowners' and seafarers' organizations.

Sanitary facilities

184.(1) Every ship shall comply with the following standards:

(a) all seafarers shall be provided with convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, and separate sanitary facilities shall be provided for men and women;

(b) sanitary facilities shall be within easy access of the navigating bridge and the machinery space or near the engine room control centre;

(c) a ship shall have a minimum of one toilet, one wash basin and one tub or shower at a convenient location for every 6 persons who do not have personal facilities or, where the ship has fewer than 6 seafarers who do not have personal facilities, it shall have at least one toilet, one wash basin and one tub or shower at a convenient location;

(d) for a ship other than a passenger ship, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in a private bathroom provided;

(e) where separate facilities for engine department personnel to change their clothes are provided, they shall be located outside the machinery space but with easy access to it and shall be fitted with individual clothes lockers, tubs or showers, and washbasins having hot and cold running fresh water;

(f) hot and cold running fresh water shall be available in all wash places;

(g) washbasins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode;

(h) all toilets shall be of an approved pattern and provided with an ample flush of water, or with some other suitable flushing means such as air, that is available at all times and independently controllable;

(i) where sanitary accommodation is intended for the use of more than one person

(i) floors shall be of an approved durable material that is impervious to dampness and shall be properly drained;

(ii) bulkheads shall be of steel or other approved material and shall be watertight up to at least 23 centimetres above the level of the deck;

(iii) the accommodation shall be sufficiently lit, heated and ventilated;

(iv) toilets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access, unless a toilet is located in a compartment between two sleeping rooms accommodating not more than 4 seafarers;

(v) where there is more than one toilet in a compartment, the toilets shall be sufficiently screened to ensure privacy; and

(vi) towels, soap and toilet paper for all seafarers shall be provided by the shipowner.

(2) For a passenger ship normally engaged on voyages of not more than 4 hours' duration, a competent authority the Administration may approve other arrangements or a reduction in the number of facilities required.

(3) A competent authority the Administration may exempt a ship of less than 3,000 GT from complying with subsection (1)*(b)* after consultation with the shipowners' and seafarers' organizations.

Hospital accommodation

185.(1) A ship carrying 15 or more seafarers that is engaged in a voyage of more than 3 days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes.

(2) Hospital accommodation on such a ship shall, in all weathers, be easily accessible, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention, and

(a) be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases; and

(b) have the arrangement of the entrance, berths, lighting, ventilation, heating and water supply designed to ensure the comfort and facilitate the treatment of the occupants. of one toilet, one washbasin and one tub or shower.

(3) The Director may prescribe the number of hospital berths required on such a ship, in consultation with the shipowners' and seafarers' organizations.

(4) Sanitary accommodation on such a ship shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity to it, and shall include a minimum of one toilet, one washbasin and one tub or shower.

Laundry facilities

186.(1) Where separate laundry facilities are provided for engine department personnel to change their clothes, the facilities shall be

(a) located outside the machinery space, but with easy access to it; and

(b) fitted with

(i) individual clothes lockers;

(ii) tubs or showers; and

(iii) washbasins having hot and cold running fresh water.

(2) Laundry facilities shall include

(a) washing machines;

(b) drying machines or adequately heated and ventilated drying rooms; and

(c) irons and ironing boards, or their equivalent.

Recreational facilities

187.(1) A Barbados-registered ship shall provide recreational facilities, amenities and services adapted to meet the needs of seafarers who live and work on the ship, having regard to the requirements of section 208.

(2) Every Barbados-registered ship shall

(a) have one or more spaces on the open deck to which seafarers can have access when off duty, of an area adequate to the size of the ship and the number of seafarers on board;

(b) be provided with separate offices or a common ship's office for use by the deck and engine departments;

(c) provide furnishings for recreational facilities that include a bookcase and facilities for reading, writing and, where practicable, games,

(d) where appropriate, provide a canteen;

(e) include the following facilities at no cost to the seafarer, where practicable:

(i) a smoking room;

(ii) facilities for television viewing and the reception of radio broadcasts;

(iii) facilities for showing films;

(iv) sports equipment, including exercise equipment, table games and deck games;

(v) facilities for swimming;

(vi) a library containing vocational and other books;

(vii) facilities for recreational handicrafts;

(viii) electronic equipment, including televisions, radios, personal computers and software, and other technological devices;

(ix) bars, unless it would be contrary to national, religious or social customs;

(f) provide reasonable access to ship-to-shore telephone communications, and email and social connectivity facilities at a reasonable charge and as adapted to meet the special needs of seafarers who must live and work on ships, be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 of the Maritime Labour Convention 2006, as amended, and the associated Code provisions on health and safety protection and accident prevention;

(g) ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible and make efforts to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control;

(h) whenever the master considers it to be possible and reasonable, expeditiously grant seafarers permission to have their partners,

relatives and friends as visitors on board the ship when in port, subject to any requirements for security clearances; and

(i) allow seafarers to be accompanied by their partners on occasional voyages where this is the master considers it to be practicable and reasonable.

(3) On the written request by a shipowner, the Administration may exempt a ship of less than 3,000 GT from complying with subsection (1)*(b)* after consultation with the shipowners' and seafarers' organizations.

(4) The stock of films and books provided for the purpose of subparagraphs *(e)* (iii) and (vi) shall be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals.

(5) Partners accompanying seafarers on voyages shall carry adequate insurance cover against accident and illness, and shipowners shall assist the seafarer to obtain such insurance.

Food and catering

188.(1) Food and drinking water supplies shall be considered based on

(a) the number of seafarers on board;

(b) the religious requirements and cultural practices of seafarers on board;

(c) duration and nature of the voyage.

(2) On every Barbados-registered ship and on every foreign-registered ship on which Barbadians work

(a) food and drinking water shall be of appropriate nutritional value, quality, quantity and variety, and shall be provided free of charge during the period of engagement;

(b) seafarers employed as ships' cooks with responsibility for preparing food shall be trained and qualified for their positions;

(c) seafarers working as ships' cooks shall not be less than 18 years of age;

(d) frequent and documented inspections on supplies of food and drinking water, in relation to their quality, quantity, nutritional value and variety shall be carried out by the ship's master or a person designated by him; and

(e) frequent and documented inspections of the ship's catering facilities shall be carried out by the ship's master or a person designated by him.

Complaint as to provisions

189.(1) Where 3 or more of the crew of a Barbados-registered ship consider that the provisions or water provided for the use of the crew are at any time of bad quality or deficient in quantity, they may make a complaint to a registrar, consular officer or inspector.

(2) On receipt of a complaint under subsection (1), the registrar, consular officer or inspector may examine the provisions or water complained of.

(3) Where the person making an examination under subsection (2) finds that the provisions or water are of bad quality or deficient in quantity, he shall advise the master of the ship in writing.

(4) A master who does not provide proper provisions or water on receipt of advice under subsection (3) commits of an offence and is liable on summary conviction to a fine of $500 000 or to imprisonment for a term of 5 years or to both.

(5) The person making an examination under subsection (2) shall enter a statement of the result of the examination in the ship's official log-book and send a report of it to the Principal Registrar.

(6) A report under subsection (5) is admissible as evidence.

(7) Where a person making an examination under subsection (2) certifies in his statement that there was no reasonable ground for the complaint, each complainant is liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for provisions

190.(1) If, during the voyage of a Barbados-registered ship, the allowance of provisions provided for a seafarer is less than that prescribed in the seafarer's employment agreement or otherwise specified in regulations or a maritime labour notice, or if any of those provisions are of bad quality, each seafarer on the ship shall receive by way of compensation, for so long as the deficiency lasts, the following amounts, to be paid to him in addition to, and to be recoverable as, wages:

(a) if the deficiency is not more than 1/3 of the quantity specified in the agreement, a sum not exceeding $75 a day;

(b) if the deficiency is more than 1/3 of that quantity, $150 a day; or

(c) in respect of provisions of bad quality, a sum not exceeding $300 a day.

(2) If a deficiency occurred because the provisions could not be procured or supplied in proper quantities and proper and equivalent substitutes were supplied in lieu of them, those circumstances shall be taken into consideration for the purposes of subsection (1) and a court or tribunal may order that the compensation reduced or denied accordingly.

Weights and measures

191.(1) The master of a Barbados-registered ship in which provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the provisions served.

(2) The master of the ship shall allow the weights and measures to be used in the presence of a witness at the time of serving of the provisions, whenever any dispute arises about those quantities.

(3) A master of a ship who fails without reasonable cause to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of $300 000.

Certified cook

192.(1) Subject to sections 194 and 195, every ship of 300 GT or more engaged in international voyages and every ship of 1000 GT or more shall carry on board a duly qualified ship's cook.

(2) Where in the opinion of the Principal Registrar there is an inadequate supply of qualified ship's cooks, he may exempt a Barbados-registered ship from the requirements of this section.

Qualifications for ship's cooks

193. A seafarer is qualified as a ships' cook only if he

(a) has served at sea for a minimum of one year, taking into account existing relevant qualifications or experience; and

(b) has passed an examination prescribed by a local, regional or international seafarer training institution or an equivalent examination at an approved training course for cooks, or holds a certificate of qualification as a ships' cook issued by a country that has ratified the Maritime Labour Convention or the Certification of Ships' Cooks Convention, 1946 (No. 69), or by another approved body.

Exemption

194.(1) Section 192 does not apply to a ship operating with a specified manning of less than 10.

(2) A person processing food in the galley of a ship referred to in subsection (1) shall be trained or instructed in food and personal hygiene and the handling and storage of food on board a ship.

Permitting a non-qualified cook

195. In circumstance of exceptional necessity, the ship's master may permit a cook who is not qualified in accordance with section 193 to serve in a ship until

the next convenient port of call or for a period not exceeding one month, whichever is earlier, if the cook is trained or instructed in food and personal hygiene and the handling and storage of food on board a ship.

Inspections under master's authority

196.(1) The master of a ship, or a person acting on his behalf, shall conduct frequent and documented inspections of

(a) supplies of food and drinking water;

(b) all spaces and equipment used for the storage and handling of food and drinking water; and

(c) galley and other equipment used for the preparation and service of meals.

(2) The ship's master shall provide documentation of inspections under subsection (1) to the Principal Registrar at his request.

(3) On request, the Principal Registrar shall provide such documentation to the Director in respect of Barbados-registered ships.

(4) The master of a foreign-registered ship calling at the Port of Bridgetown shall produce to port officials or authorized officers of the port, as part of a port state inspection, documentation of inspections conducted under subsection (1).

Additional protections in respect of food and catering

197.(1) The Administration shall

(a) in cooperation with other relevant agencies and organizations, collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board a ship;

(b) issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of hygiene, and ensure the maximum

practicable convenience in working arrangements for the preparation of food;

(c) work with relevant agencies and organizations to develop educational materials and on-board information concerning methods of ensuring proper food supply and catering services on board ships; and

(d) work in close cooperation with, and where necessary utilize the services of, shipowners' and seafarers' organizations and other national or local authorities dealing with questions of food and health.

(2) Information collected under subsection (1)*(a)* shall be made available, free of charge or at reasonable cost, to manufacturers of, and traders in, ships' food supplies and equipment, masters, stewards and cooks, and shipowners' and seafarers' organizations, using manuals, brochures, posters, charts, advertisements in trade journals or appropriate forms of publicity.

Offence and penalties

198.(1) A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of $700 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

Regulations

199. The Minister may make regulations establishing requirements as to provisions and water to be provided on ships.

PART VII

HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

Medical care on board ship and ashore

200.(1) The Human Element in Shipping Care Inspectorate shall undertake appropriate measures to ensure compliance with shore-based and shipboard medical care of seafarers.

(2) The Human Element in Shipping Care Inspectorate shall undertake appropriate measures to ensure prompt disembarkation of seafarers

(a) in need of immediate medical care from ships in Barbados irrespective of place of registry, and access to medical facilities ashore for the provision of appropriate treatment;

(b) in need of immediate medical care from ships in a foreign territory irrespective of place of registry, on which Barbadian seafarers are serving, and access to medical facilities ashore for the provision of appropriate treatment;

(c) in need of immediate medical care from Barbados-registered ships in a foreign territory on which seafarers of any nationality are serving, and access to medical facilities ashore for the provision of appropriate treatment.

(3) Every shipowner shall adopt measures to provide for health protection and medical care, including essential dental care, for seafarers working on board, including

(a) ensuring the application to seafarers of any general laws on occupational health protection and medical care relevant to their duties, and of special laws specific to work on board ship;

(b) ensuring that seafarers are given health protection and medical care as comparable as possible to that generally available to workers ashore, including prompt access to any necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;

(c) giving seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;

(d) ensuring that, to the extent consistent with national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and

(e) the adoption of measures of a preventive character, such as health promotion and health education programs.

(4) The master of a ship and relevant onshore and on-board medical personnel shall use a standard medical report form to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

(5) When completed, the form and its contents shall be kept confidential and shall be used only to facilitate the treatment of seafarers.

(6) All ships shall carry a prescribed medicine chest, medical equipment and a medical guide, subject to regular inspection by the competent authority, taking into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards by law to practise as a medical practitioner in a country of the Commonwealth or in any other country that is approved by the Principal Registrar after consultation with the Minister.

(7) The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, shall be properly maintained and inspected at intervals, not exceeding 12 months, by responsible persons designated by the ship master, who shall ensure that the labelling, expiry dates and conditions of storage

of all medicines and directions for their use are checked and all equipment functioning as required.

(8) The medical guides that shall be kept on board are the most recent edition of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance – An International Maritime Training Guide, and the medical section of the International Code of Signals.

(9) Where a cargo that is classified dangerous has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes shall be made available by the shipowner to the seafarers on board the ship.

(10) The antidotes and personal protective devices shall be on board whenever dangerous goods are carried.

(11) This requirements of this section shall be integrated with the ship's policies and programs on occupational safety and health as set out in section 208.

(12) A ship carrying 100 or more persons that is ordinarily engaged on international voyages of more than 3 days' duration shall carry a qualified medical doctor who is responsible for providing medical care.

(13) The Director may require that any other Barbados-registered ship carry a medical doctor, having regard to factors such as the duration, nature and conditions of the voyage and the number of seafarers on board.

(14) A ship that does not carry a medical doctor and that is ordinarily capable of reaching qualified medical care and medical facilities within 8 hours shall have at least one seafarer on board who

(a) is competent to provide medical first aid;

(b) has satisfactorily completed training in medical first aid that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; and

(c) is able to take immediate, effective action in case of accidents or illnesses likely to occur on board and to make use of medical advice by radio or satellite communication.

(15) Any other ship that does not carry a medical doctor shall have at least one designated seafarer with training in medical care required by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including practical training and training in life-saving techniques such as intravenous therapy, that will enable him to participate effectively in coordinated schemes for medical assistance to ships at sea and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board.

(16) A person referred to in subsection (11) or (12) and any other seafarer may be required by the Director to undergo, at approximately 5-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

(15) The Director shall ensure that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any time.

(16) Medical advice, and the onward transmission of medical messages by radio or satellite communication between a ship and those ashore, shall be available free of charge to all ships irrespective of the flag that they fly.

(17) Every ship shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained.

(18) The master of a ship shall ensure that seafarers with responsibility for medical care or medical first aid on board are instructed in the use of the ship's

medical guide and the medical section of the most recent edition of the International Code of Signals, so as to enable them to understand the type of information needed by an advising doctor and the advice received.

(19) The Minister may adopt measures to secure proper and sufficient medical care for the dependants of seafarers domiciled in Barbados, and shall inform the International Labour Office of any measures taken for this purpose.

(20) Seafarers on board foreign ships in the Barbados waters who are in need of immediate medical care shall be given access to medical facilities on shore, including

(a) outpatient treatment for sickness and injury;

(b) hospitalization, when necessary; and

(c) facilities for dental treatment.

(21) Seafarers suffering from disease shall be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements shall be made to ensure continuation of any necessary treatment to supplement the medical facilities available to them.

(22) Seafarers shall be allowed to disembark from a ship to access medical care.

(23) Where a seafarer has died during a ship's voyage, the MLC Member State in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.

(24) For the purposes of this section, "qualified medical doctor" means a medical practitioner authorised by law to practise as a medical practitioner in a country of the Commonwealth or in any other country that is approved by the Principal Registrar after consultation with the Minister.

Penalty for contravention of section 200

201. The owner of a Barbados-registered ship commits an offence and is liable on summary conviction to a fine of $1 000 in respect of each day of a voyage of the ship on which the ship is in contravention of section 200.

International cooperation activities

202. The Minister may participate in international cooperation activities, based on bilateral or multilateral agreements or consultations among countries, in the area of assistance, programs and research in health protection and medical care for seafarers, including

(a) developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for those seriously ill or injured on board a ship, through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979 and the International Aeronautical and Maritime Search and Rescue Manual;

(b) making optimum use of all ships carrying a doctor and stationing ships at sea that can provide hospital and rescue facilities;

(c) compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;

(d) landing seafarers ashore for emergency treatment;

(e) repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, having regard to the seafarer’s wishes and needs;

(f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, having regard to the seafarer’s wishes and needs; and

(g) endeavouring to set up health centres for seafarers to

(i) conduct research on the health status, medical treatment and preventive health care of seafarers;

(ii) train medical and health service staff in maritime medicine;

(iii) collect and evaluate statistics concerning occupational accidents, diseases and fatalities of seafarers and integrate and harmonize the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;

(iv) organize international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;

(v) provide all seafarers with special curative and preventive health and medical services in port, or make available to them general health, medical and rehabilitation services; and

(vi) arrange for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

Scales of medical stores

203.(1) The Minister may make regulations requiring Barbados-registered ships to carry such medicines, medical stores, and appliances, including books containing instructions and advice, as may be specified in the regulations and the regulations may make different provisions for different descriptions of ships in different circumstances.

(2) The owner and master of every ship shall ensure that the ship carries medicines, medical stores and appliances in accordance with the scales specified in subsection (1).

(3) Where an inspector is of the opinion that the medicines, medical stores and appliances on a Barbados-registered ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or consignee of the ship and the inspector may suspend the certificate of the registry of the ship until he is satisfied that the default has been remedied.

Shipowners' liability for medical care

204.(1) This section applies to seafarers who are nationals of Barbados working aboard foreign-registered ships and seafarers of any nationality who are working aboard Barbados registered ships.

(2) A shipowner is responsible for the health protection and medical care of all seafarers working on board the ship and is liable for the following costs, calculated in accordance with the *Third Schedule*, for a seafarers in respect of sickness and injury of the seafarer occurring between the date of commencing duty and the date upon which he is repatriated, or arising from their employment between those dates:

(a) the expense of medical care, including medical treatment, the supply of the necessary medicines and therapeutic appliances and board and lodging away from home until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character; and

(b) the cost of burial expenses in the case of the death of a seafarer occurring on board or ashore during the period of engagement.

(3) The liability of a shipowner under subsection (2)*(a)* is limited to 16 weeks from the day of the injury or the commencement of the sickness and ceases from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

(4) The liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board is limited to 16 weeks from the day of the injury

or the commencement of the sickness and ceases from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

(5) The shipowner shall provide financial security to assure the payment of compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, in an amount set out in the regulations, the seafarers' employment agreement or a collective agreement.

(6) Expenses under subsection (2)*(b)* may be reimbursed by an insurance institution where funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation.

(7) Subsection (2) does not affect any other legal remedies that a seafarer may seek.

Sickness or injury resulting in incapacity

205.(1) Where a sickness or injury referred to in section 204(1) results in the incapacity to work of a seafarer who is a national of Barbados working aboard a foreign-registered ship engaged on international ocean-going voyages or a seafarer who is working aboard a Barbados-registered ship, the shipowner shall

(a) pay full wages, exclusive of bonuses, as long as the sick or injured seafarer remains on board or until the seafarer has been repatriated in accordance with this Act; and

(b) pay wages in whole or in part as prescribed by national laws or regulations or as provided for in collective agreements from the time when the seafarer is repatriated or landed until his recovery or, if earlier, until he is entitled to cash benefits under applicable national social security legislation.

(2) Where a seafarer is no longer on board, the shipowner's liability under subsection (1) to pay wages in full is limited to a period of 16 weeks from the day of the injury or the commencement of the sickness.

Financial security

206. A shipowner shall provide financial security to assure compensation in the event of the death or long-term disability of a seafarers working on board the ship due to an occupational injury, illness or hazard, in accordance with the *Third Schedule*, the seafarers' employment agreement or any applicable collective agreement.

Exceptions in respect of shipowner's liability

207. A shipowner is not liable in respect of

(a) an injury to a seafarer incurred otherwise than in the service of the ship;

(b) an injury to, or the sickness or death of, a seafarer that is due to the wilful misconduct of the seafarer;

(c) a sickness or infirmity of a seafarer that was intentionally concealed when the seafarer's engagement was entered into.

Health and safety protection and accident prevention

208.(1) A shipowner shall provide seafarers with occupational health protection consistent with their right to live, work and train on board the ship in a safe and hygienic environment.

(2) After consultation with the seafarers' and shipowners' organizations, the Director shall, having regard to the national occupational safety and health guidelines referred to in subsection (3) and the requirements of Standard A 4.3 of the Maritime Labour Convention, set and maintain standards for occupational safety and health protection and accident prevention to be observed on-board ships.

(3) The Director shall, after consultation with the seafarers' and shipowners' organizations, adopt and continuously review guidelines for the management of seafarer occupational safety and health on board ships, based on the basic national

occupational safety and health policy and program for ships set out in subsection (4).

(4) The guidelines adopted under subsection (3) shall have regard to Standard A 4.3 and Guidelines B4.3.2 to B4.3.10 of the Maritime Labour Convention as well as the International Labour Organization code of practice entitled "Accident Prevention on Board Ship at Sea and in Port, 1996", and other international standards, guidelines and codes of practice regarding occupational safety and health protection and any exposure levels that they may identify.

(5) The guidelines shall give priority to

(a) structural features of the ship, including means of access and asbestos-related risks;

(b) machinery;

(c) the effects of any extremely low or high temperatures of surfaces with which seafarers may be in contact;

(d) the effects of noise in the workplace and in shipboard accommodation;

(e) the effects of vibration in the workplace and in shipboard accommodation;

(f) the effects of ambient factors, other than those referred to in paragraphs *(d)* and *(e)*, in the workplace and in shipboard accommodation, including tobacco smoke;

(g) safety measures on and below deck;

(h) loading and unloading equipment;

(i) fire prevention and fire-fighting;

(j) anchors, chains and lines;

(k) dangerous cargo and ballast;

(l) personal protective equipment for seafarers;

(m) work in enclosed spaces;

(n) the physical and mental effects of fatigue;

(o) the effects of drug and alcohol dependency;

(p) HIV and AIDS protection and prevention; and

(q) emergency and accident response.

(6) The assessment of risks and reduction of exposure on the matters referred to in subsection (5) shall take account of

(a) the physical occupational health effects, including manual handling of loads, of noise and vibration;

(b) the chemical and biological occupational health effects;

(c) the mental occupational health effects; and

(d) occupational accidents.

(7) Unless a seafarer is recognized as fully qualified in a pertinent skill by the Director, the guidelines established under subsection (2) shall specify restrictions on seafarers under 18 years of age undertaking, without appropriate supervision and instruction, work presenting a special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill, including work involving

(a) the lifting, moving or carrying of heavy loads or objects;

(b) entry into boilers, tanks and cofferdams;

(c) exposure to harmful noise and vibration levels;

(d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;

(e) handling mooring or tow lines or anchoring equipment;

(f) rigging;

(g) work aloft or on deck in heavy weather;

(h) night-watch duties;

(i) the servicing of electrical equipment;

(j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;

(k) the cleaning of catering machinery; and

(l) the handling or taking charge of ships' boats.

(8) The guidelines shall have regard to the preventive principle having precedence over personal protective equipment for seafarers, including

(a) combating risk at the source;

(b) adapting work to the individual, especially as regards the design of workplaces; and

(c) replacing the dangerous by the non-dangerous or the less dangerous.

(9) The Director shall ensure that the implications for health and safety are taken into account, including in the areas of

(a) emergency and accident response;

(b) the effects of drug and alcohol dependency; and

(c) HIV/AIDS protection and prevention.

(10) The guidelines shall have regard to the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programs.

On-board occupational safety and health management policies and programs

209.(1) Every shipowner shall adopt and promote on-board occupational safety and health management policies and programs, consistent with the guidelines adopted under subsection (3), that

(a) include reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals and the risk of injury or disease that may arise from the use of equipment and machinery on board the ship;

(b) include training and instruction of seafarers and other on-board programs for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, that involve seafarers' representatives and other persons concerned in their implementation, having regard to preventive measures such as engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment;

(c) require the inspection, reporting and correcting of unsafe conditions and provide for the investigation and reporting of on-board occupational accidents and occupational injuries and diseases;

(d) provide special attention to the safety and health of seafarers under 18 years of age;

(e) specify the responsibility of the master, or a person designated by the master, for the implementation of, and compliance with, the ship's occupational safety and health policy and program;

(f) establish a ship's safety committee composed of 5 or more seafarers and specify the authority of the ship's seafarers appointed or elected

as safety representatives to participate in meetings of that committee; and

(g) include risk evaluation in relation to the management of occupational safety and health that refers to appropriate statistical information from the ship and from general statistics provided by the competent authority.

(2) The shipowner shall ensure that the curriculum for the training under subsection (1)*(b)* is reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships.

(3) Events referred to in subsection (1)*(c)* shall not be limited to fatalities or to accidents involving the ship.

(4) The Administration shall investigate events reported subsection (1)*(c)* and keep comprehensive statistics, and analyze and publish them, having regard to protection of the personal data of the seafarers concerned and any international system or model for recording accidents to seafarers established by the International Labour Organization.

Access to shore-based welfare facilities

210.(1) The Minister shall promote the development of adequate welfare facilities and services in appropriate ports of Barbados, determined after consultation with the shipowners' and seafarers' organizations, having regard to the special needs of seafarers, especially seafarers in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities, including

(a) meeting and recreation rooms;

(b) facilities for sports and outdoor facilities, including competitions;

(c) educational facilities; and

(d) where appropriate, facilities for religious observances and for personal counselling.

(2) The following entities shall provide welfare facilities and services referred to in subsection (1) in accordance with national conditions and practice:

(a) public authorities;

(b) shipowners' and seafarers' organizations under collective agreements or other agreed-upon arrangements; and

(c) voluntary organizations.

(3) An entity referred to in subsection (2) may provide facilities referred to in subsection (1) by making available to seafarers facilities designed for more general use.

(4) Seafarers' welfare facilities shall be available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, and irrespective of the flag state of the ship on which they are employed or engaged or work.

(5) A port may provide different types of facilities that are comparable in standard but adapted to the customs and needs of different groups of seafarers.

(6) The Minister shall take any measures necessary to encourage the establishment of welfare boards to regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

(7) The Minister shall establish welfare boards, in consultation with shipowners' and seafarers' organizations, at the port, regional and national levels, as appropriate, with supervisory functions that include

(a) review of the adequacy of existing welfare facilities and monitoring of the need for the provision of additional facilities or the withdrawal of underutilized facilities; and

(b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.

(8) A welfare board shall ensure that

(a) information is disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers;

(b) shipowners and seafarers entering port are aware of any special laws and customs, the contravention of which may jeopardize their freedom;

(c) adequate means of transport at moderate prices are available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port;

(d) port areas and access roads have adequate lighting and signposting and regular patrols for the protection of seafarers;

(e) hotels or hostels suitable for seafarers are available where there is need for them with facilities equal to those found in a good-class hotel; they should, wherever possible be located in good surroundings away from the immediate vicinity of the docks, be properly supervised and reasonably priced; where necessary and possible, provision should be made for accommodating seafarers' families;

(f) measures are taken to expedite a free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore;

(g) technically competent persons are, as necessary, employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

(9) Consuls of maritime states and local representatives of foreign welfare organizations may be associated with the work of welfare boards.

(10) For the protection of foreign seafarers in ports of Barbados, the Minister shall take measures to facilitate

(a) access to consuls of their state of nationality or state of residence; and

(b) effective cooperation between consuls and the local or national authorities.

Detained seafarers

211.(1) A foreign seafarer who is detained in a port shall be dealt with promptly under due process of law and with appropriate consular protection.

(2) When a foreign seafarer is detained, the Director shall promptly

(a) if the seafarer so requests, inform the flag state and the state of nationality of the seafarer; and

(b) inform the seafarer of the right to make such a request.

(3) The Director, in consultation with the Minister, shall allow consular officers of the states immediate access to the seafarer and regular subsequent visits while the seafarer is detained.

Shore leave

212.(1) Every Barbadian seafarer, wherever that seafarer may be, and every seafarer irrespective of nationality in Barbados waters is entitled to

(a) shore leave, transfers, transits, repatriation;

(b) to join ships or vessels; or

(c) disembark in ports,

where they hold a valid seafarers' identity document, in accordance with the Seafarers' Identity Documents Convention (Revised), 2003, as amended, No. 185.

(2) The Administration shall ensure that every effort is made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

International cooperation

213. The Minister shall cooperate with other countries in promoting the welfare of seafarers at sea and in port, including

(a) consulting among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;

(b) entering into agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;

(c) organizing international sports competitions and encouraging the participation of seafarers in sports activities; and

(d) organizing of international seminars on the subject of welfare of seafarers at sea and in port.

Social Security

214.(1) A seafarer who is a citizen of Barbados or is ordinarily resident in Barbados and who has registered under the *National Insurance and Social Security Act*, Cap. 47, shall be covered under the social security scheme specified in section 21 of that Act.

(2) A seafarer who is a citizen of Barbados or is ordinarily resident in Barbados and who wishes to obtain other social security coverage not provided for under the *National Insurance and Social Security Act*, may make arrangements for such coverage through insurance or another equivalent form of financial security.

(3) A shipowner who employs a seafarer who is a citizen of Barbados or is ordinarily resident in Barbados shall provide, in accordance with the regulations,

as a minimum, 2 of the following 3 branches of social security protection to seafarers employed on their ships:

(a) medical care benefit;

(b) protection from financial consequences of sickness, injury or death occurring in connection with the seafarer’s employment and;

(c) any one of the other 7 branches of social security benefit specified in Regulation 4.5, Standard A4.5 of the Maritime Labour Convention.

(4) Medical insurance provided by shipowners in respect of seafarers shall be adequate to cover

(a) any morbid condition, irrespective of its cause, and medical care required as a result;

(b) medical care necessitated by pregnancy;

(c) confinement and its consequences; and

(d) preventive medical care.

(5) Medical care benefit shall not extend to contingencies covered under the sickness benefits of this Act, such as incapacity for work resulting from a morbid condition and involving suspension of earnings.

(6) A seafarers' employment agreement or a collective bargaining agreement shall provide details of the agreed social security arrangements in accordance with the Maritime Labour Convention.

Seafarers Social Security Protection Agreements

215.(1) The Government of Barbados may enter into social security protection agreements in relation to social security for non-national seafarers with

(a) contracting governments of the Maritime Labour Convention whose seafarers are employed on board Barbados vessels; and

(b) non-Maritime Labour Convention contracting governments whose seafarers are employed on board Barbados vessels.

(2) The Government of Barbados may enter into social security protection agreements with insurance companies or other financial institutions, in respect of social security provisions specified in this Act for Barbadian seafarers that are not covered by any other labour or social security enactment, or in any other relevant enactment.

Social security

216.(1) Subject to subsection (2), seafarers and their dependants have the right to the social security protections set out in the *Fourth Schedule,* consisting of the following branches of social security protection:

(a) medical care;

(b) sickness benefit;

(c) unemployment benefit;

(d) old-age benefit;

(e) employment injury benefit;

(f) family benefit;

(g) maternity benefit;

(h) invalidity benefit; and

(i) survivors' benefit.

(2) Social security protections for Barbadian seafarers shall not be less favourable than that enjoyed by remote ship operators who are ordinarily resident in Barbados.

(3) Seafarers have a right to any social security benefits that are inherent in the general obligations of Barbados under international law.

(4) A seafarer has a right to any more favourable conditions to which the seafarer was entitled under the law of Barbados prior to the entry into force of the this Act.

(5) The dependants of a seafarer have a right to the social security protection enjoyed by the seafarer, to the extent provided for in the law of Barbados.

(6) In order to achieve progressively comprehensive social security protection for all seafarers under the jurisdiction of Barbados, the Minister shall periodically review the social security protection available to seafarers under this section, having regard to

(a) any subsequent improvement in the national circumstances; and

(b) the prospects for making use, where possible and appropriate, of bilateral or multilateral agreements, contribution-based systems, insurance or other effective means for increasing or extending the protection or providing comparable benefits to seafarers in the absence of adequate coverage.

(7) The Minister shall cooperate, through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or noncontributing schemes, that have been acquired, or are in the course of acquisition, by all seafarers regardless of their residence.

(8) Where a seafarer is subject to more than one national law covering social security, the Minister shall endeavour to determine by mutual agreement which law is to apply, having regard to such factors as the type and level of protection that is more favourable to the seafarer and the seafarer's preference.

(9) The Director, in consultation with the Minister and the seafarers' and shipowners' organizations, shall ensure the establishment of fair and effective procedures for the settlement of disputes that covers all disputes relevant to claims of seafarers relating to social security protections, irrespective of the manner in which the coverage is provided.

(10) The Administration may designate an entity to manage the seafarer social, welfare and well-being matters on the Administration's behalf.

Collaboration and coordination with the insurance industry

217.(1) The Minister shall ensure continued collaboration and coordination with the insurance industry, to facilitate provision of the following to seafarers, in respect of maternity and paternity:

(a) the branches of social security specified under Regulation 4.5 of the Maritime Labour Convention related to

(i) medical care;

(ii) sickness benefits;

(iii) unemployment benefits;

(iv) old-age benefits;

(v) employment injury benefits;

(vi) family benefits;

(vii) maternity benefits;

(viii) invalidity benefits; and

(ix) survivor's benefits;

(b) the maintenance of seafarers' children who are under 18 years of age, consistent with paragraph 1, Regulation 4.5 of the Maritime Labour Convention; and

(c) additional social security not covered under the Maritime Labour Convention, including

(i) extended maternity leave up to 24 weeks with pay;

(ii) paternity leave with pay;

(iii) extended paternity leave up to 17 weeks with pay;

(iv) shared parental leave with pay, in lieu of maternity and/or paternity leave;

(v) adoption leave with pay; and

(vi) surrogacy leave with pay.

(2) Further to subsection (1), the Minister, in collaboration with the Administration, the Ministry responsible for Labour and Social Security, insurance and other financial security providers, shipowners' and seafarers' organizations, shall promote the development of seafarer-specific insurance schemes to enhance social security protection for

(a) Barbadian seafarers, irrespective of what flag vessel they are serving on; and

(b) non-national seafarers serving on board Barbados-registered vessels.

Offences

218.(1) A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of $700 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

PART VIII

COMPLIANCE AND ENFORCEMENT

Flag state responsibilities

219.(1) The Director, in consultation with the Chief Maritime Social Services Officer, shall establish an effective system for the inspection and certification of maritime labour conditions on Barbados-registered ships, in accordance with Standard A5.1.3 and regulation 5.1.4 of the Maritime Labour Convention.

(2) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer may, where appropriate in accordance with Standard A5.1.2 of the Maritime Labour Convention, authorize public institutions or other organizations that it recognizes as competent and independent to carry out flag state inspections or to issue certificates.

(3) The Director and the Chief Maritime Social Services Officer shall establish clear objectives and standards covering the administration of the inspection and certification system referred to subsection (1), and adequate procedures for the assessment of the extent to which those objectives and standards are being attained.

(4) Every ship shall have a copy of the Maritime Labour Convention available on board.

Authorization of recognized organizations

220.(1) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, may recognize public institutions or other organizations as competent and independent to carry out inspections or certification of Barbados-registered ships, to determine compliance with this Act.

(2) Before recognizing an organization under subsection (1), the Minister, in consultation with the Director and Chief Maritime Social Services Officer, shall review the competency and independence of the organization and determine whether the organization has demonstrated, to the extent necessary to carry out the activities to be conferred on it, that the organization

(a) has the necessary knowledge of the requirements of the Maritime Labour Convention, applicable national laws and regulations and relevant international instruments;

(b) has the necessary expertise in the relevant aspects of the Convention and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and

catering, accident prevention, health protection, medical care, welfare and social security protection; and

(c) is of an size, structure, experience and capability commensurate with the type and degree of the authorization, with

(i) adequate technical, managerial and support staff;

(ii) sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;

(iii) a proven ability to provide a timely service of satisfactory quality;

(iv) independent and accountable operations;

(v) the ability to maintain and update the expertise of its personnel; and

(vi) a system for the qualification of staff employed by it as inspectors to ensure the timely updating of their knowledge and expertise.

(3) The Administration, after consultation with the Minister, shall conclude a written agreement with an organization recognized under subsection (1) that includes the following elements:

(a) the scope of its application;

(b) its purpose;

(c) the execution of functions under the authorization;

(d) the legal basis of the functions under the authorization;

(e) reporting to the Minister;

(f) the Minister’s supervision of activities delegated to the organization; and

(g) any other relevant particulars.

(4) An authorization granted with respect to inspections shall, as a minimum, empower the recognized organization to

(a) require the rectification of deficiencies that it identifies in seafarers' working and living conditions; and

(b) carry out inspections in this regard at the request of a port state.

(5) A recognized organizations shall maintain records of the services performed by it sufficient to enable it to demonstrate achievement of the required standards for those services.

(6) The Director shall establish

(a) a system to ensure the adequacy of work performed by recognized organizations, including information on all applicable national laws and regulations and relevant international instruments; and

(b) procedures for communication with, and the oversight of, such organizations that take into account the Guidelines for the Authorization of Organizations Acting on Behalf of the Administration adopted by the International Maritime Organization.

(7) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, shall make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' shipboard working and living conditions.

(8) The Minister shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its behalf that specifies the functions that each recognized organization has been authorized to carry out.

Marine surveyors

221.(1) The Administration may nominate marine surveyors for Barbados-registered ships 500 GT and above, for the purposes of this Act and the regulations.

(2) A surveyor of ships less than 500 GT may be a surveyor of ships qualified by an international institution for marine surveying if the person has a minimum of 5 years' experience in marine surveying and produces evidence of his qualifications to the Director.

Maritime labour certificate and declaration of maritime labour compliance

222.(1) This section applies to a ship, other than a degree three maritime autonomous surface ship, that is a Barbados-registered ship

(a) 500 GT or over and engaged in international voyages; or

(b) 500 GT or over and operates from a port, or between ports, in a country other than Barbados.

(2) Every ship shall carry and maintain a current valid maritime labour certificate issued to the ship by the Director or by a recognized organization authorized for this purpose, in the form set out in the *Fifth Schedule,* that is signed and sealed or stamped by the issuing authority.

(3) The maritime labour certificate shall have attached to it a declaration of maritime labour compliance, in the form set out in the *Sixth Schedule* consisting of

(a) Part I, summarizing, in accordance with Standard A5.1.3, paragraph 10*(a)* of the Maritime Labour Convention, the requirements of Barbados laws or regulations, or other measures implementing the requirements of the Convention, regarding the working and living conditions of seafarers on ships; and

(b) Part II, identifying the measures adopted by the shipowner to ensure ongoing compliance on the ship with the national requirements and any other measures proposed to ensure that there is continuous improvement.

(4) Part I of a declaration of maritime labour compliance shall be drawn up by the Director.

(5) Part II of a declaration of maritime labour compliance shall be drawn up by the shipowner, based on the form set out in the *Seventh Schedule*, and certified by the Director or a recognized organization authorized for this purpose.

(6) The measures referred to in subsection (3)*(b)*, shall indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for the verification, the records to be taken, and the procedures to be followed where non-compliance is noted.

(7) Part II may make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, such as documents required by the International Safety Management Code or the information required by Regulation 5 of the International Convention for the Safety of Life at Sea, 1974 Convention, Chapter XI-1 relating to the ship's continuous synopsis record.

(8) Measures to ensure ongoing compliance shall include general international requirements for the shipowner and master to

(a) keep himself informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work; and

(b) inform the seafarers' representatives accordingly.

(9) A maritime labour certificate, together with a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of the Maritime Labour Convention relating to working and living conditions of the seafarers have been met to the extent certified.

Maritime labour certificate

223.(1) A maritime labour certificate may be issued only if the Director or a recognized organization authorized for this purpose has ascertained through an inspection, conducted in accordance with Standard A 5.1.4 and Guideline B 5.1.4

of the Maritime Labour Convention, that the ship concerned meets the standards of this Act.

(2) A maritime labour certificate is valid for a period of 5 years.

(3) The validity of the maritime labour certificate is subject to an intermediate inspection by the Director, or by a recognized organization duly authorized for that purpose, to ensure continuing compliance.

(4) If only one intermediate inspection is carried out during the period of validity, it shall take place between the second and third anniversary dates of the certificate.

(5) The scope and depth of an intermediate inspection shall be equal to an inspection for renewal of the certificate.

(6) A certificate shall be endorsed following a satisfactory intermediate inspection.

(7) A maritime labour certificate may be renewed following a new inspection to ascertain that the ship concerned continues to meet the standards of this Act.

(8) When a renewal inspection has been completed 3 months or less before the expiry of a maritime labour certificate, the new maritime labour certificate is valid from the date of completion of the renewal inspection for a period not exceeding 5 years from the date of expiry of the existing certificate.

(9) When a renewal inspection is completed more than 3 months before the expiry date of the existing maritime labour certificate, the new maritime labour certificate is valid for a period not exceeding 5 years starting from the date of completion of the renewal inspection.

(10) An additional inspection of seafarer accommodation on a ship shall be carried out when

(a) the ship is registered or re-registered; or

(b) the seafarer accommodation on the ship has been substantially altered.

(11) In this section, the anniversary date of a certificate is the day and month of each year that corresponds to the date of expiry of the certificate.

Interim maritime labour certificate

224.(1) A maritime labour certificate may be issued on an interim basis, in the form set out in the *Eighth Schedule*,

(a) to a new ship on delivery;

(b) when a ship changes flag; or

(c) when a shipowner assumes responsibility for the operation of a ship that is new to that shipowner.

(2) An interim maritime labour certificate may be issued for a period not exceeding 6 months by the Director or a recognized organization authorized for that purpose following verification that

(a) the ship has been inspected, as far as reasonable and practicable, for the matters covered by a declaration of maritime labour compliance;

(b) the shipowner has demonstrated to the Director or recognized organization that the ship has adequate procedures to comply with the standards of this Act;

(c) the master is familiar with the requirements of this Act and the responsibilities for implementation; and

(d) any information necessary to produce a declaration of maritime labour compliance has been submitted to the Director or recognized organization.

(3) An inspection in accordance with section 223(1) shall be carried out prior to the expiry of an interim certificate to enable the issuance of a full-term maritime labour certificate.

(4) No further interim certificate shall be issued following the initial 6 months.

(5) A declaration of maritime labour compliance is not required for the period of validity of an interim certificate.

Recording of inspection results

225.(1) The results of any second or subsequent inspection or other verification carried out with respect to a ship, and any significant deficiencies found during any such verification, shall be recorded, together with the date when the deficiencies were found to have been remedied.

(2) The record, accompanied by an English-language translation where it is not in English, shall be appended to the ship's declaration of maritime labour compliance or otherwise made available to seafarers, flag state inspectors, authorized officers in port states and shipowners' and seafarers' representatives.

Availability of certificate and declaration

226.(1) A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on every ship and a copy of it shall be posted in a conspicuous place on board where it is available to the seafarers.

(2) The master of a ship shall make a copy of the maritime labour certificate and declaration of maritime labour compliance available, upon request, to seafarers, flag state inspectors, authorized officers in port states and shipowners' and seafarers' representatives.

Exception

227. The requirement for an English-language translation under section 225 or 226 does not apply to a ship that is not engaged in an international voyage.

Invalidity of certificate

228.(1) A maritime labour certificate or an interim certificate for a ship ceases to be valid

(a) if the required inspections are not completed within the periods specified under subsection 223;

(b) if the certificate is not endorsed in accordance with that subsection;

(c) when a ship changes flag;

(d) when a shipowner ceases to assume the responsibility for operation of the ship; or

(e) when substantial changes have been made to the structure or equipment covered in Standard A 3.1 and Guideline B 3.1 of the Maritime Labour Convention.

(2) In a situation referred to in subsection (1)*(c)*, *(d)* or *(e)*, a new certificate may be issued only when the Director or a recognized organization issuing the new certificate is satisfied that the ship complies with the requirements set out in Part VIII.

(3) A maritime labour certificate shall be withdrawn by the Director or a recognized organization authorized for this purpose, if there is evidence that the ship does not comply with the requirements of this Act and any required corrective action has not been taken.

(4) When considering whether a maritime labour certificate should be withdrawn in accordance with subsection (3), the Director or the recognized organization shall take into account the seriousness and the frequency of the deficiencies.

Inspection and enforcement

229.(1) The Director, in consultation with the Chief Maritime Social Services Officer, shall maintain a system of inspection of the conditions for seafarers on

Barbados-registered ships, including verification that the measures relating to working and living conditions set out in any applicable declaration of maritime labour compliance are being followed.

(2) The Director, in consultation with the Chief Maritime Social Services Officer, shall

(a) develop a compliance and enforcement policy to ensure consistency and to guide inspection and enforcement activities related to this Act,

(b) provide copies of this policy to all inspectors and relevant law-enforcement officials, and

(c) make them available to the public, shipowners and seafarers.

Investigation of complaint

230.(1) If the Director or Chief Maritime Social Services Officer receives a complaint that he does not consider to be manifestly unfounded, or obtains evidence that a Barbados-registered ship does not conform to the requirements of this Act or that there are serious deficiencies in the implementation of the measures set out in the ship's declaration of maritime labour compliance, he shall conduct an investigation into the matter and ensure that action is taken to remedy any deficiencies found.

(2) The Human Element in Shipping Care Inspectorate shall establish simple procedures to enable it to receive information in confidence concerning possible breaches of this Act presented by seafarers or representatives of seafarers, and permit inspectors to investigate such matters promptly, including

(a) enabling masters, seafarers or representatives of seafarers to request an inspection when they consider it necessary; and

(b) supplying technical information and advice to shipowners, seafarers and organizations as to the most effective means of

(i) complying with the requirements of this Act, and

(ii) bringing about a continual improvement in seafarers' on-board conditions.

(3) The Director, in consultation with the Minister, shall appoint a sufficient number of qualified inspectors to fulfil the responsibilities set out in subsection (1).

(4) The Director shall adopt and effectively enforce rules to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

(5) Inspectors shall not undertake duties that might, because of their number or nature, interfere with effective inspection or prejudice their authority or impartiality in their relations with shipowners, seafarers or other interested parties.

(6) An inspector

(a) shall not have a direct or indirect interest in an operation that he is called upon to inspect; and

(b) shall not reveal, even after leaving service, any commercial secrets, confidential working processes or information of a personal nature that has come to his knowledge in the course of his duties.

(7) The Director may call upon duly qualified technical experts and specialists, as needed, to assist in the work of inspectors.

(8) The Director shall provide inspectors with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

(9) An inspector shall

(a) have the qualifications and training necessary to perform his duties,

(b) where possible, have a maritime education or experience as a seafarer;

(c) have adequate knowledge of seafarers' working and living conditions and of the English language; and

(d) be fully trained to secure the efficient and effective discharge of his duties with due regard to

(i) the importance of the duties that inspectors perform;

(ii) the number, nature and size of ships subject to inspection;

(iii) the number and complexity of the legal provisions to be enforced;

(iv) the resources placed at the disposal of the inspector; and

(v) the conditions under which inspections are carried out.

(10) When commencing the inspection of a ship, an inspector shall provide notification of his presence to the master or person in charge of the ship and, where appropriate, to the ship's seafarers or their representatives.

(11) An inspector with proper credentials acting in accordance with this Act has the following powers:

(a) to board a Barbados-registered ship, freely and without previous notice;

(b) to carry out any examination, test or inquiry that he considers necessary to satisfy himself that the standards required under this Act are being observed, including a power to

(i) question the master, a seafarer, the shipowner, the shipowner's representative or any other person on any matter concerning the requirements of this Act or the regulations, in the presence of any witness that the person has requested;

(ii) require the production of books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance;

(iii) enforce the posting of required notices; and

(iv) take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;

(c) to require that any deficiency be remedied; and,

(d) where he has grounds to believe that a deficiency constitutes a serious breach of the requirements of this Act or represents a significant danger to seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.

(12) When a sample is being taken or removed,

(a) the shipowner or the shipowner's representative, and where appropriate a seafarer, shall be notified or shall be present at the time the sample is taken or removed;

(b) the quantity of the sample shall be recorded by the inspector; and

(c) the shipowner may appeal the taking of the sample to a court or administrative tribunal.

(13) Following an inspection, an inspector shall

(a) immediately bring to the attention of the shipowner, the operator of the ship or the master any deficiencies that may affect the health and safety of those on board the ship;

(b) alert the Director and, if applicable, the recognized organization that issued the ships declaration of maritime labour compliance to any deficiency or abuse not specifically covered by this Act or the regulations and submit proposals for the improvement of the Act or regulations; and

(c) notify the Director of any occupational injuries or diseases affecting seafarers in accordance with this Act or the regulations.

(14) An inspector may give advice in lieu of instituting or recommending proceedings, when there is no clear breach of this Act that endangers the safety,

health or security of the seafarers concerned and there is no history of similar breaches.

(15) An inspector shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a contravention of this Act or the regulations and shall give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

(16) An inspector shall submit a report of each inspection to the Director, provide a copy of the report in English or in the working language of the ship to the master of the ship, post another copy on the ship's notice board for the information of the seafarers and, upon request, send a copy to the seafarers' representatives.

(17) Where an investigation is conducted following a major incident, the report shall be submitted to the Director not later than one month after the conclusion of the investigation.

(18) When an inspection is conducted or other related measures are taken, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

Maintenance of records

231.(1) The Director shall maintain records of inspections of the conditions for seafarers on Barbados-registered ships.

(2) The Director shall publish an annual report on inspection activities, within 6 months after the end of each year, containing the following information:

(a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments that have come into effect during the year;

(b) details of the organization of the system of inspection;

(c) statistics of ships or other premises subject to inspection and of ships and other premises inspected;

(d) statistics on all seafarers subject to the laws and regulations of Barbados;

(e) statistics and information on contraventions of legislation, penalties imposed and detentions of ships; and

(f) statistics on reported occupational injuries and diseases affecting seafarers.

Alleged wrongful exercise of inspectors' powers

232.(1) Compensation is payable in accordance with national laws on personal injury for any loss or damage suffered as a result of the wrongful exercise of an inspector's powers.

(2) The burden of proof in a claim under subsection (1) is on the complainant.

On-board complaint procedures

233.(1) Every ship shall have an on-board complaint procedure, approved by the ship's master, for the fair, effective, well-documented and expeditious handling of seafarer complaints alleging breaches of the requirements of this Act.

(2) No person shall take any adverse action with respect to a seafarer for lodging a complaint, if the complaint is not manifestly vexatious or maliciously made.

(3) A shipowner shall provide all seafarers working on the ship with a copy of the on-board complaint procedures applicable on the ship.

(4) A national of Barbados who is to work on a foreign-registered ship shall be provided with a copy of the on-board complaints procedure at the time of his recruitment by a seafarer recruitment agency.

(5) On-board complaint procedures shall

(a) seek to resolve complaints at the lowest level possible;

(b) include the right of a seafarer to complain directly to the master and, where he considers it necessary, to appropriate external authorities;

(c) include the right of a seafarer to be accompanied or represented during the complaints procedure;

(d) include safeguards against the possibility of victimization of a seafarer for filing a complaint;

(e) in order to avoid problems of victimization of seafarers making complaints, encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by a complainant, attend any meetings or hearings into the subject-matter of the complaint; and

(f) include contact information for

(i) the competent authority and, where different, the competent authority in the seafarers' country of residence,

(ii) the name of a person on board the ship who can, on a confidential basis, provide a seafarer with impartial advice on a complaint and otherwise assist him in following the complaint procedures available to him on board the ship.

(6) Subject to the provisions of any applicable collective agreement, the Administration, in collaboration with relevant government agencies, shall, in consultation with the shipowners' and seafarers' organizations, develop a model for fair, expeditious and well-documented on-board complaint-handling procedures, containing the following procedures:

(a) complaints are to be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;

(b) the head of department or superior officer shall then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;

(c) if the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the seafarer is to have the right to refer it to the master, who shall handle the matter personally;

(d) a seafarers is to have the right to be accompanied and to be represented by another seafarer of his choice on board the ship;

(e) all complaints and the decisions on them shall be recorded and a copy provided to the seafarer concerned;

(f) if a complaint cannot be resolved on board, the matter shall be referred ashore to the shipowner, who shall be given an appropriate time limit for resolving the matter in consultation, where appropriate, with the seafarer concerned or any person he may appoint as his representative; and

(g) a seafarer is to have a right to file a complaint directly with the master, the shipowner or a competent authority ashore.

(7) A person who contravenes a procedure referred to in subsection (2)*(a)* to *(g)* is liable, on summary conviction, to a fine of $150 000.

(8) Nothing in subsections (1) to (7) shall prejudice a seafarer's right to seek redress through any other legal means that the seafarer considers appropriate.

Facilities for complaints

234.(1) Where a seafarer while on board a Barbados-registered ship tells the master of the ship that he wishes to make a complaint to a magistrate, consular officer, registrar or inspector against the master or a member of the crew, the

master shall, as soon as the service of the ship will permit, allow the complainant to go ashore to make the complaint

(a) if the ship is then at a place where there is a magistrate, consular officer, registrar or inspector; or

(b) if the ship is not then at such place, on her arrival at such a place.

(2) A master of a ship who, without reasonable cause, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $100 000.

Treatment of seafarers in the event of a maritime accident

235. Where a marine accident occurs, persons involved in managing affairs relating to the accident shall comply with Resolution A.1056(27) of the International Maritime Organization entitled "Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident" in relation to

(a) seafarers who are nationals of Barbados serving on any ship;

(b) seafarers of any nationality serving on board a Barbados-registered ship; and

(c) seafarers of any nationality serving on board a foreign-registered ship in Barbados waters.

Port state inspection and monitoring system

236.(1) The Director, in consultation with the Chief Maritime Social Services Officer, shall establish an effective port state inspection and monitoring system to ensure that the working and living conditions for seafarers on foreign ships entering a port of Barbados meet the requirements of the Maritime Labour Convention, including those related to seafarers' rights.

(2) The Administration shall develop an inspection policy for port state control officers and other authorized officers carrying out inspections under section 237, with the objectives of

(a) ensuring consistency and otherwise guiding inspection and enforcement activities related to the requirements of the Convention; and

(b) providing the officers with guidance as to the kinds of circumstances justifying the detention of a ship under section 237(9).

(3) Copies of the policy shall be provided to all officers and shall be available to the public, shipowners and seafarers.

Inspections in port

237.(1) Every foreign ship calling in the a port of Barbados in the normal course of its business or for operational reasons is subject to an inspection by port state control officers designated by the Administration or authorized officers of the port, to review compliance with the requirements of the Maritime Labour Convention, including seafarers' rights, relating to the working and living conditions of seafarers on the ship.

(2) A valid maritime labour certificate and declaration of maritime labour compliance shall be accepted as prima facie evidence of compliance with the requirements of the Convention and an inspection under subsection (1) shall be limited to a review of the certificate and declaration unless

(a) the required documents are not produced or maintained, or are falsely maintained;

(b) the documents produced do not contain the information required by the Convention or are otherwise invalid;

(c) there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the Convention;

(d) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the Convention;

(e) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the Convention; or

(f) working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers.

(3) An inspection carried out under subsection (1) shall cover the matters listed in the declaration of maritime labour compliance set out in the *Fifth Schedule*.

(4) Where a complaint referred to in subsection (2)*(e)* is made, the inspection shall be limited to matters within the scope of the complaint, although an investigation of the complaint may provide clear grounds for a detailed inspection in accordance with subsection (2)*(c)*.

(5) For the purpose of subsection (2)*(e)*, "complaint" means information submitted by a seafarer, a professional body, an association, a trade union or any other person with an interest in the safety of the ship or the safety of, or health hazards to, seafarers on board.

(6) Where, following an inspection, the working and living conditions on the ship are found to not conform to the requirements of the Convention, the inspecting officer shall immediately bring the deficiencies to the attention of the master of the ship, and advice him of any deadlines for their rectification.

(7) If any deficiencies are considered by the inspecting officer to be significant, or if they relate to a complaint made in accordance with subsection (2)*(e)*, the officer shall bring the deficiencies to the attention of the seafarers' and shipowners' organizations and may

(a) notify a representative of the flag state of the ship;

(b) provide the competent authorities of the next port of call with the relevant information; or

(c) detain the ship until the deficiencies are rectified.

(8) A copy of the officer's report, accompanied by any reply received from the competent authorities of the flag state within the deadline prescribed by the Administration, may be transmitted by the Administration to the Director-General of the International Labour Office.

(9) Where, following an inspection under subsection (1), a ship is found to not conform to the requirements of the Convention and

(a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or

(b) the non-conformity constitutes a serious or repeated breach of the requirements of the Convention; the inspecting officer shall ensure that the ship does not proceed to sea until the non-conformities have been rectified, or until the officer has accepted a plan of action to rectify the non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

(10) If a ship is prevented from sailing, the authorized officer shall immediately

(a) notify the flag state of the ship, the Director and the shipowners' and seafarers' organizations;

(b) invite a representative of the flag state to be present; and

(c) request the flag state to reply within a deadline prescribed by the Administration.

(11) All possible efforts shall be made to avoid a ship being unduly detained or delayed.

(12) If a court finds that the ship is found to be unduly detained or delayed, the court may order compensation to be paid for any loss or damage suffered.

(13) The burden of proof in an action under subsection (12) shall be on the complainant.

On-shore seafarer complaint handling procedures

238.(1) Any seafarer, irrespective of nationality, on a Barbados-registered ship or on a foreign ship in Barbados waters,, who alleges a breach of the requirements of the Maritime Labour Convention, including seafarers' rights, may report the allegation to an authorized officer in the port at which the ship is called, or to the Human Element in Shipping Care Inspectorate.

(2) On receipt of the report, the authorized officer, in collaboration with the Human Element in Shipping Care Inspectorate, shall undertake an initial investigation, including

(a) first checking whether the complaint is of a general nature that concerns all seafarers on the ship, a category of them, or only the individual seafarer concerned; and

(b) if the complaint relates to an individual case, whether the ship's onboard complaint procedures required under Regulation 5.1.5, Standard A 5.1.5 and Guideline B 5.1.5 of the Maritime Labour Convention have been followed and, if so, an examination of the results of the on-board complaint procedures for the resolution of the complaint.

(3) If the ship's onboard complaint procedures have not been followed, the authorized officer shall suggest that the complainant take advantage of any such procedures available, and shall consider the complaint before such procedures have been followed only if

(a) the authorized officer considers that the internal procedures are inadequate or would result in undue delay; or

(b) the complainant fears reprisal for lodging a complaint under those procedures.

(4) If the complaint is of a general nature, the authorized officer may conduct an inspection of the areas set out in the *Ninth Schedule* in accordance with Standard 5.2.1 of the Maritime Labour Convention.

(5) In an investigation of a complaint, the authorized officer to whom the complaint was made, or an authorized officer designated by the Chief Maritime Social Services Officer, shall give the master, the shipowner and any other person involved in the complaint an opportunity to make known their views.

(6) The authorized officer shall, where appropriate, seek to promote a resolution of the complaint at the shipboard level.

(7) If the investigation or an inspection reveals a non-conformity that falls within the scope of section 237(9), the authorized officer shall ensure that the ship does not proceed to sea until the non-conformities have been rectified, or until the officer has accepted a plan of action to rectify the non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

(8) If the non-conformity does not fall within the scope section 219(9) and the complaint has not been resolved at the ship-board level, the authorized officer shall immediately notify the ship's flag state and seek from it, within a deadline prescribed by the Administration, advice and a corrective plan of action.

(9) If the flag state indicates that it will handle the matter, has in place effective procedures for this purpose and has submitted a plan of action acceptable to the authorized officer, the authorized officer may refrain from any further involvement with the complaint.

(10) Where the complaint has not been resolved following action taken in accordance with subsection (8), the port state shall transmit a copy of the authorized officer's report to the Director-General and the seafarers' and shipowners' organizations.

(11) The report shall be accompanied by any reply received within the deadline prescribed by the Administration from the competent authority of the flag state.

239.(1) Complaints that have been resolved shall be regularly submitted by the Ministry responsible for Labour to the Director-General.

(2) All persons shall maintain the confidentiality of information regarding complaints made by seafarers.

Documentary requirements for ships less than 500 GT but above 150 GT

240. Every ship less than 500 GT but above 150 GT shall produce a national declaration accompanied by a maritime labour certificate and a declaration of maritime labour compliance, in the form as set out in *Tenth Schedule*.

Powers to inspect ships and their equipment

241.(1) To ensure compliance with this Act and the regulations, or the terms of any approval, license, consent, direction or exemption given under this Act or its statutory instruments,

(a) a surveyor of ships;

(b) a shipping superintendent;

(c) a designated port state control officer; or

(d) a person appointed by the Minister, either generally or in a particular case, to exercise powers under this section, may at any time go on board a ship in Barbados or Barbados waters and inspect all or part of the ship and her equipment, any articles on board and any document carried in the ship in accordance with this Act or its statutory instruments.

(2) The powers conferred under subsection (1) are not exercisable in relation to a foreign-registered ship while the ship is exercising the right of innocent passage.

(3) The powers conferred under subsection (1) may be exercised by a person referred to in that subsection, or by a proper officer, in relation to a Barbados-registered ship that is outside Barbados waters.

(4) A person exercising powers under this section shall not unnecessarily detain or delay a ship but may order a ship to be taken into dock for a survey of its hull or machinery.

(5) Where a person referred to in subsection (1) has reasonable grounds for believing that there are on any premises provisions or water intended for supply to a Barbados-registered ship that, if provided on the ship, would not comply with the requirements of this Act or the regulations, he may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they comply with this Act or its statutory instruments.

(6) A person who obstructs a person in the exercise of powers under this section, or who fails to comply with an order made under subsection (4), commits an offence and is liable on summary conviction to a fine of $75 000.

Powers of inspectors and law enforcement

242.(1) A departmental inspector, an inspector appointed under section 243 or a national maritime law enforcement officer carrying out inspection duties may, in accordance with the Act and regulations, inspect

(a) any premises in Barbados;

(b) a Barbados-registered ship wherever she may be; or

(c) any other ship that is present in Barbados or in Barbados waters.

(2) An inspector referred to in subsection (1) may at any time or, in a situation that he considers to constitute a danger, at any time

(a) enter premises or board a ship if he has reason to believe that it is necessary for him to do so;

(b) on entering the premises or on boarding the ship, take with him any other person authorized for that purpose by the Minister and any equipment or materials he requires;

(c) make any examination and investigation he considers necessary;

(d) direct that the premises or ship, any part of it, or any thing in the premises or ship shall be left undisturbed, whether generally or in particular respects, for so long as is necessary for the purposes of an examination or investigation under paragraph *(c)*;

(e) take such measurements and photographs and make such recordings as he considers necessary for the purpose of the examination or investigation;

(f) take samples of articles or substances found in the premises or ship and of the atmosphere in or in the vicinity of the premises or ship;

(g) where an article or substance that he finds in the premises or ship appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless that is necessary in the circumstances;

(h) take possession of an article or substance referred to in paragraph *(g)* and detain it for so long as is necessary

(i) to examine it and do to it anything that he has power to do under that paragraph;

(ii) to ensure that it is not tampered with before his examination of it is completed; and

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under the Act or regulations;

(i) require any person who he has reasonable cause to believe is able to give information relevant to an examination or investigation

(i) to attend at a place and time specified by the inspector; and

(ii) to answer, in the presence only of persons whom the inspector allows to be present and a person nominated to be present by the person on whom the requirement is imposed, such questions as the

inspector thinks fit to ask and to sign a declaration of the truth of his answers;

(j) require the production of, and inspect and take copies of, any entry in

(i) a book or document required by this Act to be kept; and

(ii) any other book or document that he considers necessary for the purposes of any examination or investigation; and

(k) require any person to afford him such facilities and assistance with respect to matters or things within that person's control, or in relation to which that person has responsibilities, as the inspector considers necessary to enable him to exercise any of the powers conferred on him by this section.

(3) Nothing in subsection (1) or (2) authorizes a person to unnecessarily prevent a ship from proceeding on a voyage.

Appointment of inspectors

243.(1) The Director may appoint persons to be inspectors for the purposes of sections 241 and 242.

(2) The Administration may, in consultation with the Minister, appoint departmental inspectors for the purposes of reporting to him

(a) the nature and causes of a maritime labour breach, or a deficiency in respect of a ship that amounts to a maritime labour breach;

(b) whether any requirements, restrictions or prohibitions imposed by or under this Act or its statutory instruments have been complied with or contravened; and

(c) any measures taken to prevent maritime labour abuses.

Enforcement powers: national maritime law enforcement

244.(1) A national maritime law enforcement officer may

(a) board and inspect a foreign vessel, when the vessel is in a port in Barbados or stationed in any other maritime area in Barbados, for purpose of ascertaining the living and working conditions on board the vessel;

(b) verify that the condition of the vessel is consistent with information stated in STCW Convention and Maritime Labour Convention documents required to be carried on board the vessel;

(c) ask any pertinent questions of, and demand all reasonable assistance from, the owner, master or charterer of the vessel;

(d) carry out such examinations, tests and inquiries as he considers necessary to establish that this Act and the regulations are being complied with;

(e) require that any deficiency be rectified within a specified time period; and

(f) ensure that the labour conditions of the vessels are fit for humans, and that seafarers on board are being treated humanely.

(2) A national maritime law enforcement officer shall notify the flag state of a foreign-registered ship of any deficiencies discovered in respect of the ship.

Improvement notices

245.(1) If an inspector appointed under section 243 or a maritime law enforcement officer is of the opinion that a person

(a) is contravening a provision of the Act or the regulations; or

(b) has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated; he may serve an improvement notice on that person.

(2) An improvement notice shall

(a) state that the inspector or maritime law enforcement officer is of that opinion, specify the provision as to which he believes a contravention has occurred or will occur, and provide the reasons why he is of that opinion; and

(b) require the person on whom the notice is served to remedy the contravention in question or the matters occasioning it within the period specified in the notice.

(3) A period specified in a notice under subsection (2)*(b)* shall not be less than 21 days.

Prohibition notices

246.(1) If an inspector appointed under section 243 or a maritime law enforcement officer is of the opinion that an activity that is being, or is likely to be, carried on board a ship by or under the control of a person will involve the risk of

(a) a serious personal injury to a seafarer, whether on board the ship or not; or

(b) a serious breach of the Maritime Labour Convention, the inspector may serve a prohibition notice on the person.

(2) A prohibition notice shall

(a) state that the inspector or maritime law enforcement officer is of that opinion;

(b) specify the matters that in his opinion give or will give rise to the risk;

(c) where in his opinion any of those matters contravenes or will contravene this Act or the regulations, state that he is of that opinion, specify the provision of the Act or regulations in question, and provide the reasons why he is of that opinion; and

(d) direct one or more of the following:

(i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served; and

(ii) that the ship shall not go to sea,

unless the matters specified in the notice and any associated contravention of a provision specified in the notice have been remedied.

(3) A direction in a notice under subsection (3)*(d)* takes effect

(a) at the end of the period specified in the notice; or

(b) if the notice directs that the ship shall not go to sea or the notice so declares, immediately.

Referral of notice to arbitration

247.(1) A question

(a) as to whether a reason or matter specified in an improvement notice under section 245 or a prohibition notice under section 246 is valid or whether an opinion formed by an inspector has a valid basis; or

(b) as to whether a direction included in such a notice is reasonable,

shall, if the person on whom the notice was served so requires by a notice given to the inspector given within 21 days from the service of the improvement or prohibition notice, be referred to a single arbitrator appointed by agreement between the parties for the question to be decided by him.

(2) Where an arbitration notice is given by a person under subsection (1),

(a) in the case of an improvement notice, the giving of the arbitration notice suspends the operation of the improvement notice until the decision of the arbitrator is published to the parties or the referral is abandoned; and

(b) in the case of a prohibition notice, the giving of the arbitration notice suspends the operation of the prohibition notice only if, on the application of the person who gave the arbitration notice, the arbitrator so directs.

(3) A suspension under subsection (2)*(b)* operates only from the time at which the arbitrator makes a direction under that paragraph.

(4) Where on a referral under this section an arbitrator decides that

(a) the reasons or matters to which the referral relates did not constitute a valid basis for the inspector's or maritime law enforcement officer's opinion; or

(b) direction to which the referral relates was unreasonable,

the arbitrator shall either cancel the notice or affirm it with such modifications as he thinks fit and shall in any other case affirm the notice in its original form.

(5) Where a referral under this section involves the consideration by the arbitrator of the effects of an activity or state of affairs on the health or safety of any persons, he shall not on that referral make a decision referred to in subsection (4)*(a)* or *(b)* except after

(a) in the case of an improvement notice, affording an opportunity to make oral representations to him with respect to those effects to a member of a panel of representatives of maritime trade unions appointed by the Minister for that purpose; or

(b) in the case of a prohibition notice, affording an opportunity to make such representations to him to

(i) a representative of a trade union representing persons whose interests it appears to him that the notice was designed to safeguard; or

(ii) a member of a panel referred to in subsection (5)*(a)*; and

(c) in either case, considering any representations made to by a person referred to in subsection (5)*(a)* or *(b)*.

(6) A person is not qualified for appointment as an arbitrator under this section unless he is

(a) a person holding a certificate of competency as a master mariner or marine engineer officer class 1, or a person holding an equivalent certificate;

(b) a naval architect;

(c) a barrister and attorney of at least 10 years' standing; or

(d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(7) In connection with his functions under this section, an arbitrator shall have the powers conferred on an inspector by section 242.

Compensation for invalid prohibition notice

248.(1) If, on a referral under section 247 relating to a prohibition notice, the arbitrator decides that

(a) a reason or matter did not constitute a valid basis for the inspector's opinion; and

(b) there were no reasonable grounds for the inspector or maritime law enforcement officer to form that opinion, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by him in consequence of the service of the notice as the arbitrator thinks fit.

(2) If on such a referral the arbitrator decides that a direction included in the notice was unreasonable, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by him in consequence of the direction as the arbitrator thinks fit.

(3) An arbitrator shall not award compensation under subsection (1) or (2) in relation to a prohibition notice unless

(a) it appears to him that a direction given under section 246(2)*(d)* contained a requirement that the ship was not to go to sea; or

(b) it appears to him that

(i) the inspector or maritime law enforcement officer was of the opinion that there would be a risk of injury or pollution referred to in the notice if the ship went to sea; and

(ii) the effect of the direction given under section 246(2)*(d)* was to prohibit the departure of the ship unless the matters or contraventions referred to in the direction were remedied.

Offences – improvement and prohibition notices

249.(1) A person who contravenes a requirement imposed by an improvement notice commits an offence and is liable

(a) on summary conviction, to a fine of $300 000; or

(b) on conviction on indictment, to a fine of $700 000.

(2) A person who contravenes a prohibition imposed by a prohibition notice commits an offence and is liable

(a) on summary conviction, to a fine of $30 000 or to imprisonment for a term of 2 years, or both; or

(b) on conviction on indictment, to a fine of $75 000 or to imprisonment for a term of 2 years, or both.

(3) It is a defence for a person charged with an offence under this section to prove that he exercised all due diligence to avoid a contravention of the requirement or prohibition in question.

Enforcing detention of a ship

250.(1) Where under this Act a ship is to be or may be detained, any of the following officers may detain the ship:

(a) a commissioned naval or military officer;

(b) a national maritime law enforcement officer;

(c) an officer designated by the Administration as a port state control officer;

(d) an officer of port health; or

(e) a Barbados consular officer.

(2) A notice of detention may

(a) include a direction that the ship

(i) shall remain in a particular place; or

(ii) shall be moved to a particular anchorage or berth; and

(b) if it includes such a direction, may specify conditions relating to safety or maritime labour abuse prevention.

(3) The master of the ship in respect of which a notice of detention has been served commits an offence if

(a) the ship proceeds to sea before it is released by a competent authority otherwise than in accordance with the notice; or

(b) he fails to comply with a direction given under subsection (2)*(a)*.

(4) A person who commits an offence under subsection (3) is liable

(a) to pay an administrative penalty of $100 000 to the Barbados Coast Guard;

(b) on summary conviction, to a fine of $500 000; or

(c) on conviction on indictment, to a fine of $750 000.

(5) The owner of a ship, and any person who sends to sea a ship in respect of which an offence is committed under subsection (3), if the he is party or privy to the offence, also commits an offence and is liable on summary conviction to the penalties set out in subsection (4).

(6) Where a ship that proceeds to sea in contravention of subsection (3) or fails to comply with a direction given under subsection (2)*(a)* carries away, without his consent, an officer authorized under subsection (1) to detain the ship, or a surveyor of ships, who is on board the ship in the execution of his duty, the owner and master of the ship each

(a) commit an offence; and

(b) are liable to pay all expenses of and incidental to the officer or surveyor being carried away.

(7) A person who commits an offence under subsection (6) is liable

(a) on summary conviction, to a fine of $75 000; and

(b) on conviction on indictment, to a fine of $175 000.

(8) A person who exercises a power of detention in respect of an alleged contravention of this Act shall immediately release the ship if

(a) no proceedings for the offence in question are instituted within 7 days after the day on which the ship is detained;

(b) proceedings under subsection (1) instituted within that period are concluded without the master or owner being convicted;

(c) $200 000 is paid to the Minister by way of security or security that, in the opinion of the Minister, is satisfactory and in an amount not less than $250 000 is given to the Minister by or on behalf of the master or owner;

(d) the master or owner 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.

(9) The Minister shall repay any sum paid under subsection (8)*(c)* or release any security given if

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

(b) proceedings for the offence instituted within that period are concluded without the master or owner being convicted.

(10) Where a sum has been paid, or security has been given, by a person under subsection (8)*(c)* and the master or owner is convicted of an offence, the sum paid or the amount made available under the security shall be applied as follows:

(a) first in the payment of any costs or expenses ordered by the court to be paid by the master or owner; and

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

and the balance shall be repaid to the person paying the sum or giving the security.

(11) Before a ship is released from detention, the detaining officer shall issue to the master or the shipowner's agent or representative a notice of release from detention, stating that the detaining officer is satisfied that the defects related to the ship's maritime labour conditions have been rectified, apart from any minor ones that are listed, and that the ship can now be released from detention.

(12) A reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.

Referral of detention notice to arbitration

251.(1) Within 21 days from the service of a detention notice under this Act, the master or owner of the ship may, by a notice given to an inspector, refer any question as to whether an opinion formed by the inspector on a matter specified in the detention notice had a valid basis to a single arbitrator appointed by agreement between the parties.

(2) The giving of a notice in accordance with subsection (1) does not suspend the operation of the detention notice unless, on the application of the person making the referral, the arbitrator so directs.

(3) The arbitrator shall have regard, in coming to his decision, to any other matters not specified in the detention notice that appear to him to be relevant to whether the ship was in conformity with the Maritime Labour Convention.

(4) Where on a reference under this section the arbitrator decides that a matter to which the referral relates

(a) did not constitute a valid basis for the inspector's opinion he shall cancel the detention notice or affirm it with such modifications as he thinks fit; or

(b) constituted a valid basis for the inspector's opinion, he shall affirm the notice in its original form.

(5) The arbitrator shall include in his decision a finding as to whether there was a valid basis for the detention of the ship as a Maritime Labour Convention non-compliant ship.

(6) A person is not qualified for appointment as an arbitrator under this section unless he is

(a) a person holding a certificate of competency as a master mariner or marine engineer officer class 1, or an equivalent certificate;

(b) a naval architect;

(c) a barrister or solicitor of 10 years standing entitled to practice in Barbados or in any Commonwealth jurisdiction; or

(d) a person with special experience of shipping matters, or of activities carried on in ports.

(7) An arbitrator appointed under this section shall have the powers conferred on an inspector by section 242.

Compensation for invalid detention of ship

252.(1) If on a referral under section 251 relating to a detention notice in relation to a ship

(a) the arbitrator decides that a matter did not constitute a valid basis for the inspector's opinion; and

(b) it appears to him that there were no reasonable grounds for the inspector to form that opinion, the arbitrator may award the owner of the ship such compensation in respect of any loss suffered by him in consequence of the detention of the ship as the arbitrator thinks fit.

(2) Any compensation awarded under this section shall be payable by the Minister.

Non-liability of authorized officers

253.(1) No officer or other authorized person bringing proceedings against a ship under this Act or the regulations shall be liable in damages in respect of the seizure or detention of the ship, including a ship that has not been proceeded against, or if it is proceeded against, is adjudicated to have not contravened this Act, the regulations, the STCW Convention or the Maritime Labour Convention, if the High Court is satisfied that there were reasonable grounds for the seizure or detention.

(2) If the Court is not so satisfied, the Court may award costs and damages to the party aggrieved and may make any other order that the court thinks fit.

Offences

254.(1) A person who contravenes a requirement of this Part commits an offence and is liable on summary conviction to a fine of $500 000.

(2) A person referred to in subsection (1), shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

PART IX

MARITIME LABOUR CONVENTION AND STCW CONVENTION AUDITS

Auditing of seafarer recruitment and placement agencies

255.(1) The Director shall ensure periodic inspections are made of locally operating private seafarer recruitment agencies to ensure their compliance with the Maritime Labour Convention.

(2) The Administration may charge the fee established under section 381 for an inspection under section (1).

(3) On completion of an inspection and based on the audit report, the Director shall issue to the local private seafarer recruitment agency a Certificate of Compliance for Private Seafarer Recruitment and Placement Services in the form set out in the *Fourteenth Schedule*.

(4) A Certificate of Compliance for Private Seafarer Recruitment and Placement Services is valid for 5 years.

(5) The Administration may charge the fee established under section 381 for a Certificate of Compliance for Private Seafarer Recruitment and Placement Services.

(6) A local private seafarer recruitment agency that does not comply with the requirements of the Maritime Labour Convention shall be given a period, determined by the Director but not exceeding 6 months, within which to become compliant, having regard to circumstances surrounding the non-compliance and any efforts made by the agency to comply with the Convention.

(7) A local private seafarer recruitment agency that has not attained Maritime Labour Convention compliance within the period set by the Director shall be prevented from operating until that agency becomes compliant.

Auditing of seafarer training and education programs

256.(1) The Administration shall, in accordance with the regulations, conduct audits of seafarer education and training programs provided locally by

(a) seafarer recruitment agencies;

(b) tertiary level educational institutions, including universities offering seafarer training; or

(c) technical and vocational institutions; to ensure that training programs and certification procedures provided by them comply with the STCW Convention.

(2) The Administration shall produce the results of an audit to the audited entity not more than 12 weeks after conclusion of the audit.

(3) A seafarer training and educational provider whose program of study for seafarers is found to not comply with the requirements of the STCW Convention shall be given a period, determined by the Administration but not exceeding 6 months, within which to become compliant, having regard to circumstances surrounding the non-compliance and any efforts made by the seafarer training and educational provider to comply with the Convention.

(4) A seafarer training and educational provider that has not attained STCW Convention compliance after that period shall be prevented from offering the program, until compliance is achieved, by

(a) suspension or cancellation of the license referred to in section 63; or

(b) suspension or cancellation of the provider's STCW Education And Training Provider's Certificate.

(5) Where a license referred to in section 63 is suspended, the license shall be re-instated immediately after the seafarer training and educational provider has brought itself into compliance.

(6) Where such a license is cancelled, the provider may re-apply for a new license after the seafarer training and educational provider has brought itself into compliance.

Communications to IMO

257. The Director shall communicate to the International Maritime Organization, in accordance with the STCW Convention, detailed information concerning

(a) administrative measures;

(b) education and training courses;

(c) certification procedures; and

(d) other factors relevant to implementation of the Convention, for the purposes of facilitating that Organization's assessment of Barbados' compliance with the STCW Convention and ensuring continuous compliance with that Convention.

Regulations

258. The Minister may make regulations regarding the accreditation, training, assessment and certification of seafarers.

PART X

REMOTELY OPERATING SEAFARERS

Application

259. This Part applies to maritime autonomous surface ships having a degree of autonomy that requires little or no human presence on board.

Treatment for remote ship operators

260. A remote ship operator shall be provided with a standard of treatment equivalent to that of conventional seafarers physically serving on board ships, taking into additional account the human health, social and psychological well-being needs of persons working in high-intensity automated operational environments.

Minimum age for remote ship operators

261. A person who is less than 20 years of age shall not remotely navigate a ship.

Training and experience required

262. A remote ship operator shall have the training and experience required for a conventional ship master, unless expressly provided otherwise by the regulations.

Medical certificate

263.(1) Prior to beginning work in a remote control centre, a remote ship operator shall obtain a medical certificate attesting to his fitness to remotely operate ships.

(2) A medical examination for the purpose of subsection (1) shall include

(a) a standard eye test;

(b) a colour blindness test;

(c) a mental health test;

(d) a hearing test;

(e) ear and throat evaluations;

(f) medical history queries, including drinking and smoking habits;

(g) a urine sample to test kidney functionality and blood sugar; and

(h) reflex testing.

(3) he medical certificate for a remote ship operator issued after a medical examination shall indicate that the individual is

(a) fit without restrictions, indicating that the individual can work in any capacity in a remote control centre;

(b) fit with restrictions, indicating that the individual can work in a remote control centre, but limited in respect of time and field of work on base;

(c) temporarily unfit, indicating that the individual's remote seafaring career prospects in respect of remote ship operations will be temporarily curtailed until a subsequent medical examination indicates that he is fit without restrictions or fit with restrictions; or

(d) permanently unfit, indicating that the individual should never be allowed to remotely operate a ship.

(4) The Minister may make regulations on medical examinations for remote ship operators.

Training and qualifications

264. A remote ship operator shall not operate an autonomous ship unless he

(a) is trained or certified as competent to perform automated or digital ship functions;

(b) has successfully completed traditional seafarer training required under the STCW Convention for conventionally manned ships;

(c) has successfully completed artificial intelligence in shipping required in accordance with international maritime standards for maritime autonomous surface ships;

(d) has successfully completed training in traditional and automated ship navigation; and

(e) has successfully completed any other training required by the International Maritime Organization for persons operating maritime autonomous ships or vessels.

Skills and competencies required for remote ship operators

265. Every remote ship operator shall be skilled and competent in the following areas:

(a) working with marine computer systems;

(b) troubleshooting operational issues related to the cyber-physical boundary between the actual ship and the ship’s computer network;

(c) managing several ships in a fleet through remote operation;

(d) inputting reliable and correct information to a ship;

(e) data collection, monitoring and evaluation;

(f) the review and management of automatically generated reports from ships;

(g) preventing cyber threats; .

(h) cyber incident response and recovery;

(i) autonomous solutions applicable to various ship types;

(j) smart ship navigation and artificial intelligence in shipping; and

(k) any other areas of skill and competency for remote ship operation mandated by the International Maritime Organization or the International Labour Organization.

Recruitment and placement of remote ship operators

266.(1) Every remote ship operator shall have access to an adequate and accountable system for finding employment in a remote control centre designated for the remote operation of ships at sea, without charge to the operator.

(2) A private seafarer recruitment and placement agency operating in Barbados that is engaged in the recruitment and placement of seafarers in remote control centres for remote ship operation locally or abroad shall comply with this Act and any other national law on remote vessel operations employment.

(3) A public or private seafarer recruitment and placement agency operating in Barbados shall not

(a) maintain any mechanisms or lists intended to prevent or deter seafarers from gaining employment in a remote control centre for which they are qualified; or

(b) impose on a remote ship operator, directly or indirectly, any fees or other charges for seafarer recruitment or placement or for providing employment, other than the cost of the seafarer obtaining a medical certificate, the national seafarer's book and a passport or other similar personal travel document, other than a visa.

(4) The cost of any required visa shall be borne by the shipowner or the remote control centre.

(5) The Administration shall adopt procedures to

(a) prevent opportunities for exploitation of remote ship operators arising from the issuance of joining advances or any other financial transaction between a shipowner or remote control centre and the remote ship operators that are handled by the seafarer recruitment and placement services; and

(b) clearly publicize any costs that a seafarer will be expected to bear in the recruitment process.

(6) A public or private seafarer recruitment and placement agency operating in Barbados shall maintain

(a) an up-to-date register of all remote ship operators recruited or placed through it, that is available for inspection by the Director; and

(b) complete records of medical examinations, identity documents and any other information required for a remote ship operators covered by their recruitment and placement system to gain employment, with due regard to the right to privacy and the need to protect confidentiality, including the operator's

(i) qualifications;

(ii) record of employment;

(iii) personal data relevant to employment; and

(iv) medical data relevant to employment.

(7) A seafarer recruitment and placement agency shall

(a) inform each remote ship operator of his rights and duties under the employment agreement prior to or in the process of engagement;

(b) permit the operator to examine his employment agreement before and after it is signed;

(c) provide the operator with a copy of the agreement; and .

(d) inform the operator of any conditions in the agreement applicable to remotely operating vessels and of the particular shipowner's or remote control centre's policies relating to his employment.

(8) A seafarer recruited or placed to work in a remote control centre shall be qualified in accordance with this Act and hold the documents necessary for automated and digital ship operational processes.

(9) A seafarers' employment agreement for a remote ship operator shall comply with all applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement.

(10) A seafarer recruitment and placement agency for a remote ship operator shall

(a) have procedures

(i) to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up-to-date and have not been fraudulently obtained;

(ii) to ensure that employment references are verified;

(iii) to verify that labour conditions in remote control centres where remote ship operators are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative of the remote control centre; and

(iv) to supply seafarers only to remote control centres that offer terms and conditions of employment to seafarers that comply with applicable laws, regulations and collective agreements;

(b) ensure, as far as practicable, that shipowners or owners or agents of a remote control centre have the means to protect remote ship operators from being stranded in a foreign port, where the remote control centre is based in a country that is not the operator's home country;

(c) maintain up-to-date lists of the remote control centres for which it provides operators and ensure that there is a means by which the centres can be contacted in an emergency at all hours;

(d) examine and respond to any complaint concerning its activities and advise the Director of any unresolved complaint;

(e) ensure that remote ship operators are availed of on-base complaint-handling procedures at the time of recruitment for a remote control centre;

(f) have procedures that are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline, consistent with national laws and practice and, where applicable, collective agreements; and

(g) ensure the proper fulfilment by shipowners or remote control centres of the terms of employment agreements concluded with remote ship operators, including establishing a system of protection, by way of insurance or an equivalent appropriate measure, to compensate shore-based seafarers for any monetary loss that they may incur as a result of the failure of the recruitment and placement service, or a shipowner or owner or agent of a remote control centre, to meet its obligations under the operator's employment agreement.

Employment agreement for remote ship operators

267.(1) The employment agreement for a remote ship operator or, where the operator is not an employee, a similar contractual arrangement, shall

(a) be clearly written and legally enforceable;

(b) be signed by the remote ship operator and the remote control centre or a representative of the remote control centre; and

(c) provide the operator with decent working conditions.

(2) A remote ship operator shall be given an opportunity to examine and seek advice on his remote employment agreement before signing it, and be provided with any other facilities that are necessary to ensure that he has freely entered into an agreement with a sufficient understanding of his rights and responsibilities.

(3) The remote control centre or its representative and the remote ship operator concerned shall each be provided with a signed original of the remote employment agreement.

(4) Where a collective bargaining agreement forms all or part of a remote employment agreement, a copy of the collective bargaining agreement shall be available on-base or otherwise provided to the remote ship operator.

(5) The language of a remote employment agreement and collective bargaining agreement shall be English.

(6) A remote employment agreement for a remote ship operator shall contain the following:

(a) the remote ship operator's full name, date of birth or age, and birthplace;

(b) the remote control centre's name and address;

(c) the place where, and the date when, the remote employment agreement was entered into;

(d) the capacity in which the remote ship operator is to be employed in the remote control centre;

(e) the amount of wages for the remote ship operator or the formula used for calculating them;

(f) the amount of paid annual leave or the formula used for calculating it;

(g) the manner of termination of the agreement and the conditions for it, including

(i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it and a required notice period that is not less for remote control centre than for the remote ship operator; and

(ii) if the agreement has been made for a definite period, the date fixed for its expiry;

(h) the health and social security protection benefits to be provided to the remote ship operator by the shipowner, including information on any mandatory social security contributions;

(i) the remote ship operator's entitlement to repatriation, where the operator is stationed in a foreign country;

(j) a reference to any applicable collective bargaining agreement; and

(k) any other particulars that the Administration requires to be included, after consultation with the owners, or agents of autonomous ships, managing owners or representatives of remote control centres, and remote ship operators' organizations.

(7) Subject to subsection (8), the minimum notice period to be given by a remote ship operator or remote control centre for the early termination of a remote ship operator's employment agreement is 14 days.

(8) A notice period shorter than the minimum may be given by a remote ship operator, without penalty, for compassionate or urgent reasons or in other circumstances that are recognized under employment law or practices or in an applicable collective bargaining agreement as justifying termination of the employment agreement at shorter notice or without notice.

(9) A remote ship operators shall be given a document containing a record of his employment in a remote control centre.

(10) A record of employment of an operator shall not contain any statement as to the quality of the operator's work or as to his wages.

(11) A record of employment or seafarers' discharge book of an operator shall contain sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion.

Wages

268. A remote ship operator shall be paid at no greater than monthly intervals, and in accordance with the employment agreement for the operator.

Hours of work for remotely operating seafarers: short-distance shipping

269.(1) Subject to subsection (3), the maximum hours of work for a remotely operating seafarer or remote ship operator operating autonomous ships or vessels on short distance trips between Barbados and other Caribbean states shall not exceed 6 hours per duty period.

(2) During each a 6 hour duty period, a remote ship operator shall be given at least 2 30-minute breaks and shall not be stationed and operating the ship remotely for more than 2 consecutive hours without a break.

(3) In the event of an emergency maritime traffic situation, a remote ship operator shall not be required to work for more than 12 consecutive hours.

(4) A remote ship operator shall be given the hours of rest provided for in the regulations.

(5) The hours of rest for a remote ship operator do not include any 30-minute breaks during duty periods.

(6) Subsections (1) to (5) do not apply in respect of autonomous vessel engaged on long distance trips.

(7) The International Maritime Organization and International Labour Organization guidelines apply in respect of hours of work or rest for remote ship operators carrying out long-distance shipping activities in autonomous mode.

Health protection, medical care, welfare and social security protection

270. The health protection, medical care, welfare and social security protections afforded to seagoing seafarers by Part VII apply to remote ship operators.

Age of retirement for remote ship operators

271. The retirement age of a remote ship operator is 57 years of age, but a remote ship operator may continue in service until 67 years of age if

(a) the operator is certified to be medically fit; and

(b) the nature of remote ship operations engaged in and other relevant considerations permit.

Physically manning ship by remote ship operator

272. Where a remote ship operator is required to leave a remote control centre and go to sea to physically man a ship for reasons of safety, security, systems' maintenance or any other reason stipulated by an authority of the remote control centre, the provisions of this Act that apply to seagoing seafarers apply to the remote ship operator for the period that he is physically on board ship.

Offences and penalties

273.(1) locally operating seafarer recruitment placement agency that contravenes a provision of this Part commits an offence and is liable on summary conviction to a fine of $350 000.

(2) A remote control centre that contravenes a provision of this Part commits an offence and is liable on conviction on indictment to a fine of $700 000.

(3) Section 254 applies to a person who contravenes a provision of Part VIII in respect of a remote ship operator who temporarily operates as a seagoing seafarer while at sea for a period of time.

Autonomous Vessel Operations and Remote Ship Operators

274.(1) National laws on autonomous shipping apply to the extent practical to remote ship operators.

(2) The Administration shall ensure that the Autonomous Vessel Operations Code contains provisions on safety operations, including provisions to safeguard

the physical, social and mental health and well-being of remote ship operators, specific to

(a) remote ship operators operating Barbados-registered autonomous vessels in any waters; and

(b) remote ship operators operating foreign-registered autonomous vessels in Barbados waters.

Regulations

275. The Minister may make regulations to meet the standards set by the International Maritime Organization and International Labour Organization in respect of autonomous shipping, virtual seafaring and other related matters.

Regulations on training and certification for remote ship operators

276. The Administration may, by a marine notice, specify safe training and certification requirements for operators of autonomous vessels.

PART XI

MARITIME LABOUR DISPUTE SETTLEMENT

Jurisdiction of Barbados

277. This Part applies to adjudication in relation to the settlement of maritime labour related disputes arising between a seafarer who is a Barbadian citizen and a shipowner of a ship on which the seafarer is employed.

Labour-supply state dispute settlement option

278.(1) Where a claim or dispute involves a Barbadian seafarer and a shipowner of any nationality on whose ship a the seafarer is employed, the parties covered by a collective bargaining agreement shall submit the claim or dispute

to the jurisdiction of a voluntary arbitrator or panel of voluntary arbitrators under that agreement.

(2) If the parties are not covered by a collective bargaining agreement, the parties may submit a claim or dispute to the jurisdiction of either the Employment Rights Tribunal, pursuant to Part III of the *Barbados Employment Rights Act, 2012* (Act 2012-9) or to the jurisdiction of a voluntary arbitrator or panel of arbitrators.

(3) If there is no provision in a collective bargaining agreement, seafarer's employment agreement or any other national instrument relating to maritime labour dispute settlement for a voluntary arbitrator to be appointed by the parties, the arbitrator shall be appointed in accordance with the *Barbados Arbitration Act*, Cap. 110.

Maritime Labour Tribunal

279.(1) The Maritime Labour Tribunal is hereby established for the settlement of disputes arising out of violations of recruitment laws, rules or regulations involving employers, agents or contracting partners and Barbadian seafarers.

(2) The Minister shall appoint as members of the Tribunal

(a) an attorney-at-law of at least 10 years' standing, as chairman;

(b) shipowners' representative, who may be a person from a shipowners' organization;

(c) a seafarer representative, who may be a person from a seafarers' organization or a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or an equivalent certificate; and

(d) a labour and employment relations specialist with at least 10 years' experience.

(3) The Maritime Labour Tribunal shall have jurisdiction to hear and decide disciplinary action on cases that are administrative in character, involving or

arising out of violations of recruitment laws, rules or regulations involving employers, agents, contracting partners and Barbadian seafarers.

(4) A shipowner or seafarer may submit a dispute for settlement by the Maritime Labour Tribunal within 30 days from the date on which the dispute arose, if the parties fail to settle the dispute between themselves.

(5) A person may appeal a decision of the Tribunal by an application to the High Court in accordance with the rules of the Supreme Court of Barbados.

(6) On an application under subsection (5), if the High Court is satisfied

(a) that the decision of the Tribunal is not within the powers of this Act; or

(b) that the interests of the applicant have been substantially prejudiced,

the Court may quash the decision of the Tribunal, either generally or in so far as it affects the applicant's rights or interests.

(7) Notwithstanding this section, the parties to a maritime labour dispute may seek recourse to other dispute settlement fora, including conciliation and mediation.

Flag state maritime labour dispute settlement option

280. Notwithstanding sections 278 and 279, the state where a ship on which a Barbadian seafarer is employed is registered shall have jurisdiction in relation to the settlement of a maritime labour related dispute, including an unfair or wrongful dismissal, arising between the seafarer and the ship's shipowner, irrespective of the nationality of the shipowner.

Dispute settlement jurisdiction clauses in seafarers' agreements

281. A dispute settlement jurisdiction clause in a seafarers' employment agreement may be agreed upon between the seafarer and shipowner, but shall not reduce the choice of law and choice of forum available to a seafarer for

(a) dispute settlement in Barbados; or

(b) dispute settlement in the flag state.

Non-Barbados seafarers' maritime labour dispute-settlement options

282.(1) A non-national seafarer employed on board a Barbados-registered ship may seek to have a maritime labour related dispute settled by a court, tribunal or other alternative dispute-settlement mechanism in Barbados.

(2) Subject to subsection (3), a non-national seafarer employed on board a ship, irrespective of the flag the ship flies, may, while that ship is in a Barbados port, seek to have a maritime labour related dispute settled in Barbados if the dispute arose while the ship was in the maritime jurisdiction of Barbados.

(3) A court or tribunal, in determining whether to hear a case brought by a non-Barbados seafarer under subsection (2), shall consider

(a) the place of the wrongful act;

(b) the law of the ship's flag;

(c) the nationality or domicile of the seafarer;

(d) the nationality or domicile of the shipowner;

(e) he place where the seafarer's employment agreement was concluded;

(f) the accessibility of the foreign forum;

(g) the law of the forum; and

(h) the shipowner's base of operations.

Protection of seafarer against discrimination

283.(1) A person may not discharge or discriminate against a seafarer because

(a) the seafarer in good faith has reported or is about to report to a maritime law enforcement officer or other authorized officer that the seafarer believes that a violation of maritime labour law has occurred;

(b) the seafarer has refused to perform duties ordered by the seafarer's employer because the seafarer has a reasonable apprehension or expectation that performing such duties would result in serious injury to the seafarer, other seafarers or the public;

(c) the seafarer testified in a proceeding brought to enforce a maritime labour law;

(d) the seafarer notified, or attempted to notify, the shipowner or master of a work-related personal injury or work-related illness of a seafarer;

(e) the seafarer cooperated with a maritime safety investigation by the Administration or an entity authorized by the Administration to cooperate in a safety investigation;

(f) the seafarer furnished information to the Administration or any other public official relating to a marine casualty resulting in injury or death to an individual or damage to property occurring in connection with maritime transportation; or

(g) the seafarer accurately reported hours of duty under Part V.

(2) The circumstances causing a seafarer's apprehension of serious injury under subsection (1)*(b)* shall be of such a nature that a reasonable person, under similar circumstances, would conclude that there is a real danger of an injury or serious impairment of health resulting from the performance of the duties ordered by the seafarer's employer.

(3) To qualify for protection from the seafarer's employer under subsection (1) *(b)*, the employee shall have sought from the employer, and been unable to obtain, correction of the unsafe condition.

(4) A seafarer alleging a discharge or discrimination in contravention of subsection (1), or another person at the seafarer's request, may file a complaint in relation to the allegation

(a) with the Administration, in the case of a Barbados- registered ship; or

(b) with the competent authority of the flag state, in the case of a foreign-registered ship.

PART XII

GENDER MAINSTREAMING, MATERNITY AND PATERNITY

Rights of female seafarers

284. A female seafarer of any nationality working on a Barbados-registered ship and a female seafarer who is a national of Barbados working on a foreign-registered ship has the right

(a) to equality in maritime career and education opportunities;

(b) to minimum wages and working conditions at the same level as her male counterparts;

(c) to the same working hours as her male counterparts, subject to a maximum of 14 hours in any 24-hour period;

(d) to paid overtime above the stipulated hours of work, as set by the International Labour Organization for all seafarers;

(e) not to be denied a maritime post on the ship based on her sex;

(f) not to be discriminated against for any maritime job in any form based on her sex, in terms of equipment, working conditions or facilities;

(g) in case of maternity, to the same rights as any other profession;

(h) in case of a pregnant seafarer,

(i) to maternity rights and benefits provided for in national laws of Barbados, in respect of health care, paid maternity leave and protection against dismissal from working during and post-gestation;

(ii) where the ship is sailing with a medical practitioner on board, to be repatriated on the advice of the medical practitioner, without deduction from her wages and at no expense to her, at any time during the pregnancy, giving due consideration to her health and well-being and conditions on board ship;

(iii) where the ship is sailing without a medical practitioner on board, to be repatriated, without deduction from her wages and at no expense to her, at any time that woman seafarer so desires during pregnancy, having due consideration to her health and well-being and conditions on board ship;

(iv) to be protected from hazardous conditions while on board;

(v) to re-employment after maternity leave; and

(vi) to any other rights accorded under national maternity laws;

(i) to protection against any form of bullying and harassment on board ship;

(j) to join seafarers' unions;

(k) to sanitary facilities, sanitary hygiene products, contraception, including emergency contraception options;

(l) to access medical assistance onboard and onshore, and confidential medical advice; and

(m) to safety on board.

Violation of rights

285.(1) A person who violates a right afforded to female seafarers under section 284 commits an offence and is liable on summary conviction to a fine of $700 000.

(2) A woman in respect of whom a right under section 284 has been infringed may bring an action for compensation in a court of competent jurisdiction.

Maternity and seafarers

286.(1) A pregnant seafarer shall not be considered to be unfit to work on a ship, unless so determined by a duly qualified medical practitioner.

(2) A seafarer recruitment and placement agency that requires pregnancy testing before employing a female seafarer commits an offence and is liable on summary conviction to suspension or cancellation of official recognition granted by the Administration in relation to the agency or to a fine of $50 000, or to both.

(3) A pregnant seafarer is entitled to work up to 24 weeks of gestation on board a ship, in accordance with medical standards relating to pregnancy set forth in the International Labour Organization and International Maritime Organization Guidelines on the Medical Examinations of Seafarers, subject to any additional medical advice provided to the seafarer and its communication by the seafarer to the ship's master.

(4) An expectant female seafarer is entitled to

(a) for the birth of a single child, either

(i) 14 weeks of maternity leave at the child's birth, with pay; or

(ii) 7 weeks of maternity leave before the child's birth, with pay, and 7 weeks of maternity leave after the child's birth, with pay;

(b) for the birth of 2 or more children, either

(i) 17 weeks of maternity leave at the child's birth, with pay; or

(ii) 8.5 weeks of maternity leave before the child's birth, with pay, and 8.5 weeks of maternity leave after the child's birth, with pay;

(c) extended maternity leave of up to 24 weeks, with income during such leave to be covered by way of

(i) an insurance policy, or an equivalent form of financial security, provided by the seafarer; or

(ii) otherwise covered under a national insurance and social security scheme;

(d) be repatriated at no expense to the seafarer at any time during her pregnancy;

(e) where the birth occurs on the vessel, be repatriated with the child at no expense to the seafarer; and

(f) be re-employed after maternity leave.

(5) Subject to an agreement made in respect of section 217(1)*(c)*(iv), a person is not entitled to maternity leave if she has taken shared parental leave in respect of the child.

(6) A person who disciplines a female seafarer in any way for becoming pregnant while employed on a Barbados-registered ship, or who so disciplines a female seafarer who is a national of Barbados on a foreign-registered ship, commits an offence and is liable on summary conviction to a fine of $175 000.

(7) A person who disciplines a seafarer in any way for exercising maternity rights commits an offence and is liable on summary conviction to a fine of $700 000.

(8) A person who prevents a seafarer from exercising maternity rights commits an offence and is liable on summary conviction to a fine of $700 000.

Paternity and seafarers

287.(1) In this section, "paternal seafarer" means a seafarer who

(a) is an expectant father; and

(b) has been continuously employed for at least 11 months on board the ship from which leave for paternity reasons is to be obtained.

(2) Subject to an agreement made in respect of section 217(1)*(c)*(iv), a person is not entitled to paternity leave if he has taken shared parental leave in respect of the child.

(3) A paternal seafarer is entitled to

(a) for the birth of a single child,

(i) a minimum of 3 weeks and maximum of 6 weeks of paternity leave at the child's birth, with pay; and

(ii) to paternity benefit with pay, in the case of pre-birth and post-birth medical complications experienced by the expectant or post-partum mother that necessitate care assistance by the paternal seafarer for part or whole of the period of medical incapacitation of the expectant or post-partum mother, subject to supporting medical documentation in relation to the expectant or post-partum mother's medical situation, and an accompanying statement from the medical practitioner on the duration and type of care assistance required from the paternal seafarer in the circumstances;

(b) for the birth of 2 or more children,

(i) 12 weeks of paternity leave at the child's birth, with pay; and

(ii) to paternity benefit with pay, in the case of pre-birth and post-birth medical complications experienced by the expectant or post-partum mother that necessitate care assistance by the paternal seafarer for part or whole of the period of medical incapacitation of the expectant or post-partum mother, subject to supporting medical documentation in relation to the expectant or post-partum mother's medical situation, and an accompanying statement from the medical practitioner on the duration and type of care assistance required from the paternal seafarer in the circumstances;

(c) extended paternity leave of up to 17 weeks, with income during such leave to be covered by way of

(i) an insurance policy or an equivalent form of financial security provided by the seafarer; or

(ii) otherwise covered under a national insurance and social security scheme;

(d) be repatriated at no expense to the paternal seafarer at any time during the pregnancy or post-gestational period of the paternal seafarer's wife, spouse or partner for serious medical reasons concerning the expectant or post-partum mother, except during a period in which an emergency situation on board requires the paternal seafarer to be on duty, and in such cases, the shipowner or master shall make every effort to relieve the paternal seafarer from duty to be with the expectant or post-partum mother;

(e) be immediately released for paternity or such other leave granted to the paternal seafarer at the time of birth of the seafarer's infant, except during a period during in which an emergency situation on board requires the paternal seafarer to be on duty, and in such cases, the shipowner or master shall make every effort to relieve the paternal seafarer from duty to be with the post-partum mother; and

(f) re-employed after paternity leave.

Offences in respect of paternity rights

288.(1) A person who violates the paternity rights of a seafarer commits an offence and is liable on summary conviction to a fine of $700 000.

(2) A person in respect of whom a right under section 287 has been infringed may bring an action for compensation in a court of competent jurisdiction.

(3) A person who disciplines a seafarer in any way for exercising paternity rights commits an offence and is liable on summary conviction to a fine of $700 000.

(4) A person who prevents a seafarer from exercising paternity rights commits an offence and is liable on summary conviction to a fine of $700 000.

Returns of births and deaths of seafarers

289.(1) In the event of a birth or death of a seafarer on board a Barbados-registered ship or a seafarer who is a national of Barbados on board a foreign-registered ship, the master of that ship shall

(a) make a return to the Administration or proper officer of

(i) the birth or death of any seafarer occurring in the ship; and

(ii) the birth or death of any person employed in the ship that occurs outside Barbados;

(b) notify any such birth or death, as the case may be, to the person the deceased seafarer has named to him as his next of kin;

(c) where he is the master of a ship not registered in Barbados but calls at a port in Barbados in the course of, or at the end of, a voyage make a return to the Administration of any birth or death of a Barbadian seafarer that has occurred in the ship during the voyage;

(d) request the Administration or proper officer to record such information as may be specified about a birth or death referred to in paragraph *(a)* where

(i) it appears to him that the master of the ship cannot perform his duty under that paragraph because he has himself died or is incapacitated or missing;

(ii) the death in question has been the subject of an inquest held by a coroner or an inquiry held in accordance with national merchant shipping laws and the findings of the inquest or inquiry include a finding that the death occurred; or

(iii) the deceased's body has been the subject of a postmortem examination and in consequence the coroner is satisfied that an inquest is unnecessary;

(e) request the Administration or proper officer to send a certified copy of a return or record made under the regulations to the Registrar of Births and Deaths for Barbados; and

(f) authorize the registration of the following births and deaths occurring outside Barbados in circumstances where no return is required to be made under regulations

(i) the birth or death of a Barbadian seafarer that occurs in a ship not registered in Barbados; and

(ii) the death of a Barbadian seafarer or other seafarer who has been employed on a ship not registered in Barbados that occurs elsewhere than on the ship.

(2) The Administration or proper officer, pursuant to subsection (1), shall

(a) record all relevant information about a birth or death referred to in paragraph *(a)* of subsection (1) where

(i) it appears to him that the master of the ship cannot perform his duty under that paragraph because he has himself died or is incapacitated or missing;

(ii) in the case of a death, the death in question has been the subject of an inquest held by a coroner or an inquiry held in accordance with national merchant shipping laws and the findings of the inquest or inquiry include a finding that the death occurred; or

(iii) the deceased's body has been the subject of a postmortem examination and in consequence the coroner is satisfied that an inquest is unnecessary;

(b) send a certified copy of a return or record made in relation to a birth or death to the Registrar of the Supreme Court of Barbados;

(c) authorize the registration of the following births and deaths in relation to seafarers, occurring outside Barbados in circumstances where no

return is required to be made under regulations or other statutory instrument

(i) the birth or death of a Barbadian citizen that occurs in a ship not registered in Barbados; and

(ii) the death of a Barbadian seafarer or other seafarer who has been employed on a ship not registered in Barbados that occurs elsewhere than on the ship.

(3) The Registrar of the Supreme Court of Barbados to whom a certified copy of documentation about a birth or death is sent

(a) shall record the information contained in it in the register; and

(b) may record in the register such additional information as appears to him desirable for the purpose of ensuring the completeness and correctness of the register.

(4) The registration of births and deaths under subsection (3) shall have the same effect as if the register were a register of births or deaths held in another country and as if certified copies of entries in that register had been transmitted to the Registrar in accordance with those laws.

(5) The Minister may, where it considers it necessary to do so, make regulations relating to births and deaths of seafarers on ships.

(6) A reference in this section to a birth or death occurring in a ship includes a reference to a death occurring in a ship’s boat.

(7) All deaths of seafarers employed, engaged, or working on board ships are adequately investigated and recorded, and reported, on an annual basis, to the Director-General of the International Labour Office to be published in a global register.

Gender policy and seafarers

290.(1) The Administration, in consultation with the Bureau of Gender Affairs and other relevant stakeholders, shall develop and maintain gender policies and programs for seafarers related to

(a) their rights, well-being and welfare on board;

(b) reducing gender stereotypes within the maritime industry;

(c) making ships more gender-friendly to the needs of women;

(d) consistent and improved approaches to seafarer maternity, paternity and sexual health issues;

(e) sexual harassment and bullying; and

(f) equality in training, upskilling and maritime employment opportunities.

(2) Gender and development activities specific to seafarers shall be consistent with the IMO's Gender Program, and efforts shall be made to ensure an equitable balancing of opportunities for seafarers, irrespective of their gender.

PART XIII

PROTOCOLS IN RESPECT OF SEAFARERS DURING PANDEMIC OUTBREAKS

Responsibility for seafarers during disease outbreaks

291. Where there is an outbreak of a disease of international concern, the Government shall take responsibility for

(a) seafarers, irrespective of nationality, serving on board Barbados-registered ships;

(b) nationals of Barbados, serving on board foreign-registered ships, taking into account the jurisdictional authority of the foreign state concerned; and

(c) seafarers of any nationality serving on board any ship in Barbados waters, irrespective of the ship's place of registry.

Duties of the Minister

292.(1) The Minister shall ensure that measures taken to combat the spread of disease in respect of seafarers working aboard Barbados-registered ships are exercised fairly, humanely and in accordance with international maritime safety, security and humanitarian standards.

(2) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, shall ensure that seafarers' rights are protected, and their health and safety are prioritized, during outbreaks of a disease of international concern, having regard to the need for seafarers

(a) to be constantly updated and informed of measures being taken in relation to preventing or minimizing the spread of the disease;

(b) to be directly engaged in decision-making processes involving their employment, personal liberty and access to their families;

(c) not to be retained aboard ship after signing off, or be unreasonably denied shore leave, where the seafarer has been tested and certified to be disease-free by health personnel;

(d) to be afforded proper quarantine arrangements and facilities, where quarantine measures are required;

(e) not to be abandoned in foreign countries without funds;

(f) to be paid their wages;

(g) not to be prevented repatriation to their home countries at the expense of the shipowner, at the request of the seafarer; and

(h) not to have their seafarers' employment agreements extended without their knowledge and consent.

(3) The Minister shall ensure the same rights and health and safety measures set out in subsection (2) above are accorded to seafarers who are nationals of Barbados working aboard foreign-registered ships, and to seafarers on board ships in national seaports who are not nationals of Barbados.

(4) The master of a Barbados-registered ship shall have appropriate crew plan changes in place, for purposes of the maritime safety of the ship, her cargo and seafarers on board, to ensure that a ship is not being operated by a crew that has worked in excess of the hours stipulated under the Maritime Labour Convention in times of outbreak of diseases of international concern.

Duties of ship masters

293. The master of a Barbados-registered ship and the master of a foreign-registered ship calling at a local seaport shall

(a) have in place a written ship-specific pandemic management plan for the protection of seafarers' health during an outbreak of a disease of international concern;

(b) ensure that seafarers on board have knowledge of the plan; and

(c) guide seafarers on effective implementation of the plan.

Elements of the ship-specific pandemic management plan

294. A shipboard outbreak management plan shall include

(a) pre-boarding measures;

(b) pre-boarding screening procedures;

(c) the manner of information dissemination;

(d) procedures on suspected cases of infection;

(e) procedures on high risk exposure;

(f) hygiene measures for seafarers on the ship;

(g) management of suspect cases;

(h) precautionary measures at the ship's medical facility;

(i) procedures for laboratory testing;

(j) case-handling measures for infection on board the ship;

(k) isolation measures on board the ship;

(l) measures for reporting to the next port of call;

(m) measures for disembarkation of a suspected or confirmed case;

(n) cleaning, disinfection and waste management procedures;

(o) management of contacts of a suspected case; and

(p) regulation and administration of medical supplies and equipment.

Application of the FAL Convention 1965, as amended

295.(1) The amendments to the FAL Convention, 1965, as amended, in respect of key workers during a public health emergency of international concern apply to seafarers falling within the scope of the definition of seafarer at section 2.

(2) Where there is a pandemic disease outbreak, the Government of Barbados shall through partnership and collaboration put effective measures in place to enhance rights and protections of seafarers during public health emergencies.

(3) By virtue of this Act, Seafarers are automatically accorded "key worker" status in the event of a pandemic outbreak.

(4) The rights, protections and any other considerations or benefits extended to seafarers during such pandemic outbreak by the International Maritime Organization, whether singly or jointly with the International Labour Organization and/or the World Health Organization, or any other relevant organization, shall be provided to seafarers to whom this Act and its statutory instruments applies.

Duties of the Minister

296.(1) The Minister, in consultation with the Director, Chief Maritime Social Services Officer and the chief executive officer of the Port of Bridgetown or any other local seaport, shall ensure that adequate and appropriate measures are put in place during a pandemic disease outbreak to ensure that

(a) seafarers aboard foreign-registered ships calling at local seaports are protected from the threat of infection by remote personnel, including maritime pilots, officers of customs, immigration or port health, cargo handlers and any other port workers seafarers may need to come in contact with in the course of their duties;

(b) remote personnel who by virtue of their duties need to come in contact with seafarers are protected from the threat of infection from seafarers calling at local seaports;

(c) seafarers are not denied shore leave, where the seafarers have been tested and certified to be disease-free by health personnel in port;

(d) seafarers are afforded proper quarantine arrangements and facilities, where quarantine measures are required;

(e) port state inspections are conducted to verify that maritime labour abuses are not being suffered by seafarers, in contravention of the requirements of the Maritime Labour Convention;

(f) supply chains are kept open, and maritime transportation is kept moving, by

(i) minimizing excessive administrative burdens on visiting commercial ships to local seaports;

(ii) facilitating rapid crew changes, to the extent reasonably practicable in the circumstances; and

(iii) facilitating the movement of ships' crews with as few obstacles as possible; and

(g) appropriate exemptions from local travel restrictions on leaving and joining ship are available, having due regard to public health and the safety of seafarers.

(2) Every seafarer, on leaving or joining a ship, shall comply with the health, safety and protection measures put in place under subsection (1).

(3) The master of a Barbados-registered ship that calls at a foreign port, and the master of a foreign-registered ship that calls at a local seaport, during a pandemic disease outbreak shall co-operate with port authorities at the port, to ensure where appropriate that

(a) seafarers can be changed;

(b) passengers can embark and disembark;

(c) shore leave can occur, where safe to do so;

(d) cargo operations can be carried out;

(e) ships' stores and supplies can be provided to the ship; and

(f) required certificates and documentation can be issued in respect of the ship.

Contingency plan for seafarers during pandemic outbreaks

297.(1) The requirements of this section apply during a pandemic outbreak of a disease of international concern.

(2) During such an outbreak,

(a) seafarers shall be screened on arrival to, and departure from, Barbados;

(b) seafarers shall be subjected to all mandatory health checks in port before leaving and rejoining a ship;

(c) seafarers' documents shall be electronically produced for checks by authorized officers of customs, immigration and port health;

(d) expired seafarers' documents shall be accepted as valid, where such documents have expired immediately prior to, or during, the outbreak of the disease;

(e) where applicable, digital temporary confirmations shall be issued stating that an expired seafarers' document required under the STCW Convention, Maritime Labour Convention, or a national law is deemed valid for a period of 6 months; and

(f) temporary certificates of competency shall be issued, valid for a period of 6 months, for seafarers on board Barbados-registered ships and foreign-registered ships who are unable to complete some or all of updating refresher training requirements for the issuance or revalidation of a seafarer certificate.

(3) A seafarer may apply to the Administration for a temporary certificate of competency, and shall include

(a) a scanned copy of the original STCW Convention Safety Training Certificate that is no longer, or that will no longer be, valid; and

(b) any applicable self-declaration for STCW Convention training that requires updating or refreshing, in the form set out in the *Sixteenth Schedule*.

(4) Where the STCW Convention requires a standard to be met prior to the issuance of a new certificate, the Administration shall not issue such a certificate unless this standard has been achieved.

(5) If a seafarer is unable to complete updating training requirements, but needs to join a ship, he shall send an email to the Administration, attaching

(a) the company letter confirming the vessel he needs to join and the date he is required to join;

(b) scanned copies of the original STCW Convention Safety Training Certificate that will no longer be, or that is no longer, valid; and

(c) any applicable self-declaration for the STCW Convention training that requires updating or refreshing, in the form set out in the *Sixteenth Schedule*.

(6) If a seafarer is on board a ship beyond his employment contract for reasons connected with a disease of international concern, the company shall ensure that the seafarer is kept informed of

(a) the risks of infection;

(b) the reasons why he is required to stay on board;

(c) any measures being undertaken for his protection; and

(d) arrangements being made for his repatriation.

(7) A valid seafarers' employment agreement shall remain in force until the seafarer is repatriated.

(8) If the seafarers' employment agreement of a seafarer working on board a Barbados-registered ship or of a Barbadian seafarer working on board foreign-registered ship has expired, it shall be extended by the shipowner, or the shipowner shall issue a new one.

(9) The seafarer and the shipowner shall retain evidence demonstrating the reason why the seafarer was asked to extend his contract.

(10) A shipowner shall repatriate seafarers at the first available opportunity, with paid wages and at no expense to the seafarer.

Shipowner liability during pandemic outbreaks

298. On the occurrence of a pandemic outbreak, every shipowner shall contact his financial security provider to confirm that insurance or other financial security is secured for additional costs incurred during the pandemic, including isolation pending repatriation, medical care and any costs of crew transfer for suspected cases.

Sea-time

299.(1) Sea-time on a Barbados-registered ship during a pandemic outbreak that is fully crewed and operational but not working will be accepted at the full rate towards the issuance or revalidation of a certificate of competence required to be held by seafarers under the STCW Convention.

(2) Seafarers who are directly involved in vessel operations while the vessel is in warm lay-up will have their service accepted at the full rate towards the issuance or revalidation of a certificate of competence required to be held by seafarers under the STCW Convention.

Survey and certification of Barbados-registered ships during pandemic outbreaks

300. Where, during a pandemic outbreak, a survey is due on a Barbados-registered ship while the ship is overseas, and it becomes difficult for a locally appointed surveyor or a recognized organization to attend,

(a) a short-term certificate shall be issued in respect of the ship by the Director; or

(b) where possible, the survey may be conducted virtually and the standard certificate issued in normal circumstances may be issued.

International health regulations

301. During a pandemic outbreak, protocols and procedures applicable to ships under the International Health Regulations of the World Health Organization shall be observed.

Seafarers as essential workers during pandemics

302.(1) To maintain the flow of vital goods such as food, clothing and medical supplies, seafarers shall be designated as essential workers during pandemic outbreaks and shall be exempted from travel and other restrictions ordinarily imposed on persons during such crises.

(2) The Minister shall implement relevant International Maritime Organization guidelines and protocols for seafarers working during pandemic outbreaks, and shall coordinate an essential worker support program for seafarers to ensure that the physical and mental health and well-being of seafarers and the maritime labour protections afforded under the Maritime Labour Convention are not compromised.

Crew change clauses

303. Every contract in respect of a Barbados-registered ship during a pandemic outbreak, including a ship on charter, shall contain a crew change clause, to enable the ship to deviate to a port so that a working crew can be replaced by a fresh crew, in the interests of safety of life at sea and seafarer well-being.

Duty of Minister

304. The Minister shall ensure that the requirements of this Part are complied with by Barbados-registered ships and in respect of seafarers who are nationals of Barbados working on board foreign-registered ships.

PART XIV

SEAFARERS SERVING ON BOARD DEEP-SEA MINING WORK VESSELS

Application 305.

305. This Part applies to

(a) Barbados-registered deep-sea mining work vessels;

(b) foreign-registered deep-sea mining work vessels in Barbados waters; and

(c) deep-sea mining work vessels operating under the sponsorship of Barbados, pursuant to Part VI of the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2);

Definitions

306.(1) In this section,

"day off" means a rest period of 24 consecutive hours ashore, calculated from the end of the rest period immediately following the conclusion of the offshore work; Enter your definition here

"deep-sea mining work vessel" means a vessel engaged in the mining of oil, gas or other non-living marine natural resources, including ocean minerals;

"employee" includes a seafarer and any other worker classified as a non-seafarer under this Part, who is engaged in work with a deep-sea mining work vessel;

"employer" means a person directly employing a seafarer or non-seafarer in connection with offshore oil and gas, ocean minerals or other non-living marine natural resources operations;

"installation" means a deep-sea mining work vessel that is attached to the seabed or to a sub-sea structure;

"marine non-living natural resources work" means offshore work specific to

(a) offshore oil or gas;

(b) marine renewable energy;

(c) ocean minerals; or

(d) other marine non-living natural resources;

"night-time" means the period from 10:00 p.m. to 5:00 a.m., unless another period has been agreed to by the parties concerned in writing;

"night worker" means a seafarer who

(a) as a normal course, works at least 3 hours of his daily working time during night-time; or

(b) works at least 300 hours during night-time within a 12-month period;

"offshore work" means

(a) work performed mainly on or from an installation, connected infrastructure or in connection with pipelines, that directly or indirectly relates to offshore oil and gas, or to ocean mineral operations;

(b) transportation to and from the installation, from the starting time at the transport terminal scheduled by the employer until arrival at the installation, or from departure from the installation until the employee can leave the transport terminal;

(c) any additional time period, ashore in Barbados or elsewhere, during which the employee is at the employer's disposal for work, if the employer has stipulated the location of the employee during the period;

(d) work ashore in Barbados or elsewhere that has been commenced within 24 hours after the end of the daily rest period following the time at which the employee left the transport terminal;

(e) time spent on completing training to perform work at installations; or

(f) time spent on completing other training or education activities, if they are required by the employer; and

"shift work" means a method of organising work in shifts whereby employees succeed each other at the same workstations according to a rotating or other pattern, and that may be continuous or discontinuous, entailing the need for employees to work at different times over a given period of days or weeks;

"transport terminal" means an airport or waiting area for a vessel; and

"working time" means the period during which an employee is at the employer's disposal and performing work, but does not include time spent at an offshore facility, installation or connected infrastructure when the employee is not performing work that constitutes a rest period.

(2) For the purpose of paragraph *(d)* of the definition "offshore work",

(a) work that is typically commenced within the 11 hours of rest period and 24 hours after the employee left the transport terminal is offshore work; and

(b) a period following the rest period that exceeds 24 hours will be considered a day off, and work performed following this period is not offshore work.

Application of MLC to seafarers working in the offshore industry

307. The Maritime Labour Convention applies to seafarers serving on deep-sea mining work vessels.

Application of MLC to offshore workers not classified as seafarers

308.(1) The Maritime Labour Convention applies to deep-sea mining work vessels that are attached to the seabed or to a sub-sea structure for more than one year.

(2) Employees on board deep-sea mining work vessels attached to the seabed or a sub-sea structure are non-seafarers to whom

(a) the International Labour Organization occupational health and safety rules, regulations and guidelines apply; and

(b) national occupational health and safety laws, to the extent practicable, apply.

(3) An employer shall obtain a Maritime Labour Convention Exemption Certificate for non-seafarers.

(4) Where a vessel is detaching from the seabed every 3 months or more to reposition, no Maritime Labour Convention Exemption Certificate shall be granted, and the vessel will be subject to the Maritime Labour Convention.

Non-offshore work

309. Work performed for an employer onshore or work offshore that is not offshore work is subject to the International Labour Organization's Occupational Health and Safety rules, regulations and guidelines, and to national occupational health and safety laws to the extent that these laws can be practically applied.

Framework agreement relating to marine non-living natural resources work

310.(1) The Administration, in consultation with the Ministry responsible for Labour, the Ministry responsible for Natural Resources and other relevant stakeholders, shall develop a Framework Agreement relating to Marine Non-living Natural Resources Work, which shall serve as a guiding instrument for terms, conditions and other considerations in respect of persons employed in offshore work.

(2) A company or enterprise that has established a contract of employment with an employee shall comply with the Framework Agreement relating to Marine Non-living Natural Resources Work and shall, in accordance with that Agreement,

(a) ensure that contracts of service or contracts for service are

(i) consistent with the Agreement; and

(ii) in relation to vessels of 500 GT and above carrying more than 12 industrial personnel, are compliant with Chapter XV of the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Code of Safety for Ships Carrying Industrial Personnel, 2024, as may be modified from time to time;

(b) ensure compliance with requirements of the Agreement relating to

(i) days off;

(ii) night-time;

(iii) night work;

(iv) offshore work;

(v) rest periods;

(vi) shift work; and

(vii) any other matters relating to hours of work and rest; and

(c) organize the physical framework enabling the execution of the offshore work, and organize the offshore work, in a manner that allows employees access to breaks, undisturbed rest, restitution and rest periods.

(3) A Framework Agreement relating to Marine Non-living Natural Resources Work shall be developed within 2 years of the entry into force of this Act.

(4) The Framework Agreement relating to Marine Non-living Natural Resources Work shall enter into force when it is published in the *Official Gazette*.

(5) The Framework Agreement relating to Marine Non-living Natural Resources Work is binding on all persons engaged in offshore work in Barbados waters.

(6) A person who contravenes a requirement in the Framework Agreement relating to Marine Non-living Natural Resources Work commits an offence.

(7) A person who contravenes a requirement in the Framework Agreement relating to Marine Non-living Natural Resources Work shall remedy the breach without delay.

(8) A person who refuses to remedy a breach in respect of a requirement is liable to

(a) immediate suspension or revocation of the licence, permit or other instrument in relation to the offshore work being carried out in Barbados waters;

(b) payment of an administrative penalty of $200 000; or

(c) on conviction on indictment, a fine of $700 000 or a term of imprisonment of 5 years, or to both.

PART XV

MISCELLANEOUS

Seafarers Certificates, Documentation and Related Matters

Production of certificates and other documents of qualifications

311.(1) A person serving or engaged to serve in a ship and holding a certificate or other document that is evidence that he is qualified to serve on a ship shall, on demand, produce it to the Director, a surveyor of ships, a proper officer or, if he is not the master, to the master of the ship.

(2) A person who, without reasonable excuse, fails to comply with subsection (1) commits an offence and liable on summary conviction to a fine not exceeding $50 000.

Crew's knowledge of English

312.(1) Where in the opinion of the Director or a proper officer the crew of a ship includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and there are not

adequate arrangements for transmitting orders in a language of which they have sufficient knowledge,

(a) if the Director or proper officer has informed the master of that opinion, the ship shall not go to sea;

(b) if the ship is in Barbados, it may be detained; and

(c) if the ship is in another country, the Director may request assistance to detain the ship.

(2) Where a ship goes to sea or attempts to go to sea in contravention of this section the owner or master commits an offence and is liable on summary conviction to a fine of $75 000.

Unqualified seafarers going to sea

313. A person who goes to sea as a qualified officer or seafarer without being so qualified commits an offence and is liable on summary conviction to a fine of $100 000.

Financial assistance

314.(1) The Minister may give a person or body of persons financial assistance in respect of expenses incurred or to be incurred by the person or body in connection with the training of officers and ratings for service in ships, including expenses by a person in connection with undergoing such training.

(2) Assistance under this section may be given by way of a grant or a loan or otherwise, subject to such conditions as the Minister thinks fit, including conditions requiring a grant to be repaid in specified circumstances.

(3) This section is without prejudice to any other power of the Minister to give financial assistance in connection with training referred to in subsection (1).

National seafarers register

315. The Director shall keep a national register of seafarers who are

(a) nationals of Barbados working on foreign-registered international ocean-going ships;

(b) foreign seafarers working on Barbados-registered international ocean-going ships; and

(c) foreign seafarers working on ships stationed in Barbados, including offshore platforms.

Relief and repatriation relief costs

316.(1) Where

(a) a person employed as a seafarer in a Barbados-registered ship is left behind in a country outside Barbados or is taken to such a country on being shipwrecked; or

(b) a person who became so employed under an agreement entered into outside Barbados is left behind in Barbados or is brought to Barbados on being shipwrecked,

the person who last employed him as a seafarer shall provide for his return, and for his relief and maintenance until his return, and make any other provisions required by the regulations.

(2) Relief under subsection (1) includes the repayment of expenses incurred in bringing a shipwrecked seafarer ashore and maintaining him until he is brought ashore and the payment of the expenses of the burial or cremation of a seafarer who dies before he can be returned.

(3) The Minister may make regulations

(a) providing for the manner in which wages due to any person left behind or taken to a country referred to in subsection (1), and any property of his left on board ship, are to be dealt with;

(b) for determining the place to which such a person is to be returned;

(c) for requiring the master of a Barbados-registered ship to convey such a person to a place determined in accordance with the regulations and for enabling the Director or proper officer to give the master directions for that purpose;

(d) for the making of payments in respect of the conveyance of a person in accordance with the regulations; and

(e) for the keeping of records and the rendering of accounts.

(4) Regulations made under subsection (3) may provide that a person who contravenes a provision of the regulations commits an offence punishable on summary conviction by a fine of $150 000 or a lesser amount specified in the regulations.

(5) This section applies to a person left behind on being discharged in accordance with this Act, whether or not at the time he is left behind the ship is still a Barbados-registered ship.

Limit of employer's liability

317. Unless otherwise provided by the regulations, where a seafarer referred to in section 316(1) remains in a country outside Barbados for more than 3 months, the person who last employed him as a seafarer is not liable under that section to provide for his return or for any matter arising after the end of that period.

Recovery of expenses from employer incurred for relief return

318. Where expenses are incurred in respect of a matter for which the employer of a seafarer is required to make provision under section 316,

(a) if the expenses are incurred by the Administration, or are incurred by the government of a foreign country and repaid to it on behalf of the Government, the Administration may recover the expenses from the employer; and

(b) if the expenses are incurred by a seafarer, he may recover them from the employer unless the employer proves that under the terms of the seafarer's employment agreement the expenses were to be borne by him or that he would not have been left behind but for his own wrongful act or neglect.

Recovery of expenses from seafarer

319. Where expenses in relation to a seafarer are incurred by the Administration or are incurred by the government of a foreign country and repaid to it on behalf of the Government

(a) in respect of any matter for which, but for section 316, the seafarer's last employer would have been required to make provision under section 317; or

(b) in respect of any matter for which provision is required to be made under section 316(3)*(d)*,

the Administration may recover the expenses from the seafarer or, if he has died, from his personal representatives.

Lists of crews

320.(1) The master of every Barbados-registered ship shall maintain a list of the crew containing the particulars required by the regulations.

(2) The Minister may make regulations

(a) specifying the particulars to be entered in a list of the crew;

(b) limiting the time for which a list of the crew may remain in force;

(c) providing for the maintenance by persons specified in the regulations in the ship or another place specified in the regulations, of one or more copies of each crew list;

(d) providing for the notification to any specified persons of changes to a crew list;

(e) for the production of a crew list to persons, in such circumstances and within such a time, specified in the regulations;

(f) for the delivery to the Director, a proper officer or the Principal Registrar, in any circumstances specified in the regulations, of a crew list or a copy of it maintained under the regulations and for the notification to him of any changes in such a list;

(g) exempting from the requirements of the regulations any ship specified in the regulations in specified circumstances; and

(h) making a contravention of a provision of the regulations an offence punishable on summary conviction by a fine of $50 000 or a lesser amount.

Handing over of documents by master

321.(1) Where a person ceases to be the master of a Barbados-registered ship during a voyage of the ship, he shall deliver to his successor the documents relating to the ship or its crew that are in his custody.

(2) The master of such a ship who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of $50 000.

Passport-level status of seafarers' identity document

322.(1) Subject to national immigration laws, for the purposes of this Act, a seafarers' identity document shall be accepted as a valid travel document with the same standing as a passport or other form of personal identification, and a seafarer of any nationality may come ashore in Barbados using a seafarers' identity document as an identity document.

(2) A seafarer who is a national of Barbados shall, before engaging in employment on a ship, apply to the Administration to obtain a seafarers' identity document.

(3) The Administration shall issue a seafarers' identity document on payment of the fee established under section 381.

(4) A seafarers' identity document shall be renewed every 5 years.

(5) The Administration shall renew a seafarers' identity document on payment of the fee established under section 381.

(6) A seafarer shall keep his seafarers' identity document in proper condition at all times.

(7) The Administration shall re-issue a seafarers' identity document to replace one that is lost, mutilated or defaced on payment of the fee established under section 381.

Seafarer's entry requirements

323.(1) A non-national seafarer who is not engaged in paid activities in Barbados and who enters Barbados with a seafarers' identity document may be granted immigration authorization to enter and remain in Barbados for a period not exceeding 90 days.

(2) A seafarer may apply for an extension of a permit under subsection (1) that has expired.

(3) Subject to subsection (4), a seafarer employed or on duty on a ship or on a cruise ship sailing along the Barbadian coast who seeks to enter Barbados is exempt from the requirement for a visa if the seafarer is carrying a valid seafarers' identity document issued by a member country of the International Labour Organization.

(4) A seafarer who is in possession of a seafarers' identity document and not employed or on duty on board a ship is subject to the same entry requirements as an ordinary passenger.

Restriction of assignment of and charge upon wages

324.(1) Wages due or accruing to a seafarer employed in a Barbados-registered ship

(a) shall not be subject to attachment; and

(b) shall not be assigned before they have accrued.

(2) An assignment referred to in subsection (1)*(b)* does not bind the seafarer and the payment of wages to the seafarer is valid notwithstanding any previous assignment or charge.

(3) A power of attorney or authority for the receipt of a seafarer's wages shall not be irrevocable.

(4) This section does not affect the provisions of this Part with respect to allotment notes.

(5) This section does not apply to the application of wages

(a) in the payment of contributions to a fund specified by the regulations; or

(b) in the payment of contributions in respect of the membership of a body specified by the regulations.

Award of interest on wages due other than under a crew agreement

325. In any proceedings by the master of a ship or a person employed in a ship other than under a seafarers' employment agreement for the recovery of a sum due to him as wages, the court may, notwithstanding any other law, order to be paid, in addition to the sum due, interest on it at a rate not exceeding 20 per cent per annum, for the period beginning 7 days after the sum became due and ending when the sum is paid, unless it appears to the court that the delay in paying the sum was due to

(a) a mistake;

(b) a reasonable dispute as to liability;

(c) the act or default of the person claiming the amount; or

(d) a cause that is not the wrongful act or default of the person liable to make the payment or his servant or agent.

Allotment notes

326.(1) Subject to subsection (2), a seafarer may, by means of an allotment note issued in accordance with the regulations, allot to another person part of the wages to which the seafarer will become entitled in the course of his employment in a Barbados-registered ship.

(2) A seafarer's right to make an allotment is subject to any limitations imposed by the regulations.

(3) The Minister may make regulations for the purposes of this section

(a) prescribing the form of an allotment note;

(b) limiting the circumstances in which allotments may be made;

(c) limiting, by reference to an amount or to a proportion, the portion of wages that may be allotted and the number of persons to whom it may be allotted and prescribing the method by which that portion is to be calculated;

(d) limiting the persons to whom allotments may be made to specified persons or persons in specified relationships to a seafarer; and

(e) prescribing the times and the intervals at which payments under allotment notes are to be made.

(4) Regulations under subsection (3) may establish different requirements in relation to different types of seafarers and different circumstances.

Right of person named in allotment to sue in his own name

327.(1) A person to whom any part of a seafarer's wages has been allotted by an allotment note issued in accordance with the regulations may recover that part in his own name, and for that purpose shall have the same remedies as the seafarer has for the recovery of his wages.

(2) In any proceedings brought by a person to whom any part of a seafarer's wages has been allotted, it shall be presumed, unless the contrary is shown, that the seafarer is entitled to the wages specified in the note and that the allotment has not been varied or cancelled.

Right or loss of right to wages

328.(1) Subject to subsection (3), where a Barbados-registered ship is wrecked or lost, a seafarer whose employment in the ship is thereby terminated before the date contemplated in the seafarer's employment agreement is entitled to wages at the rate payable under the agreement at the date of the wreck or loss for every day on which he is unemployed in the 2 months following that date.

(2) Subject to subsection (3), where a Barbados-registered ship is sold while outside Barbados or ceases to be a Barbados-registered ship and a seafarer's employment in the ship is thereby terminated before the date contemplated in the seafarer's employment agreement, unless it is otherwise provided in the agreement, he is entitled to wages at the rate payable under the agreement at the date on which his employment is terminated for every day on which he is unemployed in the 2 months following that date.

(3) A seafarer is not entitled to wages under subsection (1) or (2) for a day on which he was unemployed, if it is shown

(a) that the unemployment was not due to the wreck or loss of the ship or the termination of his employment on the sale of the ship or its ceasing to be a Barbados-registered ship, as the case may be; or

(b) that the seafarer was able to obtain suitable employment for that day but unreasonably refused or failed to take it.

(4) This section applies to a master in the same manner as it does to a seafarer.

Protection of rights and remedies

329.(1) A seafarer's lien, remedies for the recovery of his wages, right to wages in case of the wreck or loss of his ship or any right he may have or obtain in the nature of salvage shall not renounced by an agreement.

(2) Subsection (1) does not affect the terms of an agreement made with a seafarer employed on a ship on salvage service regarding the remuneration to be paid to him for salvage services rendered by that ship.

Trade disputes involving seafarers

330.(1) Notwithstanding an agreement, a seafarer employed in a Barbados-registered ship that is securely moored to a safe berth in port may terminate his employment in the ship by leaving the ship in contemplation or furtherance of a labour dispute, after giving to the master not less than 48 hours' notice of his intention to do so, and shall not be compelled, unless the notice is withdrawn, to go to sea in the 48 hours following the giving of such a notice.

(2) For the purposes of subsection (1), "labour dispute" means a dispute

(a) between

(i) an employer, or a trade union on an employer's behalf, and one or more seafarers, or a trade union on his or their behalf; or

(ii) between seafarers, or a trade union on their behalf, and other seafarers or another trade union on their behalf; and

(b) relating wholly or mainly to one or more of the following:

(i) the terms and conditions of employment, or the physical conditions in which seafarers are required to work;

(ii) the engagement or non-engagement, or termination or suspension of employment, of one or more seafarers; or

(iii) the allocation of work as between seafarers or groups of seafarers; or

(iv) a procedure agreement,

other than a matter that was the subject of a complaint that has been settled by a labour inspector or determined by the Employment Tribunal under the *Employment Rights Act, 2012* (Act 2012-9).

Remedies of master for remuneration, disbursements and liabilities

331. The master of a ship is entitled to the same lien for his remuneration, and disbursements or liabilities properly made or incurred by him on account of the ship, as a seafarer has for his wages.

Certifying authority

332. Certificates and other documents required under this Act or the regulations may be certified by

(a) the Minister;

(b) the Director; or

(c) a recognized organization appointed by the Minister in consultation with the Director.

Certificates in respect of non-Barbados seafarers and non-Barbados-registered ships

333.(1) The Minister may, when requested by another contracting government of the STCW Convention or Maritime Labour Convention in respect one of its seafarers or ships,

(a) cause a survey to be carried out in respect of the ship the seafarer is or will be serving on, to verify that the ship complies with the STCW Convention and Maritime Labour Convention;

(b) verify that the seafarer's standard of training and certification complies with the STCW Convention; and

(c) on completion of such a survey and payment of any prescribed fee, issue or endorse in respect of the seafarer any required STCW Convention or Maritime Labour Convention certification.

(2) Where a survey under subsection (1) reveals that a ship does not comply with the STCW Convention or Maritime Labour Convention, the Minister

(a) shall not issue a certification until the vessel is brought into compliance with that Convention, or until measures have been put in place by the shipowner to bring the ship into compliance; and

(b) shall communicate the reasons for refusing to issue the certification.

(3) Documentation issued under subsection (1)

(a) shall be in English;

(b) shall be in the form set out in this Act, the regulations or the applicable Convention; and

(c) has the same effect as if it had been issued by the contracting government that made the request.

(4) The Minister shall, as soon as possible, send to the requesting contracting government a copy of

(a) the STCW Convention or Maritime Labour Convention documentation issued; and

(b) the survey report.

(5) Subject to subsections (6) and (8), the Minister shall not issue STCW Convention or Maritime Labour Convention documentation in respect of a seafarer who will be serving on board a ship that

(a) is registered in a county whose government is not a contracting government of that Convention; or

(b) is not registered in, but is entitled to fly the flag of, a country whose government is not a contracting government of that Convention.

(6) The Minister may, at the request of the administration of a non-contracting government, ascertain compliance with the STCW Convention and Maritime Labour Convention in accordance with this Act and the regulations and issue STCW Convention and Maritime Labour Convention certificates accordingly.

(7) A certificate issued under subsection (6) 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 shall be transmitted to the requesting government as soon as possible.

(8) At the request of an owner of a foreign-registered ship flying the flag of a state whose government is not a contracting government, the Minister may issue a STCW Convention or Maritime Labour Convention certificate to the ship stating that it is for use only in Barbados waters.

Issuance of certificates by another government in respect of Barbados-registered ships

334.(1) The Minister may request a contracting government to survey a Barbados-registered ship, or to issue certification in respect of a seafarer to whom this Act applies, and to

(a) issue, or authorize the issuance of; or

(b) endorse, or authorize the endorsement of;

a STCW Convention or Maritime Labour Convention certificate, in accordance with that Convention, in respect of that ship or seafarer, if the contracting government is satisfied that the ship or seafarer, as the case may be, complies with the requirements of the that Convention.

(2) Where a certificate is issued under subsection (1),

(a) the Minister is to be treated as the certifying authority in relation to it; and

(b) any reference in this Act to the certifying authority that issued the certificate is to be treated as a reference to the Minister.

Seafarers' documentation

335.(1) The Administration may issue, renew, refuse to renew, approve, extend, grant an exemption from, endorse, suspend, revoke, modify, vary, approve, extend or endorse, as the case may be, any maritime documentation or instrument by it in the execution of its functions under this Act or its statutory instruments.

(2) Subsection (1) applies *mutatis mutandis* to the Ministry responsible for Labour, where the functions specified under subsection (1) in relation to the Administration has been transferred in accordance with section 10(3) to the Ministry responsible for Labour.

STCW Convention certification of CARICOM and non-CARICOM seafarers

336.(1) A certificate of competency, proficiency, endorsement or endorsement of recognition issued, by or under the authority of a CARICOM national maritime authority, to a seafarer who is a national of a CARICOM State party to the STCW Convention shall be recognized in accordance with Regulation I/10 of that Convention and the regulations to enable the CARICOM seafarer to serve on board a Barbados-registered ship.

(2) A certificate of competency, proficiency, endorsement or endorsement of recognition issued, by or under the authority of a state party to the STCW Convention, to a seafarer who is not from a CARICOM state shall be recognized in accordance with Regulation I/10 of the STCW Convention and the regulations.

Suspension, cancellation or revocation STCW Convention certification

337.(1) The Director, after consultation with the Minister and after proper investigation and inquiry has been carried out, may, in relation to a STCW Convention certification issued to a seafarer serving on board a Barbados-registered ship or a seafarer who is a national of Barbados serving on board a foreign-registered ship,

(a) cancel the certificate, if an action resulting from incompetency of the seafarer leads to a maritime accident involving injury, death of a person, or damage to the ship's property;

(b) temporarily suspend the certificate pending further investigation, if the seafarer is found guilty of an act of misconduct that results in damage to the ship, including abandonment, collision or stranding;

(c) permanently revoke the certificate, if the seafarer intentionally provided misleading information that results in a shipping casualty or injury or the death of a person;

(d) permanently revoke the certificate, if as a result of the seafarer being under the effect of alcohol a major shipping accident involving loss of life or property has occurred;

(e) suspend or permanently revoke the certificate, if the seafarer is found guilty of an act involving violence, misbehaviour with fellow seafarers or physical harassment that has led to the serious injury or death of a person or damage to the ship; or

(f) suspend or permanently revoke the certificate, if the seafarer makes a statement that he knows to be false or recklessly makes a statement that is false in a material particular for the purpose of obtaining for himself or another person a certificate or other document issued under this Act or the regulations, or under any other instrument in relation to seafarers.

(2) Where a certificate is cancelled under subsection (1)*(a)*, after the expiry of one year after the accident, the seafarer may apply and train for a new certificate of competency.

(3) An order for suspension, cancellation or revocation of a certificate of competency shall be made only after a seafarer has been given a reasonable opportunity to provide an explanation for the wrong-doing in question.

(4) A seafarer whose certificate of competency has been ordered to be suspended, cancelled or revoked may appeal the order to a court of competent jurisdiction within 30 days after the order is given.

Offences by seafarers

338.(1) A seafarer employed in a Barbados-registered ship, and a Barbadian seafarer employed on a foreign-registered ship, commits and offence if the seafarer

(a) to disobey a lawful command that is required to be obeyed at a time while the ship is at sea;

(b) to neglect a duty that is required to be discharged at such a time; or

(c) to impede, at such a time, the progress of a voyage or the navigation of the ship.

(2) A seafarer who commits an offence under subsection (1) is liable

(a) on summary conviction, to a fine of $50 000; or

(b) on conviction on indictment, to a fine of $100 000 or imprisonment for a term of 2 years, or to both.

(3) In respect of offences by Barbadian seafarers on foreign-registered ships, such seafarers shall be subject to the laws of the flag State in which the ship is registered.

(4) In respect of subsection (3), where the flag State in which the ship is registered has no laws relating to offences by seafarers or equivalent provisions, then the fines at subsection (2) may be applied in respect of offences by Barbadian seafarers on a foreign-registered ship, subject to agreement between the Government of Barbados and the government of the flag State.

(5) For the purpose of subsection (1),

(a) a reference to a time when a ship is at sea does not include any time when she is securely moored in a safe berth;

(b) the neglect of a duty, except in relation to a master, includes any disobedience to a lawful command; and

(c) a reference to a duty

(i) in relation to a master or seafarer, means a duty falling to be discharged by him in his capacity as such; and

(ii) in relation to a master, includes his duty with respect to the good management of his ship and the safety of operation of his ship and her machinery and equipment.

Duties, Offences and Disciplinary Matters

General duty of seafarers

339. Every seafarer has a duty to keep check of his actions while on a ship to ensure that no action results or will result in harm to the ship or her crew members or passengers.

Disciplinary matters

340.(1) The Minister may make regulations for the purpose of maintaining discipline on board Barbados-registered ships, having due regard to the fundamental principles and rights contained in Articles III and IV of the Maritime Labour Convention.

(2) Regulations made under subsection (1) may make different provisions for different circumstances.

(3) Nothing in the regulations or done under the regulations shall be construed as affecting any power to institute, prosecute, entertain or determine proceedings, including criminal proceedings, under any other enactment or at common law.

Offences for which no penalty provided

341.(1) A person who commits an offence under this Act or the regulations for which no specific penalty is provided is liable on summary conviction to a fine of $3 000 000.

(2) Where an offence under this Act or the regulations is a continuing one and no other penalty is provided in respect of its continuance, a person who commits the offence is liable, in addition to any other penalty, to a fine of $3 000 dollars for every day or part of a day during which the offence continues after conviction.

Bribery

342.(1) No person shall

(a) without the authority to do so, give or promise to give, directly or indirectly, a reward to a person who is employed by the Government, or upon whom a duty is imposed or to whom any function is entrusted by or under this Act, in respect of the performance or non-performance by that person of his employment, duty or function; or

(b) agree with or propose to any such person to do or permit anything in contravention or evasion of this Act.

(2) A person referred to in subsection (1)*(a)* shall not

(a) demand or receive, except from or through the Government or in accordance with the provisions of this Act, a reward in respect of the performance or non-performance of his employment, duty or function; or

(b) by any wilful act, neglect or default, do, permit or agree to do anything in contravention or evasion of this Act.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $250 000 or to imprisonment for a term of 3 years or to both.

Administration may impose penalty upon admission of guilt

343.(1) If a person

(a) admits to the Administration that he has contravened a provision of this Act or has failed to comply with such a provision that it was his duty to comply with;

(b) agrees to abide by the decision of the Administration; and

(c) deposits with the Administration a sum required by the Administration, not exceeding the maximum fine that may be imposed upon a conviction for the contravention or failure in question,

the Administration may, after any enquiry it considers necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty that the whole or any part of the deposit be forfeited.

(2) A person may appeal to the Minister from a determination or order by the Administration under subsection (1) under which a penalty exceeding $3 000 is imposed, within 3 months from the date of the determination or order.

(3) The imposition of a penalty under subsection (1) shall not be deemed to be a conviction of a criminal offence, but no prosecution for the same offence shall subsequently be pursued.

(4) Nothing in this section shall in any way affect a liability to forfeiture of a ship, shares in a ship or goods.

Release from forfeiture or mitigation of penalties

344.(1) The Administration may, on such conditions as it thinks proper,

(a) release or deliver to the owner a ship, a share in a ship or goods detained, seized or forfeited under this Act; or

(b) mitigate or remit a penalty incurred under this Act that is not a sentence imposed after conviction by a court of law.

(2) The owner of a ship, share or goods referred to in subsection (1) who accepts any conditions imposed shall not subsequently institute or maintain an action or other proceedings for damages on account of the detention, seizure or forfeiture.

Forgery and other fraudulent acts

345.(1) No person shall

(a) forge a document issued under this Act or its statutory instruments;

(b) make a false representation for the purpose of procuring the issuance of a document, or of inducing a person to do an act that he is authorized to do, under the Act or its statutory instruments;

(c) produce or otherwise put off a forged document purporting to be a document issued under this Act or its statutory instruments, if he knows the document is forged;

(d) knowingly produce or otherwise use a document issued under this Act or its statutory instruments that has been cancelled or suspended, that has expired or to which he is not entitled;

(e) make in a document, produced or delivered to a person authorized to receive it under this Act or its statutory instruments, a statement that he knows is untrue in any particular;

(f) produce or deliver a document that contains a statement that he knows is untrue in any particular to a person authorized to receive it under this Act or its statutory instruments; or

(g) lend to a person who he knows is not entitled to it a document issued under this Act or its statutory instruments, or allow any such document to be used by such a person.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $250 000 or to imprisonment for a term of 3 years or to both.

Obstructing administration of the act

346.(1) No person shall

(a) damage, destroy, conceal or dispose of a ship or goods to prevent its detention, forfeiture or seizure under this Act;

(b) rescue, damage or destroy a ship or goods detained, forfeited or seized under this Act;

(c) knowingly receive or have in his possession any vessel or goods forfeited under the Act;

(d) insult, resist, hinder or mislead a person or court upon whom a duty is imposed or a power is conferred, or to whom a function is entrusted, by or under this Act in the discharge of that duty, the exercise of that power or the performance of that function;

(e) refuse or fail to give all reasonable assistance, when called upon to do so, to such a person or court in the discharge, exercise or performance of a function referred to in paragraph *(d)*, or hinder or prevent another person from rendering such assistance;

(f) hinder or prevent a witness from attending in obedience to a summons issued under this Act; or

(g) hinder or prevent the service of a document under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $250 000 or to imprisonment for a term of 3 years or to both.

(3) The owner or master of a ship that has been detained under this Act, or any other person under his control, shall not cause or permit the ship to proceed to sea without the permission of a proper officer.

(4) The master of a ship proceeding to sea shall not wrongfully take to sea an officer authorized to detain the vessel or a surveyor or other officer on board the vessel in the execution of his duty.

(5) The owner or master of a ship who contravenes subsections (3) and (4) commit an offence and is liable on summary conviction to a fine of $375 000 or to imprisonment for a term of 3 years or to both.

Protection from personal liability

347. No liability shall lie personally against an authorized officer or authorized official who, or authorized entity that, acting in good faith and with

reasonable care, does or omits to do anything in the execution or purported execution of this Act or the regulations.

Conveyance of deserter on board ship

348. If a seafarer or apprentice-officer of a Barbados-registered ship or of a ship flying the flag of a an International Maritime Organization member state is convicted by a court of Barbados, or if a seafarer or apprentice-officer of a Barbados-registered ship is convicted by a court of a treaty country other than Barbados, of desertion, absence without leave or any other breach of discipline, the court may, if a voyage has not yet been completed and if the master, a ship's officer or the shipowner so requests, instead of imposing a fine or sentence of imprisonment, cause the seafarer or apprentice-officer to be conveyed on board for the purpose of proceeding on the voyage.

Inquiry into fitness or conduct of officer

349.(1) Where it appears to the Director that an officer

(a) is unfit to discharge his duties, including by reason of incompetence or misconduct; or

(b) has been seriously negligent in the discharge of his duties,

the Director may cause an inquiry to be held by one or more persons appointed by the Human Element in Shipping Care Inspectorate and may suspend, pending the outcome of the inquiry, any certificate issued to the officer and require the officer to deliver it to him.

(2) Where a certificate issued to an officer has been suspended under subsection (1), the suspension may, on the application of the officer, be terminated by a court, and the decision of the court on such an application shall be final.

(3) An inquiry under this section shall

(a) be conducted in accordance with rules made under this Act by the Minister; and

(b) be held with the assistance of one or more assessors

(4) A person holding an inquiry under this section into the fitness or conduct of an officer

(a) may, if satisfied of a matter referred to in subsection (1)*(a)* or *(b)* of, cancel or suspend a certificate issued to him under the regulations or censure him;

(b) may make an order with regard to the costs of the inquiry; and

(c) shall make a report on the case to the Director.

(5) If a certificate is cancelled or suspended, the officer shall deliver it without delay to the person holding the inquiry or to the Director, unless he has earlier delivered it under subsection (1).

(6) Any costs that a person is ordered to pay under subsection (4)*(b)* may be recovered from him by the Director.

Disqualification of holder of certificate

350.(1) Where it appears to the Director that a person who holds a certificate of competence or other certificate issued under the regulations, other than one certifying that a person is qualified as an officer, is unfit to hold such a certificate, including by reason of incompetence or misconduct, the Director may give the holder notice in writing that he is considering the suspension or cancellation of the certificate.

(2) The notice shall state the reasons why it appears to the Director that the person is unfit to hold the certificate and shall state that, within a period specified in the notice or such longer period as the Director may allow, the person may make written or oral representations to the Director.

(3) After considering any representations made under subsection (2), the Director shall decide whether to suspend or cancel the certificate and shall give the holder of it written notice of his decision.

(4) Where the Director decides to suspend or cancel a certificate, the notice shall state the date from which the cancellation is to take effect, or the date from which the suspension is to take effect, and shall require the holder to deliver the certificate to the Director not later than the date specified, unless before that date the holder requires the case to be dealt with by an inquiry under section 351.

(5) Where an inquiry is to be held under section 351, the suspension or cancellation shall not take effect except as ordered pursuant to the inquiry.

(6) The Minister may make regulations prescribing the procedure to be followed with respect to

(a) the making and consideration of representations under this section;

(b) the form of any notice to be given under this section; and

(c) the period to be specified in any such notice as the period within which any steps are to be taken.

Inquiry into fitness or conduct of seafarer

351.(1) Where a person has, under section 350(4), required his case to be dealt with by an inquiry under this section, the Minister shall cause an inquiry to be held by one or more persons appointed by him.

(2) An inquiry under this section shall be conducted in accordance with rules made under section 353.

(3) A person holding an inquiry under this section

(a) may confirm the decision of the Director and cancel or suspend the certificate accordingly;

(b) may, where the decision of the Director was to cancel the certificate, suspend it instead;

(c) may, where the decision of the Director was to suspend the certificate, suspend it for a different period;

(d) may, instead of confirming the decision of the Director, censure the holder of the certificate or take no further action;

(e) may make an order with regard to the costs of the inquiry; and

(f) shall make a report on the case to the Minister.

(4) If a certificate is cancelled or suspended under subsection (1), it shall be delivered without delay to the person holding the inquiry or to the Director.

(5) Any costs that a person is ordered to pay under subsection (3)*(e)* may be recovered from him in such a manner as the Minister shall direct.

Re-hearing and appeal from inquiry

352.(1) A person in respect of whom an inquiry has been held under section 349 or 351 may apply to the Minister for an order that the whole or part of the case be reheard.

(2) The Minister shall make an order under subsection (1) if

(a) new and important evidence that could not be produced at the inquiry has been discovered; or

(b) there appear to the Minister to be other grounds for suspecting that a miscarriage of justice may have occurred.

(3) An order under subsection (1) may provide for the re-hearing to be held by a court.

(4) Where on an inquiry the certificate of a person has been cancelled or suspended, or where the inquiry has found a person to be at fault, if no application for an order under subsection (1) has been made or such an application has been refused, the person or any other person with an interest in the inquiry who has appeared at the hearing and is affected by the decision or finding may appeal to a court.

Rules as to inquiries and appeals

353.(1) The Minister may make rules for the conduct of inquiries under sections 349 or 351 and for any re-hearing under section 352.

(2) The rules shall require the persons holding the inquiry to hold it with the assistance of one or more assessors and may include rules providing for

(a) the appointment and summoning of assessors;

(b) the manner in which facts may be proved;

(c) the persons allowed to appear; and

(d) notices to be given to persons affected.

Failure to deliver cancelled or suspended certificate

354. A person who fails to deliver a certificate as required under section 349, 350 or 351, commits an offence and is liable on summary conviction to a fine of $50 000.

Power to restore certificate

355. Where a certificate has been cancelled or suspended under sections 349, 350, 351 or 352, if the Director is of the opinion that the merit of the case requires it, he may

(a) re-issue the certificate;

(b) reduce the period of suspension and return the certificate; or

(c) grant a new certificate of the same or a lower grade in place of the cancelled or suspended certificate.

Power to summon witness to inquiry

356.(1) A person holding an inquiry under section 349 or 351 may

(a) by summons, require a person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control that relate to a matter in question at the inquiry;

(b) take evidence on oath; and

(c) administer oaths or require the person examined to make a solemn affirmation.

(2) On the failure of a person to attend an inquiry in answer to a summons under subsection (1), the person holding the inquiry may issue a warrant to arrest the summoned person and bring him before the inquiry at a time and place specified in the warrant, if

(a) the person holding the inquiry is satisfied by evidence on oath that

(i) the summoned person is likely to be able to give material evidence or produce a document that relates to a matter in question at the inquiry;

(ii) the person has been duly served with the summons; and

(iii) a reasonable sum has been paid or tendered to him for costs and expenses; and

(b) it appears to the person holding the inquiry that there is no just excuse for the failure.

Refusal to give evidence to inquiry

357.(1) Where an person attending or brought before an inquiry refuses without just excuse to be sworn or give evidence, or to produce a document, the person holding the inquiry may

(a) commit him to custody for a period not exceeding one month or until he gives evidence or produces the document, whichever occurs first; or

(b) impose on him a fine of $7 000.

(2) A fine imposed under subsection (1)*(b)*, shall be treated for the purposes of its collection, enforcement and remission as having been imposed by a court, and the person holding the inquiry shall, as soon as practicable after imposing the fine, give particulars of it to the Registrar of the court or tribunal.

Civil liability for absence without leave

358.(1) This section applies with respect to the liability of a seafarer employed in a Barbados-registered ship to damages for being absent from his ship at a time when he is required under his contract of employment to be on board.

(2) Where a seafarer proves that his absence was due to an accident, mistake or some other cause beyond his control and that he took all reasonable precautions to avoid being absent, his absence shall not be treated as a breach of contract.

(3) In any other case,

(a) if no special damages are claimed, the seafarer's liability shall be $150; and

(b) if special damages are claimed, his liability shall not be more than $500.

Civil liability for smuggling

359. Where a seafarer employed in a Barbados-registered ship is found in civil proceedings before a court in Barbados to have committed an act of

smuggling, whether within or outside Barbados, he shall be liable to make good any loss or expense that the act has caused to another person.

Civil liability for fines under immigration laws

360.(1) This section applies where, at a time when a Barbados-registered ship is in the internal waters or the territorial seas of a foreign country, a seafarer employed in the ship is absent without leave and present in that country in contravention of that country's laws.

(2) Where, by reason of the contravention, a penalty is incurred under those laws by the seafarer's employer, the penalty shall be treated as being attributable to his absence without leave and may, subject to section 358, be recovered from him as special damages for breach of contract.

(3) Where, by reason of the contravention, a penalty is incurred under those laws by another person, the lesser of the amount of the penalty and $300 may be recovered by him from the seafarer.

Defence

361. It is a defence for a person charged with an offence under this Act or the regulations that the person took all reasonable steps to avoid commission of the offence.

Maritime Labour Notices

Marine notices

362.(1) Subject to section 10(3), the Minister, in consultation with the Minister responsible for Labour, may publish in a maritime labour notice any information required under this Act or its statutory instruments.

(2) The Administration may

(a) issue marine guidance notices notes, in order to communicate significant advice and guidance relating to the improvement of maritime social and labour conditions; and

(b) issue marine information notices to a specific group in relation to time-limited information on maritime social and labour matters.

Criteria for maritime labour notices

363. A maritime labour notice issued in relation to this Act or the regulations shall

(a) be prefaced with the acronym ‘MLN’;

(b) be sequenced with a number;

(c) be suffixed with the letter of the type of vessel to which it relates;

(d) be in a form prescribed by the Minister;

(e) be made official by the Minister’s signature, stamp or seal;

(f) contain only mandatory information required;

(g) have an issuance date; and

(h) contain a title that indicates the matter to which the notice relates.

Validity of maritime labour notices

364.(1) A maritime labour notice made by the Minister under the Act or regulations is valid until it is

(a) amended or revoked by a subsequent maritime labour notice;

(b) amended or revoked by a provision of this Act or its statutory instruments to which the notice relates; or

(c) otherwise rendered invalid by the Minister.

(2) Where a maritime labour notice amends or revokes a previous notice, the notice that it amends or revokes shall be identified within it.

Sources of information for maritime labour notices

365. A maritime labour notice made in relation to this Act or the regulations shall contain information only from the following sources:

(a) the STCW Convention;

(b) the Maritime Labour Convention;

(c) other seafarer-related guidelines or other instruments of the International Labour Organization and International Maritime Organization; and

(d) information specified in the regulations to be contained in a maritime labour notice.

Criteria for maritime labour guidance notice

366. A marine labour guidance note made in relation to this Act or the regulations shall

(a) be prefaced with the acronym ‘MLGN’;

(b) be sequenced with a number;

(c) be suffixed with the letter of the type of vessel to which it relates;

(d) be in the form prescribed by the Director;

(e) be made official by an issuing authority referred to in section 373;

(f) be advisory in nature;

(g) have an issuance date; and

(h) contain a title that indicates the matter to which the note relates.

Validity of marine labour guidance notes

367.(1) A marine labour guidance note issued in relation to this Act or the regulations is valid until it is

(a) amended or revoked by a subsequent marine labour guidance note;

(b) amended or revoked by a maritime labour notice to which it relates; or

(c) otherwise rendered invalid by the Director.

(2) Where a marine labour guidance note amends or revokes a previous note, it shall identify the note that it amends or revokes.

Sources of information for marine labour guidance notes

368. A marine labour guidance note made in relation with this Act or the regulations shall contain information only from the following sources:

(a) the sources referred to in section 365;

(b) Human Element, Training and Watchkeeping guidelines provided by the International Maritime Organization's Sub-Committee on Human Element, Training and Watchkeeping;

(c) International Labour Organization guidelines on matters related to seafarers; and

(d) information specified in the regulations to be contained in a marine labour guidance note.

Criteria for marine information notes

369. A maritime labour information note made in relation to this Act or the regulations shall

(a) be prefaced with the acronym 'MLIN';

(b) be sequenced with a number;

(c) be suffixed with the letter of the type of vessel to which it relates;

(d) be in the form prescribed by the Director;

(e) be made by an issuing authority referred to in section 373;

(f) be information-specific for the target audience;

(g) contain information that will only be useful for a short time period;

(h) have an issuance date;

(i) have a cancellation date; and

(j) contain a title that indicates the matter to which the marine information note relates.

Validity of marine information notes

370.(1) A marine information note issued in relation with this Act or the regulations is valid only for 12 months from the date of publication of the note.

(2) Where, within the 12-month period following issuance of a marine information note, a subsequent note is published amending or revoking the previously issued note, the note shall identify the note that it amends or revokes.

Sources of information for marine information notes

371. A marine information note made in relation to this Act or the regulations shall contain information only from the following sources:

(a) the sources referred to in section 365;

(b) the Administration;

(c) maritime law enforcement;

(d) maritime industry stakeholders to whom the specific information relates; and

(e) any other source endorsed by the Administration and officially publicized by it.

Issuance of maritime labour notices

372. A maritime labour notice shall be issued only by the Minister.

Issuance of marine labour guidance notes and marine information notes

373. The following persons may issue marine labour guidance notes and marine information notes in relation to this Act or the regulations:

(a) the Administration;

(b) the Ministry responsible for Labour;

(c) the Chief Maritime Social Services Officer;

(d) the Fisheries Division, in relation to fishing vessel personnel working on board vessels; or

(e) the Barbados Immigration Department, in respect of immigration related seafaring affairs.

Issuance of marine information notes

374. Principals or directors of local marine educational and training institutions may publish marine information notes pertaining to seafarers concerning matters relevant to their institutions that in their determination should be publicized to the shipping industry.

Compliance and enforcement

375.(1) Every person shall comply with any requirements specified in a maritime labour notice.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to $200 000.

MLC exemption certificates

376.(1) When an exemption is granted to a ship in accordance with the Act, a Maritime Labour Convention exemption certificate shall be issued in addition to any certificate issued under this Act or the regulations.

(2) A Maritime Labour Convention exemption certificate shall be issued for a period of validity that is not longer than the period of validity of the certificate to which it refers.

(3) A Maritime Labour Convention exemption certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

(4) Where a Maritime Labour Convention exemption certificate has been issued, a statement to this effect shall be included on the certificate to which it refers.

(5) The fee payable for a Maritime Labour Convention exemption certificate for a ship of less than 200 GT is the fee established under section 381.

(6) The fee payable for a Maritime Labour Convention exemption certificate for a ship above 200 GT but less than 500 GT is the fee established under section 381.

Repeal

377. The

(a) *Shipping (Safe Manning, Watchkeeping and Hours of Work) Regulations, 2001* (S.I. 2001 No. 44); and

(b) *Shipping (Endorsement) Regulations, 2001* (S.I. 2001 No. 45)

are repealed.

Conventions prevail

378. Where this Act or its statutory instruments conflict with the STCW Convention or the Maritime Labour Convention, those conventions and any

international regulations made under them prevail to the extent of the inconsistency.

Travaux préparatoires

379. Where there is any need for further clarity in respect of a provision of the STCW Convention or Maritime Labour Convention incorporated under this Act or the regulations, the travaux préparatoires of those instruments may be consulted.

Allocation of monies

380. Fifty per cent of the proceeds of fees generated, and fines imposed, under this Act or the regulations shall be allocated to, and apportioned between, any seafarer funds commissioned by the Human Element in Shipping Care Inspectorate.

MLC-related fees

381.(1) The Administration may, in a maritime labour notice, specify the following fees for Barbados-registered ships engaged on international voyages:

(a) issuance of an initial maritime labour certificate;

(b) issuance of a 5-year renewal maritime labour certificate;

(c) issuance of a declaration of maritime labour compliance – Part I;

(d) issuance of an interim maritime labour certificate;

(e) assessment and issuance of a temporary dispensation;

(f) issuance of an national declaration, accompanied by maritime labour certificate and declaration of maritime labour compliance;

(g) review of request for a Maritime Labour Convention exemption or the equivalent;

(h) annual issuance of a Maritime Labour Convention statement of acceptance of financial security;

(i) a request to a foreign government for the performance of a service referred to in paragraphs *(a)* to *(h)*;

(j) services referred to in paragraphs *(a)* to *(h)* in relation to Barbados-registered commercial yachts and Barbados-registered private yachts on which seafarers are employed;

(k) inspections under section 255(1);

(l) issuance of a certificate of compliance for private seafarer recruitment and placement services;

(m) issuance of a seafarers' identity document;

(n) renewal of a seafarers' identity document;

(o) issuance of a maritime labour convention exemption certificate for a ship of less than 200 GT;

(p) issuance of a maritime labour convention exemption certificate for a ship above 200 GT but less than 500 GT;

(q) issuance of a licence to provide seafarer training and educational services; and

(r) any other fees in respect of seafaring industry related services.

(2) The Minister or the Minister responsible for Labour, as the case may be, subject to section 10(3), may partially or wholly waive fees in respect of seafaring industry related services.

(3) Notwithstanding any fees specified in this Act or its statutory instruments made under this Act,

(a) modifications or additions to fees in respect of seafaring industry related services;

(b) discounts;

(c) waivers; or

(d) other fee-related matters,

may be specified in a Seafaring Industry (Fee) Notice.

(4) The Minister responsible for Immigration shall be responsible for setting fees in respect of seafarers' identity documents required for seafarers' international travel. Such fees shall be specified in a Seafaring Industry (Fee) Notice.

Regulations

382. The Minister may make regulations generally for carrying out the purposes of this Act.

Amendment of Schedules

383. The Minister may by order amend the *First* to *Sixteenth Schedules* to this Act.

Standards adopted after the commencement of this Act

384.(1) Standards and measures in respect of seafarers adopted by the International Maritime Organization or International Labour Organization after the commencement of this Act shall supersede standards and measures specified in this Act, any statutory instruments made under this Act, or in any other enactment, where those standards and measures are inconsistent with the standards and measures adopted by the International Maritime Organization or International Labour Organization after the commencement of this Act.

(2) The Administration shall publish in a marine notice the relevant requirements in respect of such standards and measures in respect of seafarers.

Consequential amendments

385. The enactment set out in Column 1 of the *Seventeenth Schedule* are amended in the manner specified in Column 2 of the *Seventeenth Schedule*.

FIRST SCHEDULE

(Sections 2, 210, 237 and 238)

Shipowners' and Seafarers' Organizations

Shipowners' organizations to be consulted:

1. International Maritime Organization (IMO)
2. International Chamber of Shipping (ICS)
3. European Community Shipowners' Association (ECSA)
4. Intertanko (International Tanker Owners Association)
5. International Parcel Tankers Association (IPTA)
6. World Shipping Council (WSC)
7. Intercargo (International Association of Dry Cargo Shipowners)
8. BIMCO (Baltic and International Maritime Council)
9. Cruise Lines International Association (CLIA)
10. Any other shipowners' organizations specified in a maritime labour notice
11. International Labour Organization (ILO)
12. International Maritime Organization (IMO)
13. International Transport Workers' Federation (ITF)
14. International seafarers Welfare and Assistance Network (ISWAN)
15. Sailors Helpline
16. Apostleship of the Sea (Aos)
17. International Christian Maritime Association (ICMA)
18. Seafarers UK
19. Sailors' Society
20. Maritime Piracy – Humanitarian Response Program (MPHRP)
21. Nautilus International
22. Any other seafarers' organizations specified in a maritime labour notice

SECOND SCHEDULE

(Section 46)

Activities of work likely to jeopardize the health or safety of seafarers under 21 years of age

Seafarers under 21 years of age are prohibited from the following types of work on board a ship:

1. Working in the ship's engine room.

2. Working in the ship’s pressure cabins.

3. Working with dangerous substances and materials, such as

   (a) substances and materials used on board ships that are marked with the following danger symbols or designations:

      (i) Tx - very toxic;

      (ii) T - toxic;

      (iii) C - caustic; or

      (iv) E - explosive;

   (b) substances and materials marked with the following risk phrases:

      (i) R39 - Danger of very serious irreversible effects;

      (ii) R45 - May cause cancer;

      (iii) R46 - May cause heritable genetic damage; or

      (iv) R60 - May cause harm to the unborn child;

Second Schedule - (Cont'd)

(c) substances and materials that are marked with the danger symbol and danger designation Xn, meaning harmful to health, and that are also marked with at least one of the following risk phrases:

(i) R40 - possible risks of irreversible effects;

(ii) R42 - may cause sensitization by inhalation;

(iii) R48 - danger of serious damage to health by prolonged exposure;

(iv) R62 - possible risk of impaired fertility; or

(v) R63 - possible risk of harm to the unborn child;

(d) substances and materials marked with the danger symbol and danger designation Xi, meaning irritant, and that are also marked with the risk phrase "R43 - may cause sensitization by skin contact"; or

(e) substances and materials marked with the phrase "R12 - extremely flammable".

4. Cargo lashing/securing.

5. Working with technical aids, installations or hazardous working processes, such as

(a) mechanically driven technical aids, such as machines with fast cutting tools, machines with piston-like movements, machines with open rollers or worms, mixing, painting, grinding and chopping machines, cutting machines, tearing machines and centrifuges, beating tools, apparatuses for cleaning, painting, rust protection treatment or the like, with a working pressure of more than 7 Mpa, i.e. 70 bars;

(b) engine-driven machinery, such as industrial trucks, fork stackers or fork trucks, as a driver or operator; or

(c) mechanically driven lifting devices or transporters, lifts, cranes, working platforms, suspended scaffolds, winches and otter boards, other than operating push-button lifts.

6. Any type of work that involves a high degree of hazard or risk of accidents.

7. Work involving exposure to noise and vibrations at levels that may present a danger to their health.

Second Schedule - (Concl'd)

8. Work requiring physical strain that may be harmful to health or development in the short or long-term, including loads carried or lifted by an individual seafarer weighing more than 25 kg and, to the widest extent possible, carrying loads of more than 12 kg, except in connection with work taking place under ergonomically appropriate conditions.

9. Piece work, work where the pace is decided by a machine.

10. Work on tasks where there is a risk of items falling or collapsing, unless such dangers are effectively secured against by means of technical aids that do not involve the use of personal protective equipment.

11. Work in surroundings that may present a danger to safety due to extremely high or extremely low pressures.

12. Work where the seafarer is exposed to ionizing radiation or any other form of radiation.

13. Work associated with a high risk of high voltage shocks.

14. Work where there is a risk of suffocation due to lack of oxygen.

15. Work involving the recharging of pressure cylinders.

16. Work encompassing processes that may involve a risk of explosion, unless effective technical measures have been taken to prevent personal injury.

17. Work where breathing masks are required to be used, for more than 4 hours per day.

18. Work on their own if the work may involve a special risk of being exposed to violence.

THIRD SCHEDULE

(Sections 204 and 206)

Compensation in the event of the death
or long-term disability

In the event of death or long-term disability of a seafarer, shipowners shall cover the following:

1. Wages

   Payment of full wages, inclusive of bonuses. The shipowner shall pay basic wages to incapacitated seafarers whilst onboard or put ashore up to the time they recover, or if/when repatriated, 16 weeks have elapsed since the date of the injury or commencement of sickness. After repatriation, the shipowner's liability is only to meet the difference between state benefits paid and the level of basic wages.

2. Compensation in case of Loss or Foundering

   The maximum amount the shipowner will pay as compensation for loss in such circumstances shall be specified in the seafarer's Employment Agreement.

3. Financial Security

   The shipowner shall provide financial security, a contract of insurance or other security adequate to ensure that the shipowner will meet any liabilities under national law or under seafarer employment agreements, to provide compensation in the event of death or long term disability to seafarers arising from occupational injury, illness or hazard.

4. Burial and Cremation

   The shipowner shall meet any expenses reasonably incurred in the cost of burial or cremation of a deceased seafarer, wherever this takes place, except

   (a) if the seafarer dies ashore in their country of residence; or

   (b) to the extent the expenses are met by a public authority.

Third Schedule - (Concl'd)

5. Medical Care

The shipowner shall ensure that the seafarer is provided with medical care onboard, so far as is practicable, and meet the cost of surgical, medical, dental and optical treatment, while the seafarer is employed or onboard, board and lodging away from home when not onboard the ship, up to the time the seafarer has recovered, been repatriated or the incapacity has been declared of a permanent nature. Shipowners should note that if, following the incapacity being declared of a permanent nature by an approved doctor, the seafarer lodges a successful appeal against this decision, and the shipowner's obligation towards the seafarer will be re-instated as if it had continued without interruption. This obligation is limited to 16 weeks from the date of sickness injury occurring, and does not apply when those expenses are met by a public authority.

6. Expiry of seafarers' Employment Agreement Prior to the end of Liability Period

Where a seafarer's seafarer employment agreement expires during the period in which the above liabilities are payable, the liabilities continue to be payable as if the agreement continued to be in force during this period.

7. Exceptions

The shipowner obligations in wages, burial and medical care do not apply if

(a) the seafarer is injured when not at work;

(b) if sickness or injury was due to the seafarer's wilful misconduct; or

(c) the seafarer concealed an existing sickness or incapacity from the shipowner when he entered into the seafarer's employment agreement.

FOURTH SCHEDULE

(Sections 204 and 206)

Social Security Scheme

The social security scheme for seafarers who are nationals of Barbados shall cover the following contingencies:

1. Sickness benefit: The contingency covered includes incapacity for work resulting from a morbid condition and involving suspension of earnings.

2. Unemployment benefit: The contingency covered includes suspension or loss of earnings due to inability to obtain suitable employment.

3. Old-age benefit: The contingency covered is survival beyond 50 years of age.

4. Employment injury benefit: The contingencies covered include a morbid condition, incapacity for work, invalidity or a loss of faculty due to an industrial accident or a prescribed occupational disease.

5. Maternity benefit: The contingencies covered are the medical care required by pregnancy, confinement and their consequences and the resulting suspension of earnings.

6. Paternity benefit: The contingencies covered are financial payment to the father, allowing him to take time off work to assist in caring for the newborn child, and the resulting suspension of earnings.

7. Invalidity benefit: The contingency covered is the inability to engage in any gainful activity where such inability is likely to be permanent or persists after the period during which the beneficiary is entitled to benefit from temporary incapacity.

8. Survivors' benefit: The contingency covered is the loss of support suffered by the widow or children as a result of the death of the breadwinner.

9. Medical benefit: The contingencies covered include any morbid condition, whatever its cause and the medical care required as a result, as well as the medical care necessitated by pregnancy, confinement and their consequences; medical care of a preventive nature is also covered.

10. Family benefit: the contingency covered is the responsibility for the maintenance of children under school-leaving age or under 15 years of age.

FIFTH SCHEDULE

(Sections 225 and 237)

Seafarers Act, 2026
(Act 2026-10)

Form for the Maritime Labour Certificate

(Note: This Certificate shall have a declaration of maritime labour compliance attached)

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 under the authority of the Government of Barbados by the Ministry of Maritime Aff airs and the Blue Economy under the provisions of the *Seafarers Act, 2026* (Act 2026-10).

Particulars of the Ship

Name of Ship:_____

_____

Distinctive number or letters:_____

Port of registry:_____

_____

Date of registry:_____ Gross tonnage:_____

Fifth Schedule - (Cont'd)

Name and address of shipowner:_____

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Maritime Labour Convention, and the provisions of the attached declaration of maritime labour compliance.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention in respect of:

   (a) minimum age;

   (b) medical certification;

   (c) qualifications of seafarers;

   (d) seafarers' employment agreements;

   (e) use of any licensed or certified or regulated private recruitment and placement service;

   (f) hours of work or rest;

   (g) manning levels for the ship;

   (h) accommodation;

   (i) on-board recreational facilities;

   (j) food and catering;

   (k) health and safety and accident prevention;

   (l) on-board medical care;

Fifth Schedule - (Cont'd)

(m) on-board complaint procedures; and

(n) payment of wages,

were found to correspond to Barbados' national requirements implementing the Maritime Labour Convention, 2006. These national requirements are summarized in the declaration of maritime labour compliance, Part I.

This Certificate is valid until _____ subject to inspections in
(Day/Month/Year)

accordance with Standards A 5.1.3 and A 5.1.4 of the Maritime Labour Convention, 2006.

This Certificate is valid only when the declaration of maritime labour compliance is issued at _____ on _____ is attached.
(Place) *(Day/Month/Year)*

Completion date of the inspection on which this Certificate is based was _____ .
(Day/Month/Year)

Issued at _____
(Place)

on _____ .
(Day/Month/Year)

Signed: _____
(*Signature of duly authorized official*)

(*Seal or stamp of duly authorized official, as appropriate*)

Fifth Schedule - (Cont'd)

Endorsements for mandatory intermediate inspection, and if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A 5.1.3 and A 5.1.4 of the Maritime Labour Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Maritime Labour Convention were found to correspond to Barbados' requirements implementing the Convention.

Intermediate inspection:
(to be completed between the second and third anniversary dates)

Signed: _____
(*Signature of duly authorized official*)

Place: _____
(Place)

_____

_____

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the *Seafarers Act, 2026* (Act 2026-10) implementing the Maritime Labour Convention, 2006 as required by Standard A 3.1, paragraph 3 of that Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Fifth Schedule - (Concl'd)

Additional inspection:
(if required)

Signed: _____
(*Signature of duly authorized official)*

Place: _____
(Place)

_____

_____

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

Additional inspection:
(if required)

Signed: _____
(*Signature of duly authorized official)*

Place: _____
(Place)

_____

_____

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

SIXTH SCHEDULE

(Section 222)

Seafarers Act, 2026
(Act 2026-10)

Form for Part I of Declaration of Maritime Labour Compliance

Declaration of maritime labour compliance – Part I

(Note: This Declaration must be attached to the ship's maritime labour certificate)

Issued under the authority of the Government of Barbados

With respect to the provisions of the Maritime Labour Convention, 2006, and of the *Seafarers Act,* 2026 (Act 2026-10) the following referenced ship:

Name of Ship	IMO number	Gross tonnage

is maintained in accordance with Standard A 5.1.3 of the Maritime Labour Convention.

Sixth Schedule - (Cont'd)

The undersigned declares, on behalf of the Government of Barbados, that:

(a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;

(b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided when necessary;

(c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided under the corresponding national requirements listed below;

(d) any exemptions granted by the Director of Ocean Affairs, in consultation with the Minister, in accordance with Title 3 of the Maritime Labour Convention are clearly indicated in the section provided for this purpose below; and

(e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (section 42)

2. Medical certification (section 43)

3. Qualifications of seafarers (section 58)

4. Seafarers' employment agreements (section 79)

5. Use of any licensed or certified or regulated private recruitment and placement service (section 255)

6. Hours of work or rest (section 123)

7. Manning levels for the ship (section 161)

8. Accommodation (sections 174 to 182)

9. On-board recreational facilities (section 187)

Sixth Schedule - (Cont'd)

10. Food and catering (section 188)

11. Health and safety and accident prevention (section 208)

12. On-board medical care (section 208)

13. On-board complaint procedures (section 230)

14. Payment of wages (section 89)

Name: _____
(Full name)

Title: _____
(Position)

Signature: _____
(Signature)

Place: _____
(Place)

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

Sixth Schedule - (Cont'd)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Maritime Labour Convention, except where stated above, are noted (insert description if applicable):

_____

_____

No equivalency has been granted.

Name: _____
(Full name)

Title: _____
(Position)

Signature: _____
(Signature)

Place: _____
(Place)

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

Sixth Schedule - (Concl'd)

Exemptions

(*Note: Strike out the statement which is not applicable*)

The following exemptions granted by the Director of Ocean Affairs, in consultation with the Minister as provided in Title 3 of the Maritime Labour Convention are noted:

_____

_____

No exemption has been granted.

Name: _____
(Full name)

Title: _____
(Position)

Signature: _____
(Signature)

Place: _____
(Place)

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

SEVENTH SCHEDULE

(Section 222(6))

Seafarers Act, 2026
(Act 2026-10)

Form for Part II of Declaration of
Maritime Labour Compliance

Measures to be adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the maritime labour certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1, MLC)

_____

_____

2. Medical certification (Regulation 1.2, MLC)

_____

_____

Seventh Schedule - (Cont'd)

3. Qualifications of seafarers (Regulation 1.3, MLC)

4. Seafarers' employment agreements (Regulation 2.1, MLC)

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4, MLC)

6. Hours of work or rest (Regulation 2.3, MLC)

7. Manning levels for the ship (Regulation 2.7, MLC)

8. Accommodation (Regulation 3.1, MLC)

Seventh Schedule - (Cont'd)

9. On-board Recreational Facilities (Regulation 3.1, MLC)

10. Food and catering (Regulation 3.2, MLC)

11. Health and Safety and Accident Prevention (Regulation 4.3, MLC)

12. On-board medical care (Regulation 4.1, MLC)

13. On-board complaint procedures (Regulation 5.1.5, MLC)

14. Payment of wages (Regulation 2.2, MLC)

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Seventh Schedule - (Cont'd)

Name of shipowner: _____
(Full name)

Company address: _____
(Address)

_____

Name of the authorized signatory: _____
(Full name)

Title: _____
(Position)

Signature of the authorized signatory: _____
(Signature)

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized official, as appropriate*)

The above measures have been reviewed by (insert name of competent authority or duly recognized organization) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A 5.1.3, paragraph 10*(b)*, regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Seventh Schedule - (Concl'd)

Name: _____
(Full name)

Title: _____
(Position)

Signature: _____
(Signature)

Place: _____
(Place)

Date: _____
(Day/Month/Year)

(*Seal or stamp of duly authorized officer, as appropriate*)

EIGHTH SCHEDULE

(Section 224)

Seafarers Act, 2026
(Act 2026-10)

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention under the authority of the Government of Barbados by

_____

(*(Full designation and address of the duly recognized organization duly authorized by the Government of Barbados to inspect international ocean-going ships flying the Barbados flag)*

_____

Particulars of the Ship

Name of Ship: _____

Distinctive number or letters: _____

Port of registry: _____

Date of registry: _____

Gross tonnage: _____

Name and address of shipowner: _____

_____

_____

Eighth Schedule - (Concl'd)

This is to certify, for the purposes of Standard A 5.1.3, paragraph 7, of the Maritime Labour Convention, 2006 that:

(a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Maritime Labour Convention, taking into account verification of items under *(b)*, *(c)* and *(d)* below;

(b) the shipowner has demonstrated to the recognized organization that the ship has adequate procedures to comply with the Maritime Labour Convention;

(c) the master is familiar with the requirements of the Maritime Labour Convention and the responsibilities for implementation; and

(d) relevant information has been submitted to the Director of Ocean Affairs or the recognized organization to produce a declaration of maritime labour compliance.

This Certificate is valid until _____ subject to inspections in
Day/Month/Year)
accordance with Standards A 5.1.3 and A 5.1.4.

Completion date of the inspection on which this Certificate is based was _____ .
Day/Month/Year)

Issued at _____
(Place)

on _____ .
Day/Month/Year)

Signed: _____
(*Signature of issuing authority, as appropriate*)

N.B. The maritime labour certificate and declaration of maritime labour compliance are only required for ships:

(a) 500 GT or over, engaged in international voyages; and

(b) 500 GT or over, flying the flag of Barbados and operating from a port or between ports in another country;

(c) any ship flying the flag of a MLC Member state and is not covered by paragraph 1 Regulation 5.1.3 MLC, at the request of the shipowner to the Member concerned.

NINTH SCHEDULE

(Section 238(4))

Seafarers Act, 2026
(Act 2026-10)

General areas subject to a detailed inspection
under the Maritime Labour Convention

The general areas that are subject to a detailed inspection by an authorized officer in any local seaport carrying out a port state inspection pursuant to Standard A 5.2.1, and as outlined under Appendix A5-III of the Maritime Labour Convention are:

(a) minimum age;

(b) medical certification;

(c) qualifications of seafarers;

(d) seafarers' employment agreements;

(e) use of any licensed or certified or regulated recruitment and placement service;

(f) hours of work or rest;

(g) manning levels for the ship;

(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; and

(n) payment of wages.

TENTH SCHEDULE

(Section 240)

Seafarers Act, 2026
(Act 2026-10)

Declaration of Maritime Labour Compliance
for ships less than 500 GT but above 150 GT - Part I

(Note: This Declaration shall be attached to the ship's maritime labour certificate)

Issued under the authority of: **The Ministry responsible for Shipping in Barbados**

With respect to the provisions of the Maritime Labour Convention, the following referenced ship:

Name of Ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

(a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;

(b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;

(c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided *[under the corresponding national requirement listed below] *[in the section provided for the purpose below]

(d) any exemptions granted by the competent authority in accordance with Title 3, Maritime Labour Convention are clearly indicated in the section provided for this purpose below; and

(e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

*Delete statement that is not applicable

Tenth Schedule - (Cont'd)

1. Minimum age (Regulation 1.1, Maritime Labour Convention)

   Seafarers Act (cite any applicable regulations)

   Minimum ages are those referred to in the Act.

   Night means a period from ( ), unless the Administration approves a different period Examples of hazardous work restricted to 18 year olds or over are listed in a schedule hereto. In the case of cargo ships, no one under 18 may work in the areas marked on the ship's plan (to be attached to this Declaration) as "hazardous area".

2. Medical Certification (Regulation 1.2, Maritime Labour Convention)

   Seafarers Act

   Medical certificates shall conform to the STCW Convention requirements, where applicable; in other cases, the STCW Convention requirements are applied with any necessary adjustments. Qualified opticians on list approved by the Administration may issue certificates concerning eyesight.

Medical examinations follow the International Labour Organization/WHO Guidelines referred to in Maritime Labour Convention Guideline B1.2.1

Tenth Schedule - (Concl'd)

DECLARATION OF MARITIME LABOUR COMPLIANCE - PART II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the maritime labour certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(*State below the measures drawn up to ensure compliance with each of the items in Part I*)

1. Minimum age (Regulation 1.1, MLC)

Date of birth of each seafarer is noted against his/her name on the crew list. The list is checked at the beginning of each voyage by the master or officer acting on his or her behalf ("competent officer"), who records the date of such verification. Each seafarer under 18 receives, at the time of engagement, a note prohibiting him/her from performing night work or the work specifically listed as hazardous (see Part I section I above) and any other hazardous work, and requiring him/her to consult the competent officer in case of doubt. A copy of the note, with the seafarer's signature under "received and read", and the date of the signature, is kept by the competent officer.

2. Medical certification (Regulation 1.2, Maritime Labour Convention)

The medical certificates are kept in strict confidence by the competent officer, together with a list, prepared under the competent officer's responsibility and stating for each seafarer on board:

(a) the functions of the seafarer;

(b) the date of the current medical certificate(s) and the health status noted on the certificate concerned.

In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the competent officer consults the seafarer's doctor or another qualified practitioner and records a summary of the practitioner's conclusions, as well as the practitioner's name and telephone number and the date of the consultation.

N.B. The DMLC Part II shall be certified and endorsed by the recognized organization after ship inspection.

ELEVENTH SCHEDULE

(Section 47(2))

Seafarers Act, 2026
(Act 2026-10)

Form of Seafarers' Medical Certificate

Guidance on Assessment of the Minimum Entry Level and in-Service

Physical Abilities for Seafarers

Seafarers' Medical Examination Form

CONFIDENTIAL

Pre-Sea Exam ☐ Periodic Exam ☐

Name (last, first, middle): _____

Date of birth: _____ Sex: Male ☐ Female ☐
(Day/Month/Year)

Nationality: _____

Home address: _____

_____

Seafarers' Identity Document No: _____

Type of Ship (e.g. container, tanker, passenger, etc.): _____

Trade area (e.g. coastal, tropical, worldwide): _____

Eleventh Schedule - (Cont'd)

Examinee's Personal Declaration

(Assistance should be offered by medical personnel)

Have you ever had any of the following conditions:

	Condition	**Yes**	**No**
1.	Eye vision problem	☐	☐
2.	High blood pressure	☐	☐
3.	Heart/vascular disease	☐	☐
4.	Heart surgery	☐	☐
5.	Varicose veins	☐	☐
6.	Asthma/Bronchitis	☐	☐
7.	Blood disorder	☐	☐
8.	Diabetes	☐	☐
9.	Thyroid Problem	☐	☐
10.	Digestive disorder	☐	☐
11.	Kidney problem	☐	☐
12.	Skin problem	☐	☐
13.	Allergies	☐	☐
14.	Loss of memory	☐	☐
15.	Balance problem	☐	☐

Eleventh Schedule - (Cont'd)

Condition		**Yes**	**No**
16.	Severe headaches	☐	☐
17.	Ear/nose/throat problems	☐	☐
18.	Restricted mobility	☐	☐
19.	Back problems	☐	☐
20.	Amputation	☐	☐
21.	Fractures/dislocations	☐	☐
22.	Have you ever been signed off as sick or repatriated from a ship?	☐	☐
23.	Have you ever been hospitalized?	☐	☐
24.	Have you ever been declared unfit for sea duty?	☐	☐
25.	Has your medical certificate ever been resricted or revoked?	☐	☐
26.	Are you aware that you have any medical problems, diseases or illness?	☐	☐
27.	Do you feel healthy and fit to perform the duties of your designated position/occupation?	☐	☐
28.	Are you allergic to any medications?	☐	☐
29.	Are you taking any non-prescription or prescription medications?	☐	☐

If any of the above questions were answered "yes", please provide details:

_____

_____

_____

_____

_____

_____

Eleventh Schedule - (Cont'd)

Medical Exam

	Normal	**Abnormal**
Head	☐	☐
Sinuses, nose, throat	☐	☐
Mouth/teeth	☐	☐
Ears	☐	☐
Tympanic membrane	☐	☐
Eyes	☐	☐
Ophthalmoscopy	☐	☐
Pupils	☐	☐
Eye movement	☐	☐
Lungs and chest	☐	☐
Breast examination	☐	☐
Heart	☐	☐
Skin	☐	☐
Varicose veins	☐	☐
Vascular (incl. pedal pulses)	☐	☐
Abdomen and viscera	☐	☐
Hernia	☐	☐
Anus (not rectum)	☐	☐

Eleventh Schedule - (Cont'd)

Medical Exam

	Normal	**Abnormal**
G-U system	☐	☐
Upper and lower extremities	☐	☐
Spine (C/S, T/S and L/S)	☐	☐
Neurologic (full brief)	☐	☐
Psychiatric	☐	☐
General appearance	☐	☐

Chest x-ray: not performed ☐ Performed ☐ _____
(Day/Month/Year)

Results: _____

Other diagnostic test(s) and result(s):

Test: _____

Result: _____

Medical practitioner's comments:

_____

_____

_____

_____

_____

Vaccination status recorded: ☐ Yes ☐ No

Eleventh Schedule - (Cont'd)

Assessment of fitness for service at sea

On the basis of the examinee's personal declaration, my clinical examination and the diagnostic test results recorded above, I declare the examinee medically:

☐ Fit for look-out duty ☐ Not fit for look-out duty

	Deck service	Engine service	Catering service	Other services
Fit	☐	☐	☐	☐
Unfit	☐	☐	☐	☐
Without restrictions		☐		
With restrictions		☐		

Describe restrictions (e.g. specific positions, type of ship, trade area)

_____

_____

_____

Action taken by medical examiner (e.g. referral):

Place of examination: _____
(Place)

Date of examination: _____
(Day/Month/Year)

Medical certificate's date of expiration: _____
(Day/Month/Year)

Official stamp:

Signature of medical practitioner: _____
(Signature)

Name of medical practiontioner: _____
(Full name)

Authorized by: _____
(Name of authorized person)

Eleventh Schedule - (Cont'd)

SEAFARER MEDICAL CERTIFICATE OF FITNESS

Issued under the authority of the Government of Barbados

This medical certificate has been issued in accordance with the provisions of the (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended (STCW) Regulation 1/9, Maritime Labour Convention, 2006 (MLC 2006) Regulation 1.2 and [state section of Seafarers Act] as applicable.

SEAFARER INFORMATION

Surname: _____ Given name(s): _____

Date of Birth: _____ Nationality: _____

Gender: _____ ID Document No.: _____

Capacity that the seafarer will serve on board in: _____
(Deck, Engineer, GMDSS, Rating, Catering, Other)

Eleventh Schedule - (Cont'd)

DECLARATION OF APPROVED MEDICAL PRACTITIONER

I confirm that identification documents were checked: ☐ Yes ☐ No

Does the seafarer's hearing meet medical standards? ☐ Yes ☐ No

Is unaided hearing satisfactorily? ☐ Yes ☐ No

Vision acuity meets medical standards? ☐ Yes ☐ No

Colour vision meets medical standards? ☐ Yes ☐ No

Date of last colour vision test? _____
(Day/Month/Year)

Is the seafarer for lookout duties: ☐ Yes ☐ No ☐ Not applicable

Is the seafarer free from any medical condition likely to be aggravated by service at sea or render the seafarer unfit for such service or to endager the health of persons on board? ☐ Yes ☐ No

Is the seafarer fit for service? ☐ Yes No ☐

Are there any limitations or restrictions on fitness? If so, specify the limitation.

I hereby confi rm that the medical examination has been carried out in accordance with the ILO/IMO Guidelines on the Medical Examinations of Seafarers and in accordance with the *Seafarers) Act, 2026* (Act 2026-10).

Name of Approved Medical Practioner: _____
(Full name)

Signature of Approved Medical Practitioner: _____
(Signature)

Date of examination: _____
(Day/Month/Year)

(*Stamp or seal of medical practitioner*)

Expiry date of Certificate: _____
(Day/Month/Year)

Eleventh Schedule - (Concl'd)

SEAFARER ACKNOWLEDGEMENT

I, _____, confirm that I have been informed of the
(Name of seafarer)
content of the medical certificate and the right to get a review.

Signature: _____ Date: _____
(Signature) *(Day/Month/Year)*

TWELFTH SCHEDULE

(Section 62(8))

Seafarers Act, 2026
(Act 2026-10)

Certificate of Accreditation for
Private Maritime Training Providers of STCW Training

Issued under the authority of the Ministry responsible for Shipping, in accordance with the *Seafarers Act, 2026* (Act 2026-10)

This is to certify that:

_____
(Name of private maritime training provider)

_____

_____
(Address of private maritime training provider)

_____

1. is verified by the Administration as competent to, and having the capacity to, deliver STCW training to the level detailed in the addendum annexed to this Certificate;

2. the STCW training program was reviewed and verified by the Administration and the syllabus/syllabi is consistent with the STCW Convention and STCW Code; and

3. pursuant to the above verifications, the _____
(Name of private maritime training provider)
is accredited and recognized as an STCW instructor/STCW training institution.

Twelfth Schedule - (Concl'd)

Certificate issued this_____
(Day/Month/Year)

Signature of issuing official:_____
(Signature of official)

(*Seal or stamp of the Director of Ocean Affairs, as appropriate*)

Notes:

1. This Certificate is subject to periodic audits.
2. This Certificate will be renewed following periodic audits.

THIRTEENTH SCHEDULE

(Section 63(4))

Seafarers Act, 2026
(Act 2026-10)

Certificate of Accreditation for
Public Maritime Training Providers of STCW Training

Issued under the authority of the Ministry responsible for Shipping, in accordance with the *Seafarers Act, 2026* (Act 2026-10)

This is to certify that:

_____
(Name of public maritime training provider)

_____

_____
(Address of public maritime training provider)

_____

1. is verified by the Administration as competent to, and having the capacity to, deliver STCW training to the level detailed in the addendum annexed to this Certificate;

2. the STCW training program was reviewed and verified by the Administration and the syllabus/syllabi is consistent with the STCW Convention and STCW Code; and

3. pursuant to the above verifications, the _____
(Name of public maritime training provider)
is accredited and recognized as an STCW training institution.

Thirteenth Schedule - (Concl'd)

Certificate issued this_____
(Day/Month/Year)

Signature of issuing official:_____
(Signature of official)

(*Seal or stamp of the Director of Ocean Affairs, as appropriate*)

Notes:

1. This Certificate is subject to periodic audits.
2. This Certificate will be renewed following periodic audits.

FOURTEENTH SCHEDULE

(Section 255(3))

Seafarers Act, 2026
(Act 2026-10)

Certificate of Compliance for Private Seafarer Recruitment and Placement Services

Issued under the Authority of the Ministry responsible for Shipping in accordance with the *Seafarers Act, 2026* (Act 2026-10)

This is to certify that _____ ,
(Name of seafarer recruitment and placement agency)

_____ ,
(Address of seafarer recruitment and placement agency)

_____

has been inspected pursuant to section 255 of the Act and

1. is a registered seafarer recruitment and placement agency operating in Barbados;

2. recruits and places seafarers using means and mechanisms that are consistent with the Maritime Labour Convention, *Seafarers Act, 2026* (Act 2026-10) and regulations;

3. charges no fees or other charges for seafarer recruitment or placement services for seafarers or for providing employment to seafarers, either in whole or in part, other than the cost of the national seafarers' identity document and a passport or other similar travel documents, excluding costs of visas to be borne by the shipowner;

4. maintains and avails for inspection an up-to-date register of all seafarers recruited or placed by it;

Fourteenth Schedule - (Concl'd)

5. informs seafarers of their rights and duties under their employment agreements prior to or in the process of engagement and made proper arrangements for seafarers to examine their employment agreements before and after seafarers signed such agreements, and issued a certified copy of the agreement to seafarer(s);

6. verifies that seafarers recruited or placed by it are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with the *Seafarers Act, 2026* (Act 2026-10) and any statutory instruments made thereunder;

7. has a system of verification to ensure as far as practicable, that shipowners for whose ships they recruit and place seafarers have a means to protect seafarers from being stranded in a foreign port;

8. has a system for examining and responding to any seafarer complaints in respect of ships for which they recruit and place seafarers; and

9. is in all other respects operating in compliance with the Maritime Labour Convention, *Seafarers Act, 2026* (Act 2026-10) and any statutory instruments made thereunder.

Name: _____
(Full name)

Title: _____
(Position)

Signature: _____
(Signature)

Place: _____
(Place)

Date: _____
(Day/Month/Year)

(Seal or stamp of the Director of Ocean Affairs, as appropriate)

FIFTEENTH SCHEDULE

(Section 153(9))

Seafarers Act, 2026
(Act 2026-10)

Model Receipt and Release Form

_____
(Ship's name)

_____
(Port of Registry)

_____

_____
(IMO number)

_____
(Date of incident)

_____
(Place of incident)

_____

_____
**(Name of seafarer/legal heir and/or dependent)*

_____
(Name of shipowner)

*(Delete where not applicable)

Fifteenth Schedule - (Concl'd)

I, [_____] hereby acknowledge receipt of the
*(Seafarer, seafarer's legal heir and/or dependent)

sum of [_____] in satisfaction of the shipowner's obligation to pay
(Currency and amount)
contractual compensation for personal injury and/or death under the terms and conditions of my seafarer's employment and I hereby release the shipowner from their obligations under the said terms and conditions. The payment is made without admission of liability of any claims and is accepted without prejudice to [_____]
*(Name of seafarer's legal heir and/or dependent's)
right to pursue any claim in law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Dated: _____
(Day/Month/Year)

Seafarer/legal heir and/or dependent: _____
*(Name of seafarer's legal heir and/or dependent's)

Signed: _____
(Signature)

For acknowledgement:

Shipowner/Shipowner representative:

Signed: _____
(Signature)

Financial security provider:

Signed: _____
(Signature)

*(Delete where not applicable)

SIXTEENTH SCHEDULE

(Sections 297(3) and (5))

Self-Declaration Form for STCW Convention Proficiency

STCW Proficiency Area/Program	**Completed all permitted on board training**	**Approved remote training course**
Personal Survival Techniques	Yes ☐ No ☐	Detail course hours
Proficiency in Survival Craft and Rescue Boats	Yes ☐ No ☐	Detail course hours
Fast Rescue Boat	Yes ☐ No ☐	Detail course hours
Fire Prevention and Firefighting	Yes ☐ No ☐	Detail course hours
Advanced Firefighting	Yes ☐ No ☐	Detail course hours
All areas of STCW training detailed in the STCW 2010 Manila Amendments (as amended)	Yes ☐ No ☐	Detail course hours

I declare that I _____ *(Name of seafarer)* am competent in _____ *(State area/areas of competency)*

and declare for the purposes of _____ *(Name section of the Act)* that I am competent to continue

working on _____ *(State name of ship)* in the capacity of _____ *(State capacity in which seafarer is employed)*

in lieu of my expired _____ *(State name of certificate/document that is expired)*.

Seafarer's signature: _____ *(Signature)* Date: _____ *(Day/Month/Year)*

SEVENTEENTH SCHEDULE

(Section 385)

Consequential Amendments

Column 1	Column 2
Enactments	*Amendments*
1. *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22)	1. In section 2, delete the definition of the words "private maritime training school or institution" and substitute the following: "private maritime training school or institution" means a private school or institution *(a)* established by persons in the domestic shipping industry; and *(b)* accredited by the Administration; or *(c)* accredited by the Barbados Accreditation Council;". 2. Delete section 154 and substitute the following: "**154.**(1) Subject to subsection (2), maritime training or educational programs of a private maritime training school or institution shall be accredited by the Administration. (2) Depending on the nature of the maritime training or educational program, maritime training programs of a private maritime training school or institution shall be accredited by the Barbados Accreditation Council.

Seventeenth Schedule - (Concl'd)

Consequential Amendments - *(Concl'd)*

Column 1 *Enactments*	Column 2 *Amendments*
1. *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22) - (Concl'd)	(3) The Administration shall issue guidelines clarifying the kinds of maritime training or educational programs requiring accreditation by the Administration or by the Barbados Accreditation Council, as the case may be.". 3. Delete section 156(1) and substitute the following: "**Audit report** **156.**(1) The Administration shall issue an audit report on completion of the audit process.". 4. Sections 150(1)*(b)*, 150(3), 151(1), 152, 156(3), 160*(a)* and 164*(a)* are amended by inserting the word "and" immediately after the word "Training".
2. *Sustainable Fisheries Management and Development Act, 2025* (Act 2025-10)	Amend section 121(1) by deleting the phrase "Pursuant to Article II (2) of the Maritime Labour Convention" and substituting the phrase "Pursuant to Article II (4) of the Maritime Labour Convention".

BARBADOS

The Official Gazette Part A 18th June, 2026

Act 2026-11

CIVIL AVIATION ACT, 2026-11

Arrangement of Sections

1. Short title

PART I

PRELIMINARY

2. Interpretation

3. Application

PART II

CIVIL AVIATION AUTHORITY

4. Establishment of Civil Aviation Authority

5. Functions of the Authority

6. Transfer of functions outside Barbados on behalf of Authority

7. Establishment of units and divisions

PART III

CIVIL AVIATION AUTHORITY BOARD

8. Establishment of Board of management

9. Functions of the Board

10. Disclosure of interest

11. Qualification and restriction of Board

12. Minister’s directions to the Board

13. Delegation by the Minister and the Authority

14. Director General may delegate

PART IV

INTERNATIONAL OBLIGATIONS

15. Obligations of Barbados under Chicago Convention

16. Obligations for Aircraft in distress

17. CASSOS Agreement

18. Health obligations under treaties etc.

19. Conclusion of international agreements

20. Application of International Air Law Treaties

PART V

STAFF OF THE AUTHORITY

21. Appointment of staff

22. Director General

23. Functions of the Director General

24. Private pension plan

25. Pension under Cap. 25

26. Transfer and secondment of public officers

27. Engagement of experts

PART VI

ADMINISTRATIVE AND FINANCIAL PROVISIONS

28. Establishment of Fund

29. Limitation in relation to the fixing of salaries

30. Investment of funds

31. Accounts and audit

32. Borrowing power

33. Guarantee of loans

34. Strategic plan

35. Annual report

36. Director General to provide information to the public

PART VII

PROVISIONS RELATING TO PROPERTY

37. Control of land in interest of civil aviation

38. Road closures and diversions

39. Emergency Directives by Minister

40. General Directives by Minister

41. Directions by Director General

42. Standards, Advisory Circulars and Instructions

43. Obstruction near aerodrome

44. Relocation of abandoned aircraft or vehicle

45. Disposal of unclaimed aircraft or vehicle

46. Relocation of decommissioned aircraft

47. Regulation of aviation during a state of emergency

PART VIII

REGULATION OF AVIATION OPERATORS AND SERVICE PROVIDERS

48. Prohibition from operating without an aviation document

49. Criteria relating to aviation documents

50. Application for an aviation document

51. Registers of aviation documents

52. Examinations

53. Inspection in relation to applicants

54. Functions of the pilot-in-command

55. Recognition of validity of certification and accreditation from other states

56. Duties of aviation document holders

57. Renewal of aviation documents

58. Revocation and suspension of aviation documents

59. Procedure relating to suspension of an aviation document

60. Imposition of conditions in respect of aviation document

61. Revocation of aviation documents in special cases

62. Operators may object to proposed decisions of the Authority

63. Notice of suspension, imposition of conditions or revocation of aviation documents

64. Variation of aviation documents

65. Cancellation of aviation documents

66. Inspection and monitoring of operators

67. Investigation of operators

68. Inspectorate

69. Functions of Inspectors

70. Power of Inspectors

71. Designation of Inspectors and access to premises

72. Right of access of Inspectors

73. Access to aerodrome and other places

74. Inspector and violations

75. Investigation of complaints

PART IX

AERODROMES

76. Approval to construct, establish or operate an aerodrome

77. Minister to establish aerodromes

78. Aerodrome master plan

79. Aerodrome master plan requirements

80. Aerodrome development

81. International airport

PART X

CIVIL AIRCRAFT REGISTRATION

82. Civil aircraft register

83. Unlawful to operate civil aircraft unless registered

84. Requirement for aircraft registration

85. Aircraft journey log book

86. Registration not to be considered as evidence of ownership

87. Registration of aircraft may be suspended or revoked

88. Discharge of certain functions and duties under Article 83 bis of the Chicago Convention

PART XI

AIR TRANSPORT LICENSING AND PERMITS

89. Air operators engaging in commercial air transport

90. Requirements for an air transport licence and permits

91. Foreign air operator certificate

92. Foreign air operators engaging in commercial air transport

93. Non-compliance by foreign air operators

94. Surveillance of operations

95. Insurance requirements of air operators

96. Liability Insurance

97. Service of documents

PART XII

CIVIL AVIATION SECURITY AND SAFETY

98. Civil aviation security: responsibilities and functions of Authority

99. National Civil Aviation Security Committee

100. Functions of the National Civil Aviation Security Committee

101. National Civil Aviation Security Programme

102. State Safety Programme

103. Safety and security inspections

104. Act of violence or unlawful interference at an air navigation facility or on an aircraft

105. Screening of persons, baggage and cargo

106. Search of persons refusing to consent to screening

107. False statement for baggage

108. Unauthorized presence on-board aircraft

109. A person being a danger to others

110. General powers of arrest

111. Additional powers of Police Service

PART XIII

NATIONAL AIR TRANSPORT FACILITATION

112. National Air Transport Facilitation Committee

113. Functions of the National Air Transport Facilitation Committee

114. National Air Transport Facilitation Programme

PART XIV

APPEALS

115. Establishment of Tribunal

116. Appeal to Tribunal

117. Disclosure of interest

118. Experts

119. Reasons for decision

120. Appeal to High Court

121. Annual report from Tribunal

PART XV

OFFENCES

General Offences

122. Interpretation

123. General offences

124. Obstruction of officers undertaking duties

125. Refusal to follow lawful instruction, answer inquiries or produce documents or materials

Offences at Aerodrome or Airport

126. Offences at aerodrome

127. Impersonation of aerodrome personnel

128. Entry into secured or restricted areas of aerodrome

129. Security pass

130. Prohibited items in a secured or restricted area

131. Trespassing at an aerodrome

Offences in respect of Passenger Safety and Security

132. Operating an aircraft in a negligent manner

133. Dangerous flying

134. Passenger offences

135. Operation without a medical certificate or a certificate of approval

136. False and fraudulent documents and statements

137. Failure to disclose information on medical conditions

General and Additional Penalties

138. General penalty

139. Additional penalty for offences

140. Retention and custody of aviation documents

PART XVI

MISCELLANEOUS

141. Barbadian registered aircraft over high seas

142. Interception of Aircraft

143. Jurisdiction of the court

144. Detention of aircraft

145. Exemptions

146. Sharing of information

147. Confidentiality

148. Publication of information

149. Protection of officers and agents

150. Guidelines, operational manuals and operational regulations

151. General regulations

152. Technical regulations

153. Special Administration Orders

154. Forms

155. Amendment of Schedules

156. CASSOS Agreement and force of law

157. Transfer and vesting of assets in the Authority

158. Transitional re Civil Aviation Department

159. Savings re authorizations issued under former Act and grace period re new authorizations

160. Savings re appeals

161. Savings re civil proceedings

162. Saving of statutory instruments under former Act

163. Act binds the State

164. Repeal

165. Commencement

FIRST SCHEDULE

Civil Aviation Authority Board

SECOND SCHEDULE

List of Persons Who Require Licences, Permits or Certificates

THIRD SCHEDULE

National Civil Aviation Security Committee

FOURTH SCHEDULE

National Air Transport Facilitation Committee

FIFTH SCHEDULE

Constitution of Civil Aviation Tribunal

SIXTH SCHEDULE

Consequential Amendment

BARBADOS

I assent
J. GIBSON
Acting President of Barbados
11th June, 2026.

2026-11

An Act to make better provision for civil aviation and to revise the law relating to Civil Aviation to accord with the Chicago Convention and to provide for related matters.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Civil Aviation Act, 2026.*

PART I

PRELIMINARY

Interpretation

2. In this Act,

"act of unlawful interference" has the meaning assigned to it in section 104;

"act of violence" has the meaning assigned to it in section 104;

"accident"means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which

(a) a person is fatally or seriously injured as a result of

(i) being in the aircraft**;**

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or

(iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted, or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew**;**

(b) the aircraft sustains damage or structural failure which

(i) adversely affects the structural strength, performance, or flight characteristics of the aircraft; and

(ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is missing or is completely inaccessible;

"aerodrome" means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"aerodromeoperator" means a person who operates an aerodrome and holds an aerodrome certificate issued by the Authority, in respect of that aerodrome and regularly provides scheduled, nonscheduled passenger operations, and cargo operations in accordance with this Act or Regulations made hereunder;

"aeronautical product" means anything that comprises or is intended to comprise any part of an aircraft or that is intended to be installed in or fitted or supplied to an aircraft, and includes fuel and other similar consumable items necessary for the operation of the aircraft;

"aeronautics" means

(a) the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes;

(b) the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports, restricted landing areas or other air navigation facilities;

(c) the transportation of persons or goods by aircraft; or

(d) flight training;

"aircraft" means a machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface;

"aircraft engine" means any engine used or intended to be used for propulsion of aircraft and includes all parts, appurtenances and accessories other than propellers;

"aircraft in flight" means any period from the moment when all external doors of the aircraft are closed following embarkation for flight until the aircraft is landed, processed and disembarked at its destination, and in the case of a forced landing, any period thereafter until the time when the competent authorities of the state in which that landing takes place take over responsibility for the aircraft and for persons and property on-board that aircraft;

"airman" means

(a) any individual who is in command of an aircraft or an individual who is engaged as a pilot, mechanic or crew member or who navigates an aircraft while the aircraft is underway;

(b) any individual in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances;

(c) any individual who serves in the capacity of flight operations officer; or

(d) any individual who serves in the capacity of an Air Traffic Controller;

"air navigation" means the practice of controlling, guiding and operating aircraft from an airport of departure to a predetermined airport of destination, including alternate airports;

"air navigation facility" means any facility used in, available for use in or designed for use in aid of air navigation and includes aerodromes, airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or in the landing and take-off of aircraft;

"air navigation services" means services provided to air traffic during all phases of operations to ensure their safe and efficient movement, and includes

(a) air traffic control services, including air traffic control services for arriving and departing controlled flights, for controlled flights in controlled areas or for traffic within any manoeuvring area and other aerodrome traffic;

(b) air traffic advisory services provided within advisory airspace to ensure separation, insofar as is practical, between aircraft which are operating on flight plans in accordance with Instrument Flight Rules;

(c) flight information services;

(d) alerting services provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and to assist such organisations as may be required;

(e) communications, navigation and surveillance services;

(f) dissemination of meteorological information for air navigation;

(g) search and rescue alerting coordination services; and

(h) aeronautical information services for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;

"airport operator" means any person, organization or enterprise who or which holds an air operator certificate and undertakes to engage in domestic or international, commercial air transport whether directly or indirectly by a lease or any other arrangements;

"air operator certificate" means a certificate authorizing an air operator to carry out specified commercial air transport operations;

"airport"means any defined area of land or water intended or designed to be used either wholly or partly for purposes of the landing, departure, movement and servicing of aircraft, and includes any buildings, installations and equipment on or adjacent to such area and used for such or related purposes, and lawfully recognized as an airport;

"airport security officer" means an individual who has been appointed as a security officer by the aerodrome operator;

"airside" means the movement area of an airport, adjacent terrain, and buildings or portions thereof access of which is controlled;

"airspace" means airspace

(a) over Barbados; and

(b) administered by Barbados pursuant to an agreement;

"appliances" means instruments, equipment, apparatus, parts or accessories, of whatever description, which are used or are capable of being used in the navigation, operation or control of aircraft, including parachutes, communications equipment and any other mechanisms installed in or attached to aircraft during flight, and which are not part or parts of aircraft, aircraft engines or propellers;

"appropriate authority for aviation security" means the Authority responsible for the development, implementation and maintenance of the National Civil Aviation Security Programme, National Civil Aviation Security Quality Control Programme, and National Civil Aviation Security Training Programme;

"approved form" means such form as may be approved by the relevant authority;

"Authority" means the Barbados Civil Aviation Authority established under section 4;

"authorized officer" means any person authorized in that behalf by the Authority under section 71 for the purposes of that provision;

"aviation document" means

(a) a licence, permit, certificate, authorization, or other document issued under section 49 in respect of any of the classes of persons, services or things specified therein;

(b) any manuals, certificates, approvals, authorizations, permits, procedures, technical files, personnel files and personnel licences in respect of the purposes of section 70(*m); and*

(c) any licence, certificate or other instrument issued by the Authority in respect of any person, aircraft, aerodrome or aviation related service, or such other document as may be approved by the Authority;

"aviation security" means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;

"aviation standards" means the technical details and terms and conditions relating to aviation documents issued and held under this Act, and which must be complied with by the aviation document holder;

"Barbados aircraft" means an aircraft registered in Barbados pursuant to Part X;

"Board" means the Board of management of the Barbados Civil Aviation Authority established under section 8;

"cargo"means any property carried on an aircraft other than mail**,** stores**,** and accompanied or mishandled baggage;

"CASSOS Agreement" means the Agreement Establishing the Caribbean Aviation Safety and Security Oversight System signed at the 29th Heads of Government Meeting in Antigua on the 3rd day of July, 2008;

"Chairman" means the Chairman of the Board, the Chairman of the relevant Committee or the Chairman of the Tribunal, as the case may be;

"Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on the 7th day of December, 1944 and includes any Protocol amending the Convention and any Annex to that Convention relating to international standards and recommended practices, being an Annex adopted in accordance with that Convention;

"Civil Aviation Tribunal" means the Civil Aviation Tribunal established by section 115;

"commercial air transport" means the carriage by air of passengers or cargo for remuneration or hire;

"commercial air transport operation" means an aircraft operation involving the transport of passengers**,** cargo or mail for remuneration or hire;

"Commissioner" means the Commissioner of Police as defined by section 2 of the *Police Act*, Cap. 167;

"contracting state" means a country which is a party to the Chicago Convention;

"crew member" means a person assigned by an operator to duty on an aircraft during a flight duty period**;**

"dangerous goods" means articles or substances which are capable of posing significant risk to health, safety, property, or the environment when transported by air;

"Director General" means the Director General of Civil Aviation appointed under section 22;

"exemption" means an authorization, other than an approval, granted by the Authority providing relief from the provisions of the Civil Aviation Regulations, including exceptions, deviations, variations, alleviations, concessions and prolonged extensions or attachment of conditions;

"explosives" means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured flares and every other substance that has the capacity to explode, whether or not similar to those mentioned herein;

"flight"means any period from the moment when all the external doors of an aircraft are closed following embarkation, until the moment when any of such doors are open for disembarkation;

"former Act" means the *Civil Aviation Act, 2022* (Act 2022-19);

"GAAP" means Generally Accepted Accounting Practice which includes the accounting standards adopted by the Institute of Chartered Accountants of Barbados;

"ICAO" means the International Civil Aviation Organization;

"incident"means an occurrence, other than an accident, associated with the operation of an aircraft which affects, or could affect, the safety of operation;

"Inspector" means a person appointed as an inspector for the purposes of this Act and includes

(a) a person authorized by the Authority to carry out inspections; and

(b) the Director General;

"loss or damage" includes, in relation to individuals, loss of life and personal injury;

"manoeuvring area" means that part of an aerodrome to be used for the taking off, landing and taxiing of aircraft, excluding aprons;

"member" means a member of the Board or a member of a Committee, as the case may be;

"Minister" means the Minister responsible for Civil Aviation;

"National Air Transport Facilitation Committee" or "Facilitation Committee" means the Committee to be established by the Board with responsibility for facilitating national air transport;

"navigation of aircraft" includes the piloting of aircraft;

"operational" in relation to manuals and regulations means documents issued by the Authority to guide any operational aspect of the office of the Authority or to guide service providers and industry operators;

"operator"meansa person who

(a) engages in or offers to engage in aircraft operations**;**

(b) causes or authorizes the operation of aircraft, in the capacity of owner, lessee or otherwise, whether with or without the control of the aircraft; and

(c) is deemed to be engaged in the operation of aircraft within the meaning of this Act;

"person" as the context indicates, includes an individual, a body corporate, an organization, a business or an entity of any kind;

"pilot-in-command" means the pilot designated by the owner or air operator of an aircraft as the individual charged with the command and safe conduct of a flight or series of flights;

"prohibited area" means an area at an airport or at an air navigation installation to which entry is prohibited to the public;

"propeller" includes all parts, appurtenances and accessories of a propeller;

"public aerodrome" means an aerodrome which is under the management of a body corporate established, controlled or owned by the State;

"regulations" means any regulations made under this Act;

"restricted area" means an area at an airport or air navigation installation to which entry and operation to the public is restricted in accordance with certain specified conditions;

"Rules of the Air" means those provisions for securing the safety of aircraft in flight and movement on the surface and the safety of persons and property on the surface, including

(a) lights and signals to be shown by aircraft;

(b) General, Visual and Instrument Flight Rules;

(c) Aerodrome Traffic Rules; and

(d) aerodrome signals and markings;

"Security Committee" or "National Civil Aviation Security Committee" means the Committee to be established under section 99 with responsibility for national civil aviation security;

"serious incident"means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down**;**

"serious injury" means an injury which is sustained by a person in an accident and which;

(a) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;

(b) results in a fracture of any bone, except simple fractures to fingers, toes or nose;

(c) involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage;

(d) involves injury to any internal organ;

(e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation;

"state of registry" means the state on whose register the aircraft is entered;

"state of the operator" means the state in which the air operator's principal place of business is located or, if there is no such place of business, the air operator's permanent residence;

"strategic plan" means the plan prepared pursuant to section 34;

"territorial waters" has the meaning assigned to it by section 2 of the *Barbados Territorial Waters Act*, Cap. 386;

"unmanned aircraft" means an aircraft, other than a model aircraft, that is designed to fly without a pilot on-board and is designed to operate remotely or is controlled from another place, or is programmed and fully autonomous;

"whistle-blower" has the meaning assigned to it by section 2 of the *Whistleblower Protection Act, 2021* (Act 2021-29).

Application

3. This Act does not apply to aircraft used for military or police services except where otherwise indicated.

PART II

CIVIL AVIATION AUTHORITY

Establishment of Civil Aviation Authority

4.(1) There is established a body to be known as the Barbados Civil Aviation Authority.

(2) The Authority is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

Functions of the Authority

5.(1) The functions of the Authority are

(a) to regulate civil aviation operations in Barbados in accordance with this Act, including the operations of aircraft registered in Barbados and the maintenance of aircraft on the register;

(b) to register and certify aerodromes and airports as appropriate and monitor the operations of aerodromes and airports;

(c) to issue aviation documents for the purposes of this Act, and renew, suspend or revoke such aviation documents where necessary;

(d) to maintain a standard of safety, security and efficiency in the civil aviation industry that is at least equal to the standard of safety and security prescribed by the Chicago Convention and any other aviation convention, agreement or understanding to which Barbados is a party, by developing and issuing appropriate, clear and concise aviation safety and security standards, codes, rules, requirements, specifications or other documents for the purpose of providing practical guidance or certainty to, or otherwise relating to

(i) the flight crew engaged in operations of aircraft;

(ii) the design, construction, maintenance, operation and use of aircraft and related equipment;

(iii) the planning, construction, establishment, operation and use of aerodromes;

(iv) the establishment and use of airspace;

(v) the regulation of air navigation services;

(vi) the personnel engaged in the maintenance of aircraft and related equipment; or

(vii) any other matter that is the subject of any regulations made under this Act;

(e) to identify and notify ICAO of any differences including significant differences in the safety and security operations of Barbados and the ICAO recommendations and ensure that any such differences are published in the Aeronautical Information Publication of Barbados; and

(f) to communicate, cooperate and collaborate with national regional and international agencies and organizations on matters affecting civil aviation in Barbados;

(2) In performing its functions under subsection (1), the Authority shall have as its paramount consideration, the safety and security of aviation and shall, as far as is practicable, ensure that the environment is protected from any detrimental effects from the operation and use of aerodromes and aircraft.

(3) The Authority shall establish an information database consisting of aeronautical information and instructions relating to the safety and security, scheduling, and efficiency of air navigation and such information and instructions shall be readily available to any person upon payment of the prescribed fee.

Transfer of functions outside Barbados on behalf of Authority

6. The Authority may, where it considers it justifiable and with the prior approval of the Minister, authorize a person to perform specified regulatory oversight responsibilities of the Authority.

Establishment of units and divisions

7.(1) The Authority may establish such units and divisions as are necessary for the operations of the Authority and may appoint officers to manage those units and divisions.

(2) Notwithstanding subsection (1), the Authority shall establish the following units and shall appoint persons in the office of Director in each unit to manage the unit:

(a) a unit responsible for the management, development and expansion of air transport to be known as the Air Transport Management Unit; and

(b) a unit responsible for the regulation of safety and security of civil aviation to be known as the Flight Safety Unit.

PART III

CIVIL AVIATION AUTHORITY BOARD

Establishment of Board of management

8.(1) There shall be established a board of management, to be known as the Civil Aviation Authority Board, which shall be responsible for the policy, management, organization and administration of the Authority, and in particular for

(a) the appointment of staff to the Authority and the management thereof;

(b) the management of the other resources and contracts of the Authority;

(c) the development of policies for the prudent and efficient management of the Authority; and

(d) the monitoring of the performance of the Authority in respect of the discharge of its functions.

(2) The *First Schedule* has effect with respect to the constitution of the Board and otherwise in relation thereto.

Functions of the Board

9.(1) In carrying out its functions under section 8, the Board shall

(a) ensure that the Authority complies with and gives effect to the provisions of this Act;

(b) ensure that the Authority complies with and gives effect to the approved performance standards;

(c) ensure that the Authority has adequate systems of internal controls, both operational and financial and that it follows sound financial policies and procedures;

(d) formulate good and workable policies on human resources and labour relations, including conditions of service for employees of the Authority; and

(e) advise the Minister on matters of general public policy relating to the management and development of an efficient and regulated civil aviation industry.

(2) The Authority shall, where necessary, make recommendations to the Minister in respect of matters associated with any action or condition in the aviation sector or impacting on the aviation sector

(a) which is capable of causing actual or potential threat, harm or damage to persons or property;

(b) which the Minister refers to the Authority for its advice; or

(c) which the Authority considers necessary in the furtherance of its functions.

Disclosure of interest

10.(1) A member of the Board who is in any way directly or indirectly interested in any contract or other matter whatsoever which is to be considered by the Board, or in any contract made or proposed to be made by the Board, shall disclose the nature of his interest to the other members of the Board at a meeting of the Board, and the disclosure shall be recorded in the minutes taken at that meeting of the Board, and that member shall not take part in any deliberation or decision of the Board relating to the contract.

(2) A disclosure made by a member of the Board under subsection (1), to the effect that he is a director or shareholder or has a significant economic relationship with a specific company, firm or other person interested in any contract which is made with the company, firm or other person, shall for the purposes of subsection (1) be a sufficient disclosure of his interest in relation to any contract so made.

Qualification and restriction of Board

11. No former member of the Board shall accept employment or enter into a contract of service with an entity regulated by the Authority until the expiry of 2 years from the termination of his appointment with the Board, whether that termination is by resignation, effluxion of time or otherwise.

Minister's directions to the Board

12. The Minister may give written directions of a general nature as to the policy to be followed by the Board in the performance of its functions, as appear to the Minister to be necessary for the development of civil aviation or necessary in the public interest, and the Board and the Authority shall comply with those directions.

Delegation by the Minister and the Authority

13.(1) The Minister may, by order, delegate to the Board or the Director General, as the case may be, any power or function conferred or imposed on the Minister under this Act except the power to make regulations.

(2) The Authority may, by order, delegate any power or function conferred on it by this Act to any Board member, committee member or senior officer of the Authority, except the power to issue and revoke aviation documents issued under this Act or the power to approve or cancel the registration of an aviation service provider under this Act.

(3) A delegation under this section

(a) may be subject to such conditions, qualifications and exceptions as may be prescribed in the order; and

(b) shall not preclude the Minister or the Authority, as the case may be, from exercising that power or performing that duty.

(4) The Board shall not delegate any power delegated to it by the Minister.

Director General may delegate

14.(1) The Director General may, in writing, delegate to any person listed in subsection (2)

(a) any power or function conferred or imposed on the Director General under this Act; or

(b) subject to section 13 any power or function delegated to the Director General by the Minister.

(2) A delegation under this section may be made to any person designated as an inspector or authorized officer under section 71.

PART IV

INTERNATIONAL OBLIGATIONS

Obligations of Barbados under Chicago Convention

15. The Authority shall have responsibility for ensuring that the principles and arrangements of the Chicago Convention are adhered to in order that

(a) international civil aviation may be developed in a safe, secure, and orderly manner; and

(b) international air transport services may be established on the basis of equal opportunity and may be operated on a sound and economical basis.

Obligations for Aircraft in distress

16.(1) Where an aircraft is in distress in the territory of Barbados, the appropriate accident and investigation authority of Barbados shall provide assistance to the aircraft in distress as it may find practicable, and permit, subject to the control by the authorities of Barbados, the owners of aircraft or authorities of the State in which the aircraft is registered to provide assistance as may be necessitated by the circumstance.

(2) When undertaking a search for missing aircraft, the appropriate accident and investigation authority will collaborate in coordinated measures which may be recommended from time to time pursuant to Article 25 of the Chicago Convention.

CASSOS Agreement

17. The Authority shall ensure that the objectives of the CASSOS Agreement are observed.

Health obligations under treaties etc.

18. The Minister responsible for Health and the Minister responsible for Agriculture shall, in consultation with the Minister, make such arrangements and implement such administrative policies as are necessary

(a) to prevent danger to public health from any aircraft that arrives at an aerodrome; and

(b) to prevent the spread of infectious diseases by means of an aircraft leaving such aerodrome,

so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

Conclusion of international agreements

19. The Authority shall, where necessary, make recommendations to the Minister in respect of the conclusion of any civil aviation international agreement with other states, governments or international organizations.

Application of International Air Law Treaties

20.(1) The Minister may make Regulations for giving effect to International Air Law Treaties.

(2) Regulations made under this section may, in particular, provide for the harmonization and codification of rules governing international carriage by air in accordance with the principles and objectives of the Chicago Convention.

PART V

STAFF OF THE AUTHORITY

Appointment of staff

21. The Authority may appoint and employ on a contractual basis any officers, servants or agents as it considers necessary for giving effect to this Act.

Director General

22.(1) The Board shall, with the approval of the Minister, appoint a suitably qualified and experienced person to the office of Director General.

(2) Subject to section 23(2), the Director General shall be the Chief Executive Officer of the Authority and shall be subject to the directions of the Authority in the performance of his functions under this Act.

(3) The Director General

(a) shall hold office for a term not exceeding 3 years but is eligible for reappointment;

(b) is entitled to such remuneration and allowances as the Authority determines; and

(c) shall not be removed from office without the approval of the Minister.

Functions of the Director General

23.(1) The functions of the Director General are as follows:

(a) to discharge, on behalf of the Authority, the functions of the Authority;

(b) to execute the policy and manage the affairs of the Authority;

(c) to provide oversight for all aspects of civil aviation including emphasis on safety, security and the environment;

(d) to provide oversight for all staff of the Authority and all operators in the civil aviation industry;

(e) to perform the functions that are conferred on the Director General by the Board;

(f) to keep the Minister fully informed on all incidents, events and matters affecting the safety and security of aircraft operations in Barbados and those affecting any Barbados aircraft overseas; and

(g) to perform any other functions that are conferred on the Director General under this Act.

(2) Notwithstanding section 22(2), the Director General shall not,

(a) in exercising any powers or discharging any functions in relation to

(i) aviation safety and security matters of a technical nature; or

(ii) any other matter of a technical nature,

be subject to the directions of the members of the Board or any other person.

(b) personally engage in or interfere with technical assessments or judgments in the matters referred to in paragraph *(a)*.

(3) The Director General may exercise decision-making authority, including approving, or rejecting recommendations, based solely on the advice and findings provided by duly authorized technical experts, in accordance with international standards.

Private pension plan

24. The Authority shall, if circumstances permit, provide for the establishment and maintenance of a pension plan for the benefit of the staff of the Authority.

Pension under Cap. 25

25. Subject to section 24, the employees of the Authority shall be granted pension and related emoluments under the *Pensions Act*, Cap. 25, as if they were public officers.

Transfer and secondment of public officers

26.(1) Where a public officer accepts employment with the Authority, the public officer shall

(a) be employed on terms and conditions that are no less favourable than those enjoyed by a public officer of proximate rank or a public officer performing comparable duties; and

(b) retain any right to pension, gratuity or other allowance for which he would have been eligible had he remained in the public service; and any such right is preserved.

(2) Where a public officer is seconded to a post in the Authority from a pensionable office within the meaning of section 2 of the *Pensions Act*, Cap. 25, the period of service with the Authority, unless the President otherwise determines, counts for pension under that Act as if the officer had not been so seconded.

Engagement of experts

27. The Authority may engage, on such terms and conditions as the Minister approves, such experts as it considers necessary to assist it in such manner as it determines.

PART VI

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Establishment of Fund

28.(1) There is hereby established a fund to be known as the "Barbados Civil Aviation Authority Fund" which shall consist of the following:

(a) such amounts as may accrue from the operation of the Fund;

(b) such amounts as may be voted for the purpose by Parliament;

(c) such amounts as may be borrowed by the Authority for its purposes;

(d) such amounts as may accrue from fees and charges for the provision of services and the use of facilities and in respect of the performance of its functions or the exercise of its powers in the administration of this Act;

(e) such amounts as may be provided by a foreign state or an international organization for the purposes of this Act;

(f) amounts realized from investment proceeds; and

(g) such other moneys as may become available to the Authority from any other source approved by the Minister responsible for Finance.

(2) The resources of the Fund shall be applied in the payment of expenses and towards the discharging of obligations and the performing of any function of the Authority under this Act.

Limitation in relation to the fixing of salaries

29. Notwithstanding the powers conferred on the Authority by section 21, the Authority shall not, without the prior approval of the Minister

(a) assign to a post established by the Authority a salary in excess of such amount per annum as the Minister may determine and notify the Authority in writing; or

(b) appoint a person to a post established by the Authority to which a salary in excess of the amount determined by the Minister under paragraph *(a)* is assigned.

Investment of funds

30. The Authority

(a) shall develop an investment policy in relation to the Fund; and

(b) may invest any sums not required for the purposes of section 28 in such low-risk securities as it considers appropriate.

Accounts and audit

31. The Authority shall, in respect of its functions under this Act,

(a) keep proper accounts and adequate financial and other records;

(b) prepare financial statements in respect of each financial year in conformity with established accounting principles, including the GAAP; and

(c) appoint an auditor annually for the purpose of auditing its accounts.

Borrowing power

32.(1) Subject to subsection (2), the Authority may borrow money required by it for meeting any of its obligations or performing any of its functions.

(2) The power conferred on the Authority by subsection (1) is exercisable only with the approval of the Minister responsible for Finance, and the Authority shall stipulate

(a) the amount and source of the loan; and

(b) the terms and conditions on which the loan may be obtained.

(3) The approval of the Minister responsible for Finance under subsection (2) may either be general or limited to a particular borrowing.

Guarantee of loans

33. The Government may, with the approval of Parliament, in such manner and on such terms and conditions as may be specified, guarantee a loan to the Authority together with any interest or other charges payable thereon.

Strategic plan

34.(1) The Board shall prepare, for the approval of the Minister, a 3 year strategic plan in respect of the programmes and policies of the Authority every 3 years.

(2) The strategic plan shall include details of the following:

(a) the operational plans for the Authority, inclusive of areas of revenue, matters of training and aviation documents and fees for such;

(b) the strategies that the Authority intends to use to achieve its objectives, including

(i) operational and financial strategies; and

(ii) human resource strategies;

(c) the expected performance of the Authority;

(d) the operating and capital budgets of the Authority, including grants and contributions and revenues from the conduct of the operations of the Authority;

(e) a statement of the projects and targets planned and the strategies of the Authority;

(f) performance measures of the Authority;

(g) an account of the performance of the activities and operations of the Authority over the last 3 years, where applicable;

(h) analysis of risk factors likely to affect aviation safety in the aviation industry;

(i) a statement of the audited accounts of the Authority;

(j) industrial relations strategies; and

(k) any other relevant information that the Minister may require.

(3) The first strategic plan shall be submitted to the Minister within 6 months of the commencement of this Act.

(4) The Minister may give the Board such directions with respect to the strategic plan as the Minister considers necessary for the proper administration of the Act and for the benefit of the development of civil aviation in Barbados.

(5) The Board may, at any time, be required by the Minister to submit a report in respect of any matter or activity in the strategic plan.

(6) The Board shall keep the Minister informed about

(a) significant changes to the strategic plan; and

(b) matters that arise that could significantly affect the objectives identified in the strategic plan.

Annual report

35.(1) Subject to subsection (3), the Authority shall, not later than 4 months after the end of each financial year, submit to the Minister a report containing

(a) an account of the activities and transactions of the Authority throughout that financial year in such detail as the Minister may direct; and

(b) audited financial statements of the operations of the Authority for that financial year.

(2) A copy of the report referred to in subsection (1), together with a copy of the auditor's report, shall be printed and laid in the House of Assembly and Senate and published in the *Official Gazette* not later than 3 months after the date of the receipt thereof by the Minister.

(3) Where the Authority is in operation for a period of less than 12 months, the time referred to in subsection (1) for the submission of the report shall not apply; and the report in respect of the first financial year may be submitted not later than 4 months after the end of the second financial year.

Director General to provide information to the public

36. The Director General shall, through the Authority's website and any other medium the Director General considers appropriate, provide the public with up-to-date information

(a) relating to the operations, procedures and policies of the Authority;

(b) relating to the Authority's services;

(c) to give assistance and guidance to the public with respect to any obligations and requirements to be met under this Act; and

(d) for the general awareness of the public.

PART VII

PROVISIONS RELATING TO PROPERTY

Control of land in interest of civil aviation

37.(1) The Minister may, by order, after consultation with the Minister responsible for Planning and Development, declare that any land, structure, works or apparatus specified in the order, inclusive of any development which is

likely to attract wildlife on or in the vicinity of an aerodrome, shall be subject to such directions as may be given by the Minister, if the Minister is satisfied that it is necessary to do so in the interest of civil aviation.

(2) Where an order referred to in subsection (1) is in force, the Minister may give directions

(a) requiring the total or partial demolition of any building or structure within that area;

(b) restricting the height of trees on any land within the area or requiring any tree on that land to be cut down or reduced in height;

(c) extinguishing any private right of way over land within the area;

(d) restricting the installation of cables, mains, wires or other apparatus upon, across, under or over any land within the area;

(e) extinguishing, at the expiration of any period determined by directions, any subsisting right of installing or maintaining any such apparatus upon, across, under or over any land within the area;

(f) requiring, before the expiration of any period determined by directions, the removal of any apparatus from any land within the area; and

(g) prohibiting the taking of vessels or vehicles into any area specified or the anchoring or mooring of any vessel or parking of any vehicle in the area.

(3) Development shall have the same meaning as "development" within the meaning of the *Planning and Development Act, 2019* (Act 2019-5).

(4) An order under this section may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purpose of the order.

(5) An order made under this section is subject to affirmative resolution.

Road closures and diversions

38.(1) The Minister responsible for Transport and Works may by notice, after consultation with the Minister, close any road to traffic and pedestrians or give any directions he considers necessary to the relevant authorities concerning a particular road, if he is satisfied that it is necessary to do so in the interest of civil aviation.

(2) A gazetted police officer or the Director General may give directions for any road to be closed or for traffic to be diverted from a road in case of an emergency impacting on civil aviation, if in the opinion of the gazetted police officer or the Director General, such action is necessary in the particular circumstances.

Emergency Directives by Minister

39.(1) In circumstances of emergency, the Minister may give directives for a period not exceeding 14 days where

(a) the directive is required to alleviate risk of death or serious injury to any person; or

(b) the directive is required to alleviate risk of damage or serious injury to aircraft or property.

(2) For the avoidance of doubt, the directives issued under subsection (1) shall be statutory instruments within the meaning of the *Interpretation Act*, Cap. 1 and shall conform to all the requirements for statutory instruments set out in that Act.

General Directives by Minister

40.(1) The Minister may issue any aviation directive in support of safety and security oversight activities where it is

(a) necessary and expedient to better achieve the objectives of this Act; or

(b) necessary for the implementation of immediate security measures and requirements.

(2) For the avoidance of doubt, the directives issued under subsection (1) shall be statutory instruments within the meaning of the *Interpretation Act*, Cap. 1 and shall conform to all the requirements for statutory instruments set out in that Act.

(3) Section 138 shall apply to any person or body corporate who contravenes directives issues by the Minister pursuant to subsection (1) and section 39.

Directions by Director General

41.(1) The Director General may, where the Director General deems it necessary, give immediate directions for the purpose of alleviating death or serious injury to a person or alleviating the risk of damage or serious injury to aircraft or property at an air navigation facility.

(2) The Director General shall notify the Minister as soon as practicable of any direction given under subsection (1).

(3) Any person who contravenes directions or fails to comply with the directions given by the Director General pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $500 in respect of each daythat the contravention continues.

(4) Where a direction is issued in accordance with subsection (1) and published in accordance with subsection (5), the Minister may, on the advice of the Director General, issue directives in accordance with sections 39 and 40.

(5) Where the Minister is notified in accordance with subsection (2), the Director General shall publish the direction on the Authority's website and any other medium the Director General considers appropriate.

(6) A direction issued under this section is an immediate security measure made by the Authority to

(a) stop or prevent an activity from occurring, once significant civil aviation safety and security concerns are identified by the Authority;

(b) identify unsafe activities and prescribe mandatory corrective actions to be taken or conditions or limitations under which operations or activities may continue; or

(c) provide oversight for the implementation of aviation safety and security policies and requirements.

Standards, Advisory Circulars and Instructions

42.(1) The Director General may issue standards, advisory circulars, and Instructions which he believes on reasonable grounds to be

(a) consistent with the objectives of applicable regulatory requirements, procedures or documents; or

(b) necessary to support safety and security oversight activities.

(2) The Authority shall publish each standard, advisory circular and instruction in any way the Authority thinks fit, but failure to publish any standard, advisory circular, or instruction does not invalidate the standard, advisory circular, or instruction.

Obstruction near aerodrome

43.(1) Where the Authority is satisfied that for the purpose of avoiding danger to aircraft being flown in darkness or conditions of poor visibility, provision should be made

(a) for the lighting of any building, structure or erection in the vicinity of an aerodrome; or

(b) for giving to the pilot of such aircraft some other warning of the presence of such building, structure or erection,

the Authority may, by notice in writing, direct the manager of an aerodrome to execute, install, maintain, operate, repair or alter such works and apparatus as are necessary for enabling such warning to be given in the manner and within the time specified in the notice.

(2) The Authority shall, before any action is taken under subsection (1), notify, in writing, the persons who have an interest in any property which may be affected by any of the following matters:

(a) the details of the works to be done;

(b) the reason for the execution of the proposed works;

(c) the proposed time in which the work is to be executed which shall not be less than 3 months' notice from the date that the notice is served on the affected persons; or

(d) the time, not being less than 21 days, within which representations or objections may be made by the person in relation to the notice.

(3) The Authority shall, before executing any works under subsection (1), give persons who have an interest in any property which may be affected an opportunity, not being less than 21 days after the notice is given, to make representations and objections in relation to the notice.

(4) The Authority shall take into consideration any representations made by persons pursuant to subsection (3) and shall make such modifications to the proposed plan as are equitable and appropriate.

(5) In case of an emergency,

(a) the Authority may authorize the manager of the aerodrome to execute any work identified in the notice after reasonable notice in writing is given to all persons who have an interest in any property which may be affected; and

(b) any person may enter upon or pass over, with or without vehicles, any land identified in the notice given under paragraph *(a)*, for the purpose of executing the works.

(6) For the purposes of this section an occupier of property to which a notice relates shall be regarded as having an interest in the property.

(7) Any person who has an interest in land in respect of which a notice is issued under this section and subsequent action is taken, is entitled to be compensated in accordance with the *Land Acquisition Act*, Cap. 228 for any loss or damage which that person suffers.

(8) The *Land Acquisition Act*, Cap. 228 shall apply for the purposes of assessing compensation payable under this section.

Relocation of abandoned aircraft or vehicle

44.(1) If an aircraft at an airport is

(a) in a state of disrepair and interfering, or is likely to interfere with the operation of the airport; or

(b) is apparently abandoned,

the airport licensee for the airport may, with the approval of the Authority, cause the aircraft to be moved to another part of the airport, so long as that movement is carried out with reasonable care.

(2) No person shall be liable to an action or other proceeding, whether civil or criminal, for or in relation to an act done in accordance with subsection (1).

(3) Subsection (1) does not limit restrict, or otherwise affect any right or remedy the airport licensee would have if this section had not been enacted.

(4) Where the airport licensee for an airport has incurred any expenses in removing any aircraft under this section, all such expenses reasonably incurred by the airport licensee in removing any such aircraft are recoverable in a court of competent jurisdiction from the owner of the aircraft as if the expenses were a debt due to the airport licensee.

(5) In this section, “aircraft” includes an object that was designed or adapted for use as an aircraft but is incapable of being so used because one or more parts have been removed from it, or it is in a wrecked or damaged condition.

Disposal of unclaimed aircraft or vehicle

45.(1) An aircraft or a vehicle, or an article, or a thing which is moved

(a) by an airport licensee for an airport, or an authorized airport employee for the airport; or

(b) with the approval of the Authority, by an airport licensee for an airport,

must be detained in a holding area until the aircraft or vehicle, or article or thing, is released by order of the airport licensee concerned, or is sold or disposed of in accordance with this section.

(2) Where an aircraft or vehicle, or an article, or a thing, which is moved to a holding area under subsection (1) is unclaimed, an authorized airport employee of an airport licensee, duly authorized for this purpose may, subject to subsection (4) and after giving notice in accordance with subsection (3) of his or its intention to do so and, in the case of an aircraft, with the approval of the Authority

(a) sell the aircraft, vehicle, article, or thing, as the case may be, and any uncollected item left in or on the aircraft, vehicle, article or thing, as prescribed by regulations; or

(b) destroy or otherwise dispose of the aircraft, vehicle, article or thing and any uncollected item left in or on the aircraft, vehicle, article or thing, as prescribed by regulations.

(3) The notice required by subsection (2) is given

(a) by publishing a notice of the sale or disposal in the *OfficialGazette* at least one month before taking any action under that subsection; and

(b) in the case of an aircraft, by taking other reasonable steps to give at least one month's notice of the sale or disposal to

(i) persons who, in the opinion of the authorized employee, have a security interest in the aircraft; and

(ii) each person who is an owner, an operator, a lessee, a hirer, a charterer or a pilot in command, of the aircraft.

(4) This section does not authorize the moving, detention and sale or disposal of any aircraft, vehicle, article, item or thing belonging to the Government, the Air Navigation Office or the Authority.

(5) In this section, "authorized airport employee", from an airport, means an employee of an airport licensee for the airport who is authorized by the airport licensee to exercise a power under this section in connection with that airport.

Relocation of decommissioned aircraft

46.(1) A decommissioned aircraft can be stored outside of the airport at such location as shall be approved by the Authority and under such terms and conditions as may be imposed by the Authority.

(2) The terms and conditions referred to in subsection (1) may relate to

(a) the drainage of all liquids, inclusive of fuel, hydraulic fluids and lubricants; and

(b) the removal of specific parts of the aircraft.

(3) In this section, "decommissioned aircraft" means an aircraft that is at the end of its operational life.

Regulation of aviation during a state of emergency

47. The law relating to the governance of Barbados during a state of emergency shall apply for the purpose of regulating civil aviation when a state of emergency has been declared in Barbados under the *Constitution*, including a state of war.

PART VIII

REGULATION OF AVIATION OPERATORS AND SERVICE PROVIDERS

Prohibition from operating without an aviation document

48.(1) A person listed in the *Second Schedule* shall not

(a) perform any function or activity;

(b) occupy any position or office; or

(c) provide any service or product,

unless that person obtains the relevant aviation document under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $250,000 or to imprisonment for 7 years or to both.

(3) An aviation document referred to in subsection (1) is valid for the period stated in the *Second Schedule* and is subject to such conditions as the Authority deems appropriate.

(4) Notwithstanding section 155, the Minister may, on the advice of the Director General, amend the *Second Schedule*.

Criteria relating to aviation documents

49.(1) For the purposes of this Act, an aviation document is required in respect of the following:

(a) the registration of aircraft in accordance with section 83;

(b) an airman;

(c) an air operator conducting general aviation, aerial work or commercial air transport operations;

(d) air traffic, aircraft maintenance, aviation security, meteorological or communications services or personnel;

(e) aerodrome operations or an aerodrome operator;

(f) the provision of aviation navigation services;

(g) the provision of aviation security services;

(h) a navigation installation provider;

(i) an aviation training organisation;

(j) an aircraft design, manufacture and maintenance organization;

(k) the performance of aeronautical procedures; and

(l) an aviation examiner or aviation medical examiner.

(2) Any person who proposes to engage in any activity or provide any service referred to in subsection (1)

(a) shall submit the relevant application in accordance with section 50;

(b) shall, if the person is an individual, meet the criteria prescribed pursuant to this Act; and

(c) shall, if the person is an individual, ensure that he possesses the requisite experience, qualifications and supporting documents.

Application for an aviation document

50.(1) A person who wishes to obtain an aviation document shall apply to the Authority for the appropriate aviation document in the approved form and pay the prescribed application fee.

(2) The Authority, in considering an application under subsection (1) shall have regard to whether the applicant meets the criteria prescribed in this Act.

(3) Where an application is approved, the applicant shall pay the prescribed fee for the issue of the aviation document.

(4) For the purpose of the issue of an aviation document, the Authority may accept foreign qualifications, licences, permits or certificates where the state issuing the qualifications, licences, permits or certificates is an ICAO member state and the evidence presented is considered appropriate by the Authority in the particular circumstances.

(5) A person issued an aviation document, other than an airman aviation document, shall,

(a) at such interval; and

(b) in such manner,

submit to the Authority such information in such format as the Authority specifies in writing.

(6) Where a person who is required to submit information pursuant to subsection (5) fails to do so, that person shall give reasons in writing for such failure, together with an indication of when the information will be submitted.

(7) Where an application for an aviation document is denied, reasons for the decision shall be given to the applicant and the applicant may appeal in accordance with this Act.

(8) An aviation document shall be issued for a period not exceeding 5 years and shall be subject to such conditions as the Authority deems appropriate.

(9) Any person who makes a false representation or statement for the purpose of procuring for himself or any other person, the issue, renewal or variation of an aviation document is guilty of an offence and is liable on summary conviction to a fine of $10,000.

Registers of aviation documents

51.(1) For the purposes of this Act, the Authority shall keep and maintain such number of registers as it thinks fit in respect of the various aviation documents issued under this Act, together with any relevant information related thereto.

(2) A register referred to in subsection (1) shall be open to inspection by members of the public during office hours.

Examinations

52.(1) The Authority may for the purpose of assessing the suitability of a person for an aviation document

(a) set, conduct and administer an examination or test;

(b) conduct flight testing; or

(c) carry out any other functions in relation to such examinations, tests and flight testing as may be necessary.

(2) Where the Authority takes any action under subsection (1), the person concerned shall be given

(a) written notification of the areas to be assessed or examined; and

(b) prior notice of the examination date.

Inspection in relation to applicants

53.(1) The Director General or an Inspector may, upon reasonable notice, conduct an inspection of the operations of an applicant for an aviation document for the purpose of assessing the suitability of the applicant for the aviation document, as the case may be.

(2) Where after an inspection is carried out pursuant to subsection (1) and the Inspector reports that there are deficiencies, the Director General may request the applicant to take such remedial action as the Director General thinks necessary to satisfy the required standard before the aviation document is issued.

Functions of the pilot-in-command

54. A pilot-in-command of an aircraft shall, when conducting any international flight operations

(a) ensure the safe operation of the aircraft in flight, the safety and wellbeing of all passengers and crew, and the safety of the cargo carried;

(b) have final authority to control the aircraft while in command or the maintenance of discipline in respect of all persons on board; and

(c) keep on board the aircraft all the aviation documents and records required by Article 29 and Parts I, II and III of Annex 6 of the Chicago Convention including

(i) certificate of registration;

(ii) certificate of airworthiness;

(iii) crew members' licences;

(iv) journey log book;

(v) aircraft radio station licence;

(vi) passenger manifest;

(vii) cargo manifest;

(viii) certified copy of the air operator certificate;

(ix) operations specifications;

(x) document attesting noise-certification;

(xi) operating flight plan;

(xii) copy of air traffic service flight plan;

(xiii) certified true copy of Article 83 bis Agreement summary;

(xiv) copy of the cargo declaration; and

(xv) copy of the manifest;

(d) submit to the Director General or any person authorized by the Director General, on request, any of the documents or records mentioned in paragraph (c); and

(e) comply with all relevant requirements of this Act and the Regulations.

Recognition of validity of certification and accreditation from other states

55. The Authority may, in the discharge of certification and inspection responsibilities, recognize the validity of licences, certificates, permits, instruments, authorizations, accreditations and decisions of the aeronautical authority of another state with the following restrictions:

(a) for actions on airman certification or airworthiness certification, the other state shall be a signatory to the Chicago Convention and must be fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of the certification;

(b) for actions applicable to air operators, the Authority shall request supporting documents; and

(c) the Authority shall ensure that, when validation is based on actions of another aeronautical authority, there is no information to indicate that that state does not meet its obligations under the Chicago Convention regarding certification and on-going validation of its air operators.

Duties of aviation document holders

56. A person to whom an aviation document has been issued shall

(a) comply with this Act, regulations made under this Act and operational regulations;

(b) provide training and supervision to all of his employees who are engaged in doing any thing to which the document relates;

(c) provide adequate resources to ensure compliance with this Act, the regulations made under this Act and any operational regulations or any conditions attached thereto; and

(d) notify the Authority of any changes to any material information given in support of an application made under section 50, including the contact information.

Renewal of aviation documents

57. An aviation document holder may, in the approved form, apply to the Authority for the aviation document to be renewed on production of such documents or information as may be required by the Authority and on payment of the prescribed fees.

Revocation and suspension of aviation documents

58.(1) The Authority may suspend or revoke an aviation document where

(a) the aviation document holder fails or refuses to comply with this Act or with any request or direction given in writing under this Act;

(b) the aviation document holder is convicted of an offence under this Act;

(c) the aviation document holder fails to comply with any major term or condition specified in an aviation document;

(d) the aviation document holder or an employee or agent of the aviation document holder refuses to permit an inspection under this Act;

(e) the conditions attached to the issue of the aviation document are being carried out by the aviation document holder in a negligent, reckless or incompetent manner;

(f) there is reasonable doubt as to the quality or safety of the aeronautical product or service to which the aviation document relates;

(g) in the case of an aircraft, there is reasonable doubt as to the airworthiness of the aircraft; or

(h) it is required in the interests of defence, public health, public safety, public order, the public interest or security of Barbados.

(2) For the purpose of determining whether an aviation document should be suspended or revoked, the Authority shall have regard to a person's history of compliance with civil aviation regulatory requirements where relevant.

(3) Where the Authority suspends or revokes an aviation document, the Authority shall give notice of that fact in writing to the aviation document holder and that notice shall

(a) state the reason for the proposed suspension or revocation, and where the issue can be rectified, give a reasonable time by which the matter should be rectified, failing which the suspension or revocation will take effect;

(b) give the aviation document holder a reasonable time from the date of the notice to submit reasons to the Authority why the aviation document should not be suspended or revoked; and

(c) advise the aviation document holder of his right to object under this Act to the proposed decision.

(4) At the expiration of the time period referred to in subsection (3)*(b)* or where a suitable explanation has not been received from the person, the aviation document may be revoked or suspended, and the person shall be notified in writing.

(5) Where the Authority revokes or suspends an aviation document, the Authority shall publish a notice of the suspension or revocation in the *Official Gazette*, and where the publication relates to a suspension it shall state the period of the suspension.

Procedure relating to suspension of an aviation document

59.(1) An aviation document issued under this Act may be suspended in whole or in part, or conditions may be imposed or withdrawn in respect of any

such document if the Director General considers such action necessary in the interest of safety or security to ensure compliance with this Act**.**

(2) Any person in respect of whom any decision is taken under this section may object to that decision in accordance with section 62.

Imposition of conditions in respect of aviation document

60.(1) The Authority may impose conditions in relation to an aviation document if the Authority

(a) considers such action necessary to ensure compliance with this Act or the regulations;

(b) considers such action necessary in the interests of aviation safety and security;

(c) is satisfied that the holder thereof has failed to comply with any conditions;

(d) is satisfied that the holder thereof has contravened or failed to comply with this Act or the regulations;

(e) considers that the privileges or duties for which the aviation document has been granted are being carried out by the holder thereof in a negligent, reckless or incompetent manner;

(f) considers that there is reasonable doubt as to the airworthiness of an aircraft; or

(g) considers that there is reasonable doubt as to the quality or safety of the aeronautical product or service to which the document relates.

(2) Where the Authority imposes conditions on an aviation document, the Authority shall give notice of that fact in writing to the aviation document holder and that notice shall

(a) state the reason for the proposed imposition of conditions, and where the issue can be rectified, a time period by which the matter should be rectified, failing which the imposition will take effect;

(b) give the aviation document holder a reasonable time from the date of the notice to submit reasons to the Authority why the conditions should not be imposed; and

(c) advise the aviation document holder of his right to object under this Act to the proposed action.

(3) At the expiration of the time period referred to in subsection (2)*(b)* or where a suitable explanation has not been received from the person, the conditions may be imposed as indicated in the notice referred to in subsection (2) and the person shall be notified in writing.

(4) The imposition of a condition under this section shall remain in force for a period not exceeding 21 days, but may be extended by the Authority in accordance with subsection (5).

(5) The Authority may, prior to the expiration of the period of 21 days referred to in subsection (4),

(a) extend the condition for a further specified period; or

(b) withdraw any condition.

Revocation of aviation documents in special cases

61.(1) The Authority may, after an inspection, monitoring or investigation carried out under this Act, revoke an aviation document if the Authority

(a) has reasonable grounds to believe that the revocation is necessary in the interest of aviation safety or security; or

(b) determines that the privileges or duties for which the document has been granted are not being carried out or cannot be carried out by the aviation document holder.

(2) Where the Authority takes action under this section, the Authority shall give notice of its intention in accordance with section 63 and notify the aggrieved person of the right to object to the decision.

(3) A person whose aviation document is revoked under this section shall immediately surrender the document to the Authority.

(4) A person may object to a decision taken under subsection (1) in accordance with section 62.

Operators may object to proposed decisions of the Authority

62.(1) Where an aviation document holder has received notice of a decision respecting

(a) the suspension of an aviation document;

(b) the imposition of a condition in respect of an aviation document; or

(c) the revocation of an aviation document,

the aviation document holder may object to that decision in accordance with this section.

(2) A person referred to in subsection (1) shall send to the Authority the information that person wishes the Authority to consider within the period specified in the notice or such further period as the Authority may allow.

(3) The Authority shall consider any information referred to in subsection (2) and any pertinent information after the expiry of the period specified in that subsection.

(4) Upon consideration of the information referred to in subsection (2), the Authority shall as soon as practicable thereafter notify in writing the aviation document holder of the following matters:

(a) the Authority's decision;

(b) the reasons for the decision;

(c) the date on which the decision will take effect; and

(d) the right of the aviation document holder to appeal the decision under section 116.

Notice of suspension, imposition of conditions or revocation of aviation documents

63.(1) Where the Authority

(a) has suspended an aviation document;

(b) has imposed a condition upon an aviation document; or

(c) has revoked an aviation document,

the Authority shall give notice in writing to the aviation document holder as indicated in subsection (2).

(2) The notice referred to in subsection (1) shall

(a) notify the aviation document holder of the action taken;

(b) inform the aviation document holder of the grounds for the action;

(c) notify the aviation document holder of his right of appeal under section 116; and

(d) specify any other relevant matters.

Variation of aviation documents

64.(1) An aviation document holder may apply in writing for the variation of the aviation document

(a) to reflect the fact that any privilege or duty for which the aviation document was granted is no longer carried out by the aviation document holder;

(b) to reflect any change of material information thereon; or

(c) to correct any clerical or other error on the face of the aviation document.

(2) The Authority may

(a) upon its own discretion; or

(b) upon application made under subsection (1),

correct or modify an aviation document, where appropriate.

Cancellation of aviation documents

65. The Authority shall cancel an aviation document from such date as an aviation document holder specifies in a notice to the Authority of the intention of the aviation document holder

(a) to surrender the aviation document; or

(b) to cease to carry on business under the aviation document.

Inspection and monitoring of operators

66.(1) The Authority may require any person who holds an aviation document to undergo such inspections and monitoring as the Authority considers necessary in the interest of civil aviation safety and security.

(2) Where after an inspection is carried out pursuant to subsection (1) and the Inspector reports that there are deficiencies, the Authority may request the person

referred to in subsection (1) to take such remedial action in the interest of civil aviation safety and security as the Authority thinks necessary.

Investigation of operators

67.(1) The Authority may, in writing, where the Authority considers it necessary in the interest of civil aviation safety and security, conduct an investigation of an aviation document holder where the Authority

(a) has reasonable grounds to believe that the aviation document holder has failed to comply with any conditions attached to the aviation document or with the requirements of section 56; or

(b) considers that the privileges or duties in respect of which the aviation document has been granted are being carried out by the aviation document holder in a negligent, reckless or incompetent manner.

(2) If the Authority requires that the operations of the aviation document holder be investigated, the Authority

(a) shall inform the aviation document holder, in writing, of the date on which the investigation will commence;

(b) shall conclude the investigation as soon as practicable;

(c) may make available the results of the investigation to the aviation document holder;

(d) may make recommendations arising out of the investigation; and

(e) shall give reasons for any recommendations made.

Inspectorate

68.(1) The Authority shall establish an inspectorate for the purpose of

(a) carrying out inspections in relation to the premises of persons applying for an aviation document;

(b) monitoring the service provided by persons granted aviation documents pursuant to this Act; and

(c) carrying out inspections for any other purpose required under this Act.

(2) A person appointed under subsection (1) shall possess the requisite qualifications which the Authority considers appropriate.

(3) An Inspector shall be issued with an identification card and shall produce that identification card to relevant persons when conducting an inspection.

(4) An Inspector may, in the performance of his functions,

(a) take photographs;

(b) make photocopies, videos or voice recordings of any information he considers necessary;

(c) take samples or require a person to have a sample on the premises tested; and

(d) use any equipment, form of technology or other facility necessary to ensure that the necessary findings, information or data are acquired, captured or stored with respect to the inspection.

(5) An Inspector shall, after concluding an inspection, submit a report of his finding to the Director General without delay.

Functions of Inspectors

69. The functions of an Inspector are to

(a) ensure the observance of rules, standards, practices and procedures relating to aspects of civil aviation assigned to that Inspector;

(b) provide surveillance for the aviation security and safety programmes, where required;

(c) provide surveillance for airport operations, including physical and electronic aids to aircraft operations and airfield lighting and markings;

(d) monitor

(i) the provision of air navigation services;

(ii) the proficiency of flight crews;

(iii) the practices and procedures used in aircraft operations; and

(iv) the various documents and procedures used by aircraft operators;

(e) provide or perform safety oversight of civil aviation including aircraft operations, personnel licensing and aviation training;

(f) ensure compliance with, and the proper implementation of, regulations in respect of

(i) aircraft operations;

(ii) maintenance operations; and

(iii) aviation security;

(g) provide oversight over air navigation services;

(h) provide surveillance for all aircraft maintenance activities, including the maintenance of bases and maintenance during ramp operations;

(i) perform surveillance for the purposes of this Act; and

(j) administer or assist in administering examinations for the issue or renewal of aviation documents or ratings, where required.

Power of Inspectors

70. An Inspector shall

(a) inspect any part of an aerodrome or airport in Barbados or any land or area outside the airport used by a person who operates at the airport, including any buildings or other structures thereon;

(b) inspect any part of the airport in Barbados or any land or area outside the airport used by a person who operates at the airport, including any

buildings or other structures thereon, where he reasonably believes there is an infringement of the provisions of this Act or the regulations;

(c) at any time, inspect any aircraft once that aircraft is registered in or operating in Barbados for the purpose of evaluating any safety or security procedure, and conducting quality control activities, whether in flight or otherwise, and require the production of any aviation document;

(d) inspect any premises including any buildings, any office, hangar, ramp, equipment, document or workshop or other structures or installations thereon where required to do so for the purposes of this Act;

(e) inspect any premises or any part thereof including any buildings or other structures or installations thereon where required to do so for the purposes of this Act;

(f) inspect and test the effectiveness of security measures for an aircraft and the procedures and performance of security equipment;

(g) take into an airport, airside area or any designated area any required equipment and use any equipment necessary to carry out the required functions, including radios, cameras, video and audio recording devices and specially authorized restricted or prohibited articles, such as replica weapons or simulated explosive devices;

(h) issue a written notice indicating any deficiency revealed in an inspection and any recommendations, as appropriate;

(i) require or enforce corrective actions, including requiring immediate rectification of any deficiencies;

(j) enforce all relevant national aviation security requirements;

(k) enter any land, facility or building at an airport or land outside an airport occupied for business purposes connected with an airport or air operator for the purpose of conducting quality control activities;

(l) require an air operator, aerodrome operator or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to any audit, inspection, test or investigation;

(m) access, inspect, seize or copy any aviation document or any other relevant document issued in accordance with this Act or granted under any other enactment in respect of an aircraft where continued operation of the aircraft to which the aviation document or other document relates shall adversely affect the safety of the aircraft, crew members or passengers;

(n) require the production of any document which the Inspector reasonably believes contains information relevant to

(i) ensuring compliance with the provisions of this Act or the regulations; or

(ii) determining an infringement of the provisions of this Act or the regulations;

(o) detain an aircraft and exercise any other power related to an inspection or investigation granted under the provisions of this Act during the detention; and

(p) interview any person for the purpose of assessing the standard of security or the implementation of security procedures.

Designation of Inspectors and access to premises

71.(1) The Director General may designate

(a) technically trained and qualified employees of the Authority as inspectors or authorized officers; and

(b) persons who are not in the service of the Authority as authorized persons to conduct tests or examinations on behalf of the Authority.

(2) The Director General shall sign and issue to each inspector personal credentials consisting of an identification badge bearing the logo of the Authority and the identification number of the inspector and accompanied by an identification card which shall state the full name and contain a photograph of the inspector and statement indicating that the inspector

(a) has been designated under subsection (1)*(a*);

(b) is authorized access pursuant to subsection (5); and

(c) is empowered to

(i) exercise the powers and discharge the functions entrusted to the Inspector pursuant to this Act or its Regulations, or

(ii) subject to section 13 exercise the powers and discharge the functions of the Director General entrusted to the Inspector under delegation under this Act.

(3) The Director General may, when necessary, limit the powers of the inspectors designated under subsection (1)*(a)*.

(4) The Director General shall sign and issue to each authorized person a document which shall state the full name and contain a photograph of the authorized person and a statement indicating that the authorized person

(a) has been designated under subsection (1)*(a)*; and

(b) is empowered to exercise the powers and functions entrusted to the authorized person pursuant to subsection (1)*(b)* or any other provision of this Act or its Regulations.

(5) For the purpose of the grant or renewal of an aviation document, the Director General or any person authorized by him shall be granted unrestricted access, at any time, by an applicant or holder of an aviation document to any place in which aviation operations are conducted, including

(a) aircraft;

(b) aerodromes;

(c) air navigation services facilities;

(d) hangars;

(e) approved maintenance organization (AMOs);

(f) workshops;

(g) ramps;

(h) fuel storage facilities;

(i) air operator offices;

(j) cargo handling areas; and

(k) aviation training organization facilities,

at any time to conduct any surveillance, inspection, audit, or test in order to determine that aviation operations are conducted in accordance with prescribed safety, security, and other recommended standards.

(6) For the purposes for subsection (5), "document" shall include programmes, manuals, certificates, approvals, authorizations, procedures, technical files, personnel training files, or personnel licences.

Right of access of Inspectors

72.(1) An Inspector shall have access to any civil aircraft operated in Barbados and to an aircraft registered in Barbados without restriction for the purposes of ensuring that the aircraft are airworthy and being operated in accordance with this Act, the Chicago Convention and any other applicable international standards.

(2) For the purposes of subsection (1), the Inspector may

(a) take the following actions where necessary:

(i) inspect an aircraft or any part of the aircraft or any process, system or record;

(ii) conduct tests and evaluations and request evidence of qualifications, facilities and design data used by any air operator of an aircraft to determine whether the air operators are maintaining the aircraft in conditions which are safe for the operation of the aircraft;

(b) inspect, investigate, require tests, experiments and flight trials, and access any place in any establishment for airworthiness purposes;

(c) access and examine, inspect and investigate any consignment of goods as required;

(d) request production, inspection and copies of documents and records; and

(e) prevent an aircraft from flying and detain it.

(3) Where an Inspector finds that any aircraft, aircraft engine, propeller or appliance used or intended to be used by any air operator in civil aviation is not in a condition which is safe for use, the Inspector shall notify the Authority.

(4) Where subsection (3) applies, the Director General shall inform the air operator and the particular aircraft, aircraft engine, propeller or appliance shall not be used in civil aviation operations until determined by the Director General to be in a condition which is safe for use.

Access to aerodrome and other places

73.(1) An Inspector may, while conducting any surveillance, inspection or test in respect of aviation security, have in his possession simulations of the following items:

(a) arms and ammunition;

(b) explosives and explosive devices; and

(c) weapons of war.

(2) The Director General may at any time require an Inspector to carry out an inspection with respect to the National Civil Aviation Security Programme.

Inspector and violations

74.(1) Where in the course of an inspection the Inspector has reason to believe that

(a) any provision of this Act or the regulations is not being complied with; or

(b) there

(i) is an immediate threat to aviation safety;

(ii) are acts of unlawful interference; or

(iii) is the likelihood of such threat or acts occurring as a result of an act or thing that has been, is being or is proposed to be done,

the Inspector shall report his findings, immediately, but not later than 24 hours, to the Director General.

(2) Where a report is made in accordance with subsection (1), the Authority may,

(a) suspend the relevant aviation document;

(b) direct the air operator of the aircraft concerned not to permit the aircraft to conduct a flight; or

(c) take the necessary steps to detain the aircraft until the air operator has complied with such conditions as may be specified in the direction.

Investigation of complaints

75.(1) A person may file a written complaint with the Authority confidentially, or otherwise, with respect to anything done or omitted to be done by a person in contravention of this Act.

(2) Where the Authority is of the opinion that there appears to be no grounds to investigate the matter, the matter shall not be investigated; and the Authority shall notify the complainant of that decision and shall give reasons for the decision taken.

(3) Where the Authority is of the opinion that there appears to be grounds to investigate the matter, the matter shall be investigated; and the Authority shall notify the complainant of that decision and shall give reasons for the decision taken.

(4) Before completing an investigation under this section, the Authority shall ensure that the relevant aviation document holder is notified of the concern.

(5) Where the Authority completes an investigation,

(a) the Authority shall, in writing, inform the aviation document holder of the results of the investigation; and

(b) the Authority shall give the aviation document holder an opportunity to respond in writing.

PART IX

AERODROMES

Approval to construct, establish or operate an aerodrome

76.(1) No person shall construct or establish an aerodrome unless that person receives the relevant written approval in accordance with the *Planning and Development Act, 2019* (Act 2019-5).

(2) In considering whether to issue a written approval referred to in subsection (1), the relevant authority under the *Planning and Development Act, 2019* (Act 2019-5) shall take into account, *inter alia*, the need to minimize so far as is reasonably practicable

(a) any adverse effects on the environment;

(b) any disturbance to the public from noise, vibration or atmospheric pollution; and

(c) any detrimental effect associated with the operation and use of an aerodrome and aircraft for the purpose of civil aviation.

(3) No person shall

(a) operate an aerodrome; or

(b) permit the operation of an aircraft on any aerodrome on any land occupied or owned by him,

unless the person possesses the requisite aviation document.

(4) Where a person applies for an aviation document to

(a) operate an aerodrome; or

(b) permit the operation of an aircraft on any aerodrome on any land occupied or owned by him,

the Director General shall conduct such inspections, assessments and tests as are necessary to confirm that the aerodrome site meets the standards specified in the Chicago Convention for aerodromes.

(5) Where the Director General conducts the inspections, assessments and tests and is satisfied that all of the requirements and standards have been met, the Authority may issue the relevant aviation document with such specifications as the Director General thinks necessary.

(6) A person who contravenes subsection (1) or (3) is guilty of an offence and is liable on conviction on indictment to a fine of $250,000 or to imprisonment for 7 years or to both.

Minister to establish aerodromes

77.(1) The Minister may establish a public aerodrome.

(2) Where an aerodrome is established under subsection (1), the Minister

(a) shall make provision for the maintenance of the aerodrome;

(b) shall provide and maintain, in connection with the aerodrome, roads, approaches, apparatus, equipment and buildings and other accommodation;

(c) may vary the character of any facility for the purpose of promoting the safety of air navigation, the signals or assistance given by the facilities;

(d) shall determine the conditions of use of any aerodrome and whether any such aerodrome should be open to public use; and

(e) shall determine the conditions of use of any facilities or equipment provided for the purpose of promoting the safety of air navigation.

Aerodrome master plan

78.(1) A person granted an aviation document under section 76(5) shall have an aerodrome master plan for the aerodrome to which the aviation document relates and that aerodrome master plan shall contain such information as may be prescribed.

(2) The Director General shall approve the aerodrome master plan and may require an inspection of that aerodrome master plan at any time.

(3) At least once every 5 years the aerodrome operator shall

(a) review the aerodrome master plan for the aerodrome;

(b) submit to the Authority a report of the review of the aerodrome master plan together with proposals for additions and alterations which are considered expedient; and

(c) submit to the Authority a new draft of an aerodrome master plan.

(4) The Director General may, in writing, approve the new aerodrome master plan and any changes or alterations to the plan.

(5) Where the Director General approves a new aerodrome master plan which contains changes or alterations to the previous aerodrome master plan that require development at the aerodrome site, the person shall not execute such changes or alterations without the requisite written approval under the *Planning and Development Act, 2019* (Act 2019-5).

Aerodrome master plan requirements

79.(1) The Director General may require an aerodrome operator to make such changes to an aerodrome master plan as may be required in accordance with this Act or the Chicago Convention.

(2) An aerodrome operator who operates the aerodrome without complying with a requirement of the Director General given pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 3 years or to both.

Aerodrome development

80.(1) No person shall perform any development at an aerodrome without the relevant written approval in accordance with the *Planning and Development Act, 2019* (Act 2019-5).

(2) Where written approval is granted in accordance with the *Planning and Development Act, 2019* (Act 2019-5), the person shall submit a copy of the written approval to the Authority.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 3 years or to both.

(4) In this section "development" means a development that is carried out at an aerodrome site that consists of

(a) constructing a new runway or extending the length of a runway;

(b) constructing a new building wholly or principally for use as a passenger terminal;

(c) extending a building that is wholly or principally for use as a passenger terminal;

(d) constructing a new taxiway where the extension significantly increases the capacity of the airport to handle movements of passengers, cargo or aircraft;

(e) constructing a new parking apron for loading and unloading of aircraft passengers or cargo;

(f) constructing a new cargo terminal;

(g) constructing new hangars, fuel farms, buildings used for in-flight catering, fire-fighting services or aircraft maintenance facilities; or

(h) such other development as may be prescribed by regulations.

International airport

81.(1) No person shall construct or establish an international airport unless that person obtains the relevant written approval in accordance with the *Planning and Development Act, 2019* (Act 2019-5).

(2) In considering whether to issue a written approval referred to in subsection (1), the relevant authority under the *Planning and Development Act, 2019* (Act 2019-5) shall take into account, *inter alia*, the need to minimize so far as is reasonably practicable

(a) any adverse effects on the environment;

(b) any disturbance to the public from noise, vibration, atmospheric pollution; and

(c) any detrimental effect associated with the operation and use of an international airport and aircraft for the purpose of civil aviation.

(3) No person shall operate an international airport unless that person obtains an international airport operator certificate.

(4) Where a person applies for an international airport operator certificate, the Director General shall conduct such inspections, assessments and tests as are necessary to confirm that the international airport site meets the standards specified in the Chicago Convention for international airports.

(5) Where

(a) the Director General conducts the inspections, assessments and tests and is satisfied that all of the requirements and standards have been met; and

(b) the Authority is satisfied that the applicant has complied with all applicable enactments for the establishment of an international airport,

the Authority may issue an international airport operator certificate with such operational specifications as the Director General thinks necessary.

(6) A person who contravenes subsection (1) or (3) is guilty of an offence and is liable on conviction on indictment to a fine of $250,000 or to imprisonment for 5 years or to both.

(7) For the purposes of this section, reference to "international airport" means an airport which enables a person to travel from one country to another country.

PART X

CIVIL AIRCRAFT REGISTRATION

Civil aircraft register

82.(1) The Authority shall establish a national aircraft register for all Barbados aircraft and that register shall be kept in the form and manner prescribed by the Authority.

(2) A register referred to in subsection (1) shall be open to inspection by any member of the public at all reasonable times at the offices of the Authority.

Unlawful to operate civil aircraft unless registered

83. No person shall operate a civil aircraft in Barbados unless the aircraft is

(a) registered in Barbados; or

(b) registered under the laws of any other contracting state.

Requirement for aircraft registration

84.(1) An aircraft may be registered in Barbados if the aircraft is not registered in any other country and is owned by

(a) a citizen of Barbados;

(b) a permanent resident within the meaning of the *Immigration Act*, Cap. 190;

(c) a company incorporated or registered under the *Companies Act*, Cap. 308; or

(d) the Government.

(2) Notwithstanding subsection (1), the Authority may authorize the registration of an aircraft which is privately owned by an individual or a corporation of another state.

Aircraft journey log book

85. The air operator of an aircraft engaged in international navigation shall maintain in respect of the aircraft a journey log book, kept on board the aircraft, in which the pilot-in-command shall enter particulars of the aircraft, crew of the aircraft and of each journey, in such form as may be prescribed in the Regulations pursuant to Article 34 of the Chicago Convention.

Registration not to be considered as evidence of ownership

86. An aviation document issued under this Act shall not be considered evidence as to ownership in any proceedings under the laws of Barbados if ownership of the aircraft by a particular person is or may be in issue.

Registration of aircraft may be suspended or revoked

87. A registration granted in respect of an aircraft may be suspended or revoked by the Authority in the public interest.

Discharge of certain functions and duties under Article 83 bis of the Chicago Convention

88.(1) The Authority may, pursuant to Article 83 bis of the Chicago Convention and bilateral agreement with aeronautical authorities of another State which has ratified Article 83 bis, transfer to, accept or recognize from that State all or part of their respective functions and duties with respect to registered aircraft under Article 12 (Rules of the Air), Article 30 (Aircraft Radio Equipment), Article 31 (Certificate of Airworthiness) or Article 32*(a)* (Licenses of Personnel) of the Chicago Convention.

(2) The Authority shall relinquish responsibility with respect to the functions and duties transferred to the Authority under subsection (1) for Barbados registered aircraft transferred abroad and accept responsibility with respect to the functions and duties under those articles of the Convention, for aircraft registered abroad that are transferred to Barbados.

(3) The Authority may predicate in the agreement, the transfer of functions and duties under this subsection on any conditions the Authority deems necessary and prudent except that the Authority may not transfer responsibilities for Barbados registered aircraft to a country that the Authority determines is not compliant with its obligation under international law for safety oversight of civil aviation.

(4) The Authority may, pursuant to an agreement entered into under this section, recognize certificates and licences issued or rendered valid by the State of an operator.

(5) The Authority shall notify and inform the ICAO and other States concerned of the transfer arrangement and of the existence of an agreement.

(6) The Authority shall have the power to exchange with foreign governments through appropriate authorities of the Government of Barbados, information pertaining to civil aviation.

PART XI

AIR TRANSPORT LICENSING AND PERMITS

Air operators engaging in commercial air transport

89.(1) No air operator shall engage in commercial air transport unless that air operator holds an air transport licence, permit, or other authorization, from the Authority to do so.

(2) A person who engages in air transport without first obtaining the relevant aviation document is guilty of an offence.

Requirements for an air transport licence and permits

90.(1) The Authority may issue an air transport licence, permit, or other authorization, to an air operator where the Authority is satisfied that the air operator

(a) is in a position to meet at any time its actual and potential financial obligations for a period specified by the Authority from the commencement of operations; and

(b) has the ability to adequately, safely and securely perform the transportation activity covered by its application and meet the requirements of this Act and the regulations.

(2) The Director General may, at any time, vary, suspend, or revoke a licence, permit, or other authorization granted pursuant to this Part.

(3) The Director General may exercise his powers under subsection (2) to revoke, suspend, or vary a licence, permit, or other authorization, at any time, if he is not satisfied that all or any of the requirements in subsection (1) are being met.

(4) The Director General may, by notice in writing served on the holder of the licence, permit, or other authorization, direct that the licence, permit or other authorization shall not be effective during a period specified in the notice.

(5) The Director General may, while a licence, permit, or other authorization is ineffective by virtue of a notice under subsection (4), by a further notice in writing served on the holder, provide that the licence, permit, or other authorization shall be effective on or after a date specified in the further notice, but the further notice shall not prejudice the Director General's powers under subsection (2).

Foreign air operator certificate

91. The Authority may issue a foreign air operator certificate to a person where it is satisfied that the person meets

(a) relevant ICAO requirements; and

(b) the prescribed requirements under this Act,

to operate as a foreign air operator.

Foreign air operators engaging in commercial air transport

92.(1) No foreign air operator shall engage in commercial air transport into or out of Barbados unless that foreign air operator is in possession of

(a) an air transport licence granted in accordance with section 90; and

(b) a foreign air operator certificate issued pursuant to section 91.

(2) Subsection (1) shall not apply to an aircraft

(a) that lands in or flies across Barbados without embarking or disembarking passengers, cargo or mail;

(b) operating in accordance with an agreement made between Barbados and any other contracting state which specifically exempts the foreign air operator from the application of subsection (1); or

(c) exempted by the Authority in writing.

Non-compliance by foreign air operators

93.(1) Where the Authority identifies a case of non-compliance with the laws of Barbados or a serious safety concern by a foreign air operator, the Authority shall notify the air operator, and if the case warrants

(a) notify the state of the air operator or the state of registry; and

(b) engage in consultations with the state of the air operator or the state of registry, concerning the safety standards maintained by the air operator.

(2) The Authority may place a condition on a licence or suspend or revoke a licence issued under section 90 for failure to comply with any provision of this Act or any other enactment.

Surveillance of operations

94. The Authority shall establish a programme with procedures for the surveillance of operations in Barbados by local and foreign air operators and for taking appropriate action when necessary to preserve safety.

Insurance requirements of air operators

95.(1) Every air operator flying within Barbados shall have adequate insurance for its aviation-specific liability in respect of passengers, baggage, cargo and third parties.

(2) The insured risks include

(a) acts of war, terrorism, hijacking or acts of sabotage;

(b) unlawful seizure of aircraft and civil commotion; and

(c) damage to the hull.

(3) Section 96 applies to each air operator with such modifications and adaptations as may be necessary.

Liability Insurance

96.(1) Any person referred to in subsection (2)

(a) shall maintain adequate insurance as prescribed by order by the Director General, with the approval of the Minister, which covers his liability

(i) under this Act; and

(ii) in respect of any compensation which may be owing to third parties, including compensation costs associated with accident and incident investigations conducted pursuant to the *Civil Aviation (Air Navigation Services and Investigation of Accidents and Incidents) Act, 2022* (Act 2022-20); and

(b) shall submit documentation to the Authority which shows that he is compliant with paragraph *(a)* of this subsection on a quarterly basis.

(2) The persons referred to in subsection (1) are as follows:

(a) the aircraft maintenance service provider;

(b) the aviation fuel supplier;

(c) the ground handling service provider; and

(d) the air operator.

(3) Where a person to whom this section applies fails, without reasonable excuse, to comply with subsection (1), the Authority may, where applicable,

(a) refuse to issue that person with an aviation document;

(b) suspend any aviation document issued to that person; or

(c) revoke any aviation document issued to that person,

to operate under this Act.

(4) A person who contravenes this section is guilty of an offence and is liable on conviction on indictment to a fine of $5,000,000.

Service of documents

97.(1) An air operator shall, in writing, notify the Authority of a local address of

(a) a place of business of the air operator; or

(b) an agent of the air operator,

where the Authority may deliver documents to the air operator.

(2) A delivery to the address shall be deemed to be a delivery made on the air operator.

PART XII

CIVIL AVIATION SECURITY AND SAFETY

Civil aviation security: responsibilities and functions of Authority

98.(1) For the purposes of this Act, the Authority is the appropriate authority for aviation security in Barbados.

(2) The Authority shall, in relation to its regulation and oversight of civil aviation security,

(a) develop, implement and maintain the National Civil Aviation Security Programme (NCASP);

(b) ensure the effective implementation of the NCASP;

(c) respond rapidly to any emerging security threat;

(d) make a written version of the appropriate parts of all relevant national documentation, including the national civil aviation security programme, available through the Authority's website or any other arrangement that the Authority deems appropriate to airport and aircraft operators, and air traffic service providers operating within Barbados and other entities concerned to enable them to meet the requirements of the national civil aviation security programme;

(e) conduct regular reviews of civil aviation and the security system in order to

(i) monitor the security performance of the civil aviation industry;

(ii) identify security-related trends and risk factors; and

(iii) promote the improvement of the security system;

(f) conduct regular and timely assessments of the security systems;

(g) review and ensure the adequacy of aviation security programmes and associated documentation produced by aerodrome operators, air operators, catering operators, regulated agents, ground handling service providers and cargo operators; and

(h) regulate the security operations of aerodrome operators, aircraft operators, regulated agents, ground handling and catering service providers for the purpose of

(i) protecting passengers, crew members, users of an aerodrome, aerodrome staff, aerodrome and other aviation facilities;

(ii) preventing acts of aerial or air piracy and any other unlawful interference against civil aviation; and

(iii) ensuring that appropriate action is taken when an act of aerial or air piracy or any unlawful interference occurs or is likely to occur.

National Civil Aviation Security Committee

99.(1) There shall be established a National Civil Aviation Security Committee for the purposes of co-ordinating security activities between government departments, agencies and organizations in Barbados, the airport, aircraft operators, air navigation service providers and any other entity involved in the implementation of various aspects of the National Civil Aviation Security Programme.

(2) The *Third Schedule* has effect with respect to the constitution and management of the Committee and otherwise in relation thereto.

Functions of the National Civil Aviation Security Committee

100. The terms of reference of the National Civil Aviation Security Committee are as follows:

(a) to approve a written National Civil Aviation Security Programme, in consultation with the Authority, in compliance with the Chicago Convention that shall

(i) set out the Government's security policy in respect of aviation in Barbados and in respect of aircraft registered in Barbados; and

(ii) provide through the establishment of standards and guidelines, the necessary safeguards against acts of unlawful interference;

(b) to develop policy and implement systematic measures to ensure that there are surveys, inspections, audits, tests and investigations of security standards by

(i) advising on aviation security measures necessary to meet threats to aviation; and

(ii) keeping the implementation of such measures under constant review and make recommendations for changes to such measures in response to new threat information, developments in aviation security technology and techniques, and any other factors;

(c) to define and allocate tasks in accordance with Government policy for implementation of the National Civil Aviation Security Policy between agencies, airline operators and other concerned parties;

(d) to develop technical criteria to be met by those persons responsible for implementing security measures under the National Civil Aviation Security Policy;

(e) to systematically monitor and constantly analyse the level of threat to civil aviation in Barbados and keep the Minister and the Board apprised

of such matters by issuing a monthly report to the Minister and the Board;

(f) to assess the impact on aviation security of security related decisions taken by the industry at all levels and conduct regular and timely assessment of international security developments;

(g) to advise the Minister on the aviation security measures required to meet threats to civil aviation and civil aviation facilities;

(h) to review and recommend approval of the National Civil Aviation Security Programme, National Civil Aviation Security Quality Control Programme, and the National Civil Aviation Security Training Programme, including re-evaluating security measures and procedures following an act of unlawful interference, and taking such action as may be necessary to remedy weaknesses and prevent the recurrence of any act of unlawful interference;

(i) to consider recommendations made by the Airport Security Committee of the Grantley Adams International Airport Inc., and, where appropriate, recommend changes to the Authority;

(j) to co-ordinate the exchange and dissemination of information on incidents, threats and appropriate counter measures relating to the security of civil aviation among departments, agencies and other entities responsible for the implementation of the National Civil Aviation Security Programme, based on threat assessments;

(k) to receive, collate, analyse and disseminate information on any threat or incident and information on the numbers and types of prohibited articles discovered or confiscated and provide a technical reference and information centre for the use of the Authority, airport administrators, operators and security services;

(l) to promote security considerations in the design of new airports or the expansion of existing facilities;

(m) to develop national standards relating to the specifications of security equipment, systems and airport design;

(n) to develop and implement a National Civil Aviation Security Quality Control Programme, a Quality Management System, a Security Management System Programme, and a National Civil Aviation Security Training Programme in accordance with the applicable standards and Recommended Practices of Annex 17 of the Chicago Convention;

(o) to develop and implement policy in respect of the development, promotion, production and the dissemination of suitable training materials that can be used in the training of persons concerned with the implementation of the National Civil Aviation Security Policy;

(p) to develop and implement regulations and policies for a certification system for the purpose of certifying aviation security personnel involved in the implementation of the National Civil Aviation Security Policy;

(q) to disseminate copies of all relevant national documentation inclusive of the National Civil Aviation Security Programme to all airport operators, aircraft operators and all other appropriate security entities operating in Barbados to enable them to meet the requirements of the National Civil Aviation Security Programme;

(r) in coordination with the Authority to recommend for promulgation and coordinate the implementation of changes to national aviation security policies;

(s) to promote security considerations in the design of new airports or the expansion of existing facilities;

(t) to review recommendations made by the Airport Security Committee and other relevant committees; and

(u) to establish means of cooperation with international organizations and other States so as to achieve common minimum aviation security standards that enhance the security of civil aviation as a whole.

National Civil Aviation Security Programme

101.(1) There shall be a National Civil Aviation Security Programme.

(2) The National Civil Aviation Security Programme shall be binding on

(a) any security officer or aviation security officer and any other person involved in the application of such security; and

(b) any other person, including a member of the public, where the requirements of the National Civil Aviation Programme has been brought to the attention of that person by the Authority by such means as the Authority considers necessary.

State Safety Programme

102.(1) The Director General shall establish and maintain a Civil Aviation Safety Programme for Barbados to ensure the observance of safety in all aspects of the aviation industry in Barbados.

(2) A safety management system and a safety management manual containing the details of that system shall, with the approval of the Authority, be established and maintained by the relevant organization or entity in respect of each of the following:

(a) manned and unmanned aircraft operators;

(b) aerial work operators;

(c) aerodrome operators;

(d) approved maintenance organizations;

(e) aviation training organizations;

(f) aviation handling agents; and

(g) aviation service providers.

(3) The safety management system for each organization or entity referred to in subsection (2) shall include

(a) the reporting of incidents that caused or could have caused damage to equipment or to a facility or injury to staff or a customer;

(b) the appointment of a manager or senior officer to be responsible for implementation of the safety management system;

(c) ensuring provision is made for the protection and confidentiality of a whistle-blower with respect to concerns or breaches of the safety management system or other safety matters;

(d) recording and routine analysis of safety reports by a safety committee; and

(e) appointing an individual who reports to a manager or a senior officer to function as a safety officer with direct responsibility for the management, record keeping and effectiveness of the system.

(4) The safety management system manual referred to in subsection (2) shall be submitted to the Director General for his approval before the manual is used by the organization.

(5) The Director General shall ensure that any information related to the safety management system and the safety management system manual for an organization is kept confidential so as to ensure their effectiveness.

Safety and security inspections

103.(1) The Director General may, in writing, require

(a) security service providers;

(b) aerodrome operators;

(c) air navigation service providers;

(d) air operators;

(e) maintenance organizations;

(f) handling agents;

(g) any similar person operating at an aerodrome; or

(h) any other holder of an aviation document,

to undergo or to carry out inspections and monitoring necessary to ensure that established international security standards for the protection of aircraft and the travelling public are achieved and maintained.

(2) The Director General, an Inspector, or any person authorized by the Director General, on the directions of the Director General may, in respect of any person described in subsection (1), carry out inspections, tests or surveillance to verify that the approved security systems and procedures are functioning effectively.

(3) The provisions of section 70 and section 73 relating to inspections apply to inspections under this section.

Act of violence or unlawful interference at an air navigation facility or on an aircraft

104.(1) No person shall commit

(a) an act of unlawful interference on-board an aircraft which is likely to endanger the safety of the aircraft or the safety of the persons thereon;

(b) an act of violence against a person on-board an aircraft in flight if that act is likely to endanger the safety of that aircraft or the safety of persons thereon; or

(c) an act of violence or unlawful interference at an air navigation facility using any device, substance or weapon which causes or is likely to cause serious injury or death at that air navigation facility.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to imprisonment for life.

(3) For the purposes of this Act,

(a) "act of unlawful interference" means an act which is likely to jeopardize or jeopardizes the security or safety of civil aviation and air transport including the following:

(i) unlawful seizure of an aircraft;

(ii) forcible intrusion on-board an aircraft, at an airport or at a facility or on the premises relating to aeronautics;

(iii) the destruction of an aircraft in service:

(iv) hostage-taking on-board an aircraft or on an aerodrome;

(v) introduction of an unauthorized or a disguised weapon, a hazardous device or material on-board an aircraft or at an airport, or any security restricted area;

(vi) communication of false information so as to jeopardize the safety of

(A) aircraft in flight or on the ground; or

(B) passengers, crew, ground personnel or the general public at an airport or at the premises of a civil aviation facility;

(vii) use of an aircraft for the purpose of causing death, serious bodily harm or serious damage to property or the environment;

(viii) destruction of or serious damage to an airport or aircraft located at the airport which is likely to endanger safety at the airport;

(ix) disruption of services at an airport where such disruption is likely to endanger safety at the airport;

(x) destruction of, or serious damage to, an air navigation facility or interference with the operation of an air navigation facility which is likely to endanger the safety of aircraft in flight; or

(xi) placing or causing to be placed a device or substance on an aircraft which is likely to

(A) destroy or cause damage to the aircraft;

(B) render the aircraft incapable of flight; or

(C) endanger the safety of the aircraft when in flight; and

(b) "act of violence" means

(i) the offence of terrorism under the *Anti-Terrorism Act and Counter-Proliferation of Weapons of Mass Destruction Act*, Cap. 158;

(ii) the offence of murder, manslaughter, assault or any offence involving bodily harm under the *Offences Against the Person Act*, Cap. 141; or

(iii) an offence committed outside Barbados that would, if committed in Barbados, constitute an offence specified in subparagraph (i) or (ii).

Screening of persons, baggage and cargo

105.(1) An airport security officer, a customs officer or an employee or agent of a carrier may, with the consent of the passenger, screen the passenger and his baggage before that passenger boards any aircraft for the purpose of air travel.

(2) Where the passenger referred to in subsection (1) refuses to allow himself or his baggage to be screened, the carrier or agent of a carrier shall refuse to carry that passenger.

(3) A carrier is not liable to any civil proceedings other than proceedings in respect of any right that the passenger may have for the recovery of the fare, or any part thereof, by reason of the fact that the carrier has refused to carry the passenger who has refused to allow himself or his baggage to be screened.

(4) With respect to any screening made pursuant to subsection (1),

(a) screening personnel shall conduct security screening of persons in a manner that is no more intrusive than necessary to detect and resolve security alarms or to detect prohibited articles;

(b) a person shall not be required to remove any article of clothing, other than a head-gear, belt, shoes, coat, or other outer clothing, or such article of clothing as set out in the National Civil Aviation Security Programme; and

(c) a person shall only be screened in accordance with the provisions of the approved Aircraft Operator Security Programme or Airport Security Programme.

(5) An employee or agent of the carrier or any member of the Police Service, may examine any cargo before the cargo is loaded into any aircraft for the purpose of being carried by air from a place in Barbados to any other place.

Search of persons refusing to consent to screening

106.(1) Where a person has refused consent to the screening of himself or his baggage and a member of the Police Service has reasonable grounds to suspect that in relation to an aircraft on which that person was to be carried

(a) an act of unlawful interference;

(b) an act of violence; or

(c) any other offence under this Act,

is being or is likely to be committed, whether by that person or by another person, the member of the Police Service may, without a warrant, screen the person, detain him for the purpose of the screen and take possession of any prohibited article found in the course of that screen.

(2) A member of the Police Service who exercises the powers of screening conferred by subsection (1) shall identify himself to the person and produce evidence to the person that he is a member of the Police Service.

False statement for baggage

107.(1) Where in relation to any baggage, cargo or stores, whether belonging to him or to another person intended for carriage by an aircraft operating in Barbados, a person makes a statement that he knows or ought to have known to be false in a material particular in answer to a question that is put to him

(a) by any of the persons mentioned in subsection (2);

(b) by any employee or agent of a person mentioned in subsection (2); or

(c) by a member of the Police Service on duty,

that person is guilty of an offence.

(2) The persons referred to in subsection (1) are

(a) the aerodrome operator;

(b) the manager or supervisor employed by the carrier or the agent of a carrier; or

(c) a person authorized by the aerodrome operator

(i) who is permitted to have access to a restricted area of an airport for the purposes of the activities of a business carried on by him; and

(ii) who has control in that restricted area over the baggage, cargo or stores to which the question relates.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $75,000 or to imprisonment for 3 years or to both.

Unauthorized presence on-board aircraft

108.(1) A person shall not

(a) get into or onto an aircraft at an airport in Barbados except with the permission of the air operator of the aircraft or a person acting on his behalf; or

(b) remain on an aircraft at an airport after being requested to leave by the air operator of the aircraft or a person acting on his behalf.

(2) A person who contravenes subsection (1) without lawful authority or reasonable excuse is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 2 years or to both.

A person being a danger to others

109. A person on-board an aircraft in flight who

(a) engages in behaviour to such extent as to give rise to a reasonable apprehension that he is likely to endanger the safety of himself or the safety of others on-board the aircraft; or

(b) without justification engages in behaviour that is likely to cause serious offence or annoyance to any person on-board the aircraft at any time after having been requested by a member of the crew of the aircraft to cease such behaviour,

is guilty of an offence and is liable on summary conviction to a fine of $75,000 or to imprisonment for 3 years or to both.

General powers of arrest

110.(1) A member of the Police Service may without a warrant arrest a person within an airport

(a) where he has reasonable cause to believe that person has contravened any provision of this Act or the regulations and the member of the

Police Service does not know and cannot ascertain the name and address of that person; or

(b) where that person, in contravention of any provision of this Act or the regulations, fails or refuses to leave the airport or any particular part thereof after being requested by a member of the Police Service to do so.

(2) A member of the Police Service may, without a warrant, arrest any person who is in the vicinity of a prohibited area or a restricted area where he has reasonable grounds to believe that an offence has been or is being committed by that person under the *Hijacking Act*, Cap. 135A.

(3) A person who, when called upon to do so by a member of the Police Service, in good faith assists him in arresting any person is not guilty of any offence and is not liable to any civil proceedings in pursuance of that assistance.

Additional powers of Police Service

111.(1) A member of the Police Service may

(a) stop any person who is leaving a cargo area in an airport that is part of a prohibited area or restricted area and inspect any goods carried by that person;

(b) stop and search any vehicle or aircraft which is leaving any cargo area and inspect the vehicle or aircraft and any goods carried on or in it; and

(c) detain in the area

(i) any goods for which there is not produced an official document signed by the appropriate authority authorizing their removal from that area; and

(ii) any vehicle or aircraft so long as there are on or in it goods liable to detention under this paragraph.

(2) In this section, "cargo area" means an area which appears to be used wholly or mainly for the storage or handling of cargo, whether as a prohibited area, restricted area or otherwise.

PART XIII

NATIONAL AIR TRANSPORT FACILITATION

National Air Transport Facilitation Committee

112.(1) There shall be established a National Air Transport Facilitation Committee for the purposes of co-ordinating facilitation activities between the departments, agencies and other organizations of Barbados, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the National Air Transport Facilitation Programme.

(2) The *Fourth Schedule* has effect with respect to the constitution and management of the Committee and otherwise in relation thereto.

Functions of the National Air Transport Facilitation Committee

113. The functions of the Facilitation Committee are

(a) to establish a National Air Transport Facilitation Programme in compliance with the Chicago Convention that shall

(i) set out the Government's security policy in respect of civil aviation within Barbados and in respect of Barbados aircraft overseas; and

(ii) provide, through the establishment of standards and guidelines, the necessary safeguards against acts of unlawful interference;

(b) to implement and manage the provisions of the National Air Transport Facilitation Programme in Barbados;

(c) to ensure co-ordination between relevant ministries and agencies to remove unnecessary obstacles and delays and improve efficiency and service levels of civilian air transport services;

(d) to develop and implement the provisions of the National Air Transport Facilitation Programme in accordance with the provisions of the Chicago Convention;

(e) to review and consider recommendations to enhance facilitation of civil air transport made by relevant entities;

(f) to facilitate and expedite the clearance of aircraft landing in Barbados or overflying the airspace and ensure that arriving and departing passengers, aircraft, cargo and mail are not subjected to unnecessary delays at the points of entry or exit;

(g) to encourage the development of best practices in all areas of facilitation of civil air transport and inter-agency functions with immigration, customs and public health with respect to the handling of persons with disabilities;

(h) to advise the Board and the Minister, as necessary, of any need to amend the Barbados legislation to maintain compliance with the Chicago Convention or any other international agreement in relation to the facilitation of civil air transport;

(i) to inform relevant Government Departments and other relevant agencies or organizations of significant facilitation developments in the field of civil aviation and invite feedback with respect to the National Air Transport Facilitation Programme as appropriate;

(j) to undertake any matters related to air transport facilitation as directed by the Chairman and ensure operations are carried out in such a manner as to accomplish effective compliance with the laws of Barbados, while maintaining a high level of productivity for the operators, airports and agencies involved;

(k) to improve facilitation by co-operating with other states, particularly those partner states where bilateral air services are in place through their civil aviation entities in order to seek uniform solutions to common problems;

(l) to co-ordinate with the National Civil Aviation Security Committee on security related elements of facilitation matters and to ensure that there is a balance between the two areas while maintaining the inherent efficiency and speed of civil aviation activity;

(m) to advise the Minister on matters relating to the aviation industry;

(n) to review, evaluate and maintain the effectiveness of the programmes and procedures and to take such action as may be necessary to remedy any weaknesses; and

(o) to keep under constant review the civil aviation operations in Barbados and to make adjustments as necessary to the Programme.

National Air Transport Facilitation Programme

114.(1) There shall be a National Air Transport Facilitation Programme.

(2) The National Air Transport Facilitation Programme shall be binding on

(a) any official in the service of Barbados, any security officer or aviation security officer and any other person involved in the application of such security; and

(b) any other person, including a member of the public where the requirements of the National Civil Aviation Programme has been brought to the attention of that person by the Director General by such means as the Director General considers necessary.

PART XIV

APPEALS

Establishment of Tribunal

115.(1) There shall be a Civil Aviation Tribunal which shall hear appeals in accordance with this Act.

(2) The *Fifth Schedule* has effect with respect to the constitution of the Tribunal and otherwise in relation thereto.

Appeal to Tribunal

116. A person who is aggrieved by any decision made under this Act may appeal to the Tribunal for redress within 14 days of the date of the decision.

Disclosure of interest

117. Where a member of the Tribunal has a pecuniary or other interest in a matter before the Tribunal, that member shall disclose his interest to the Chairman and the Tribunal; and that member shall not be eligible to determine the matter.

Experts

118.(1) The Tribunal may hear evidence from experts or persons having technical or special knowledge to assist the Tribunal in an advisory capacity.

(2) Subject to subsection (1), the Authority shall fix the remuneration of such experts or persons to assist the Tribunal in an advisory capacity.

Reasons for decision

119. On the determination of an appeal the Tribunal shall, in writing, furnish the parties with its decision and the reasons for the decision.

Appeal to High Court

120. Where a person is aggrieved by a decision of the Tribunal, that person may appeal to the High Court.

Annual report from Tribunal

121. The Tribunal shall, not later than the 30th June in each year, submit to the Minister a report of its activities during the preceding year; and the Minister shall cause the report to be laid in each House of Parliament.

PART XV

OFFENCES

General Offences

Interpretation

122. In this Part,

"firearm" means any gun, rifle or pistol, whether or not it is

(a) able to discharge a bullet, shot, missile or other projectile; or

(b) assembled, in parts, broken or in disrepair;

"prohibited item" includes any

(a) firearm;

(b) dangerous or offensive weapon or instrument;

(c) ammunition;

(d) explosive substance or device or any other substance or device which may be used to endanger the safety of an aircraft or a person on board an aircraft;

(e) imitation of an item or substance described in paragraphs *(a)* to *(d)*;

(f) blunt, pointed or bladed item which is capable of being used to cause injury;

(g) chemical, toxic, explosive or highly combustible substance which poses a risk to the health of persons on board an aircraft or which poses a risk to the safety of an aircraft; and

(h) property or object capable or which appears capable of discharging a projectile or causing injury that the Authority declares by order to be a prohibited item;

"prohibited substance" means a controlled drug within the meaning of section 3 of the *Drug Abuse (Prevention and Control) Act*, Cap. 131; and

"security pass" means a pass which is issued by an aerodrome operator to employees or other authorized personnel of an aerodrome to allow those employees or other authorized personnel regulated access to secured or restricted areas of the aerodrome.

General offences

123.(1) No person shall

(a) knowingly make a false representation for the purpose of obtaining an aviation document;

(b) knowingly make a false entry in a load sheet, a report or other document required under this Act or knowingly omit to enter any particulars that ought to be entered therein;

(c) make a report which is false or misleading where a report is required under this Act;

(d) issue an aviation document when not authorized to do so;

(e) operate as a crew member on an aircraft whilst under the influence of alcohol or a prohibited substance;

(f) wilfully operate an aircraft that has been detained pursuant to this Act;

(g) knowingly operate any aircraft for which there is no certificate of airworthiness or operate any aircraft in violation of the terms of a certificate of airworthiness which has been issued for the aircraft;

(h) offer to, accept for carriage or carry dangerous goods on an aircraft without authorization under this Act or any other relevant enactment;

(i) interfere with

(i) the navigational equipment or safety equipment of an aircraft;

(ii) an aircraft; or

(iii) the safety service facilities at an aerodrome,

so as to endanger persons or to endanger the safety of the aircraft or the aerodrome;

(j) operate as a pilot of an aircraft without the relevant aviation document;

(k) operate as an air operator without the relevant aviation document;

(l) use an aircraft in the airspace of Barbados for the purposes of emitting or displaying an advertisement or communication in such a manner that the advertisement or communication is audible or visible from the ground;

(m) display or cause to be displayed on an aircraft marks which are false or misleading as to the registration of the aircraft;

(n) knowingly contravene a condition contained in an aviation document which is issued to him; or

(o) wilfully or knowingly operate an unmanned aircraft

(i) without the required permit;

(ii) in a manner that endangers the safety of any person, property or other aircraft;

(iii) within restricted or prohibited airspace without prior authorization; or

(iv) for the purpose of committing or facilitating a criminal act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

Obstruction of officers undertaking duties

124. Any person who wilfully obstructs or encourages another person to obstruct

(a) an employee or agent of the Authority or any other relevant person from carrying out a function or duty under this Act; or

(b) any examination or investigation which is required under this Act,

is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

Refusal to follow lawful instruction, answer inquiries or produce documents or materials

125.(1) A person who refuses to follow a lawful instruction given by an employee or agent of the Authority or a member of the Police Service for the purpose of

(a) ensuring safety at the aerodrome;

(b) ensuring the safety of property or any person at an aerodrome; or

(c) maintaining good order at the aerodrome,

is guilty of an offence and is liable on summary conviction to a fine of $50,000.

(2) A person who refuses for the purposes of an inspection, examination or investigation under this Act to

(a) answer any lawful inquiry; or

(b) produce documents or materials,

is guilty of an offence and is liable on summary conviction to a fine of $50,000.

Offences at Aerodrome or Airport

Offences at aerodrome

126. A person who at an aerodrome,

(a) assaults, intimidates, threatens or interferes with

(i) an airport security officer or any other officer on duty at the aerodrome; or

(ii) a member of the Police Service while on duty at the aerodrome;

(b) intentionally obstructs or encourages another person to wilfully obstruct

(i) an airport security officer or any other officer on duty at the aerodrome; or

(ii) a member of the Police Service,

from performing his duties or functions at the aerodrome;

(c) intentionally damages or destroys property at the aerodrome;

(d) intentionally uses any device, substance, firearm, weapon or explosives in a manner to

(i) endanger a person;

(ii) destroy or seriously damage facilities at the aerodrome;

(iii) destroy or seriously damage an aircraft; or

(iv) disrupt the services at the aerodrome; or

(e) negligently or recklessly acts in a manner likely to endanger a person,

is guilty of an offence and is liable on conviction on indictment to a fine of $250,000 or to imprisonment for a term of 25 years or to both.

Impersonation of aerodrome personnel

127. A person who wilfully impersonates, whether by words or conduct, any person employed or engaged as an agent at an aerodrome is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

Entry into secured or restricted areas of aerodrome

128.(1) A person shall not enter a secured or restricted area of an aerodrome without a security pass or the relevant authorization from the aerodrome operator.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

Security pass

129.(1) A person shall not

(a) use his office to influence the issuance of a security pass to a person who is not properly entitled to such a security pass;

(b) knowingly make a false statement for the purpose of obtaining a security pass or retaining the use of a security pass;

(c) knowingly use a false or an unauthorized security pass to

(i) gain entry into a secure or restricted area of an aerodrome; or

(ii) gain access to an aircraft or an air navigation installation;

(d) use a security pass which has been issued to another person;

(e) use a security pass

(i) when the holder is not on official duty;

(ii) for personal use or for activities unrelated to official duties; or

(iii) for any private or personal benefit of any kind;

(f) permit or allow any other person to use his security pass for any purpose; or

(g) use a security pass to escort or facilitate access for any person not authorized for unescorted access, unless such escort is permitted and conducted in accordance with documented escort procedures.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

(3) A holder of a security pass who

(a) fails to comply with a condition or term which relates to the use of the security pass;

(b) fails to display the security pass at an aerodrome when required to do so by an aerodrome operator;

(c) fails to promptly return a security pass after

(i) its expiry; or

(ii) he is no longer authorized to possess it;

(d) continues to use the security pass after it has expired;

(e) fails to immediately produce the pass for inspection or verification upon request by

(i) any member of the Barbados Police Service;

(ii) an aviation security inspector of the Authority; or

(iii) airport security personnel,

is guilty of an offence and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 3 months or to both.

Prohibited items in a secured or restricted area

130.(1) A person shall not, without lawful authority or reasonable excuse, take a prohibited item

(a) into a secured or restricted area of an aerodrome; or

(b) on board an aircraft.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 3 months or to both.

Trespassing at an aerodrome

131. A person who

(a) trespasses; or

(b) allows an animal to enter,

on land which forms part of an aerodrome is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 5 years or to both.

Offences in respect of Passenger Safety and Security

Operating an aircraft in a negligent manner

132. A person who operates an aircraft or allows an aircraft to be operated in a manner that is likely to endanger persons or property is guilty of an offence and is liable on summary conviction

(a) in the case of an individual, to a fine of $250,000 or to imprisonment for a term of 7 years or to both; and

(b) in the case of a body corporate, to a fine of $250,000.

Dangerous flying

133.(1) Notwithstanding section 132, where an aircraft is flown in such a manner as to cause danger to a person or damage to an aircraft or any other property, the pilot and the air operator are each guilty of an offence and liable on summary conviction

(a) in the case of individuals, to a fine of $250,000 or to imprisonment for a term of **7** years or to both; and

(b) in the case of a body corporate, to a fine of $250,000.

(2) In any proceedings against the air operator in respect of an alleged offence under this section, it shall be a defence to prove that the act alleged to constitute the offence was done without the knowledge or consent of the air operator.

Passenger offences

134.(1) No person shall, while boarding or while on board an aircraft,

(a) intentionally or recklessly use any item, device, substance, firearm, weapon or explosive in a manner that endangers or is likely to endanger

(i) a person; or

(ii) the safety of an aerodrome or elsewhere;

(b) use threatening language towards a crew member;

(c) behave in a threatening or disorderly manner towards a crew member;

(d) behave in a manner which interferes with the discharge of the functions and duties of a crew member;

(e) tamper or interfere with the aircraft, a component of the aircraft or aircraft equipment;

(f) refuse, without reasonable excuse, to follow a lawful instruction given by any crew member of the aircraft, any person employed at the

aerodrome or employed by the Authority or a member of the Police Service for the purpose of

(i) securing the safety of the aircraft or the safety of persons or property on board the aircraft;

(ii) removing objects or hazards to secure the safety of the aircraft or persons or property on board the aircraft; or

(iii) maintaining order on board the aircraft; or

(g) operate a portable electronic device on board the aircraft contrary to an instruction given by a crew member or stated in a notice or sign which is on board the aircraft.

(2) No person shall smoke on board any aircraft which is carrying passengers for hire and reward when instructed not to smoke by a crew member or stated in a notice or sign which is on board the aircraft.

(3) This section applies to any act or omission

(a) on an aircraft which is overseas and registered in Barbados; and

(b) which would be an offence if the act or omission occurs within Barbados or over the territorial waters of Barbados.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $250,000 or to imprisonment for a term of 7 years or to both.

(5) For the purposes of this section, reference to

(a) “aircraft equipment” includes smoke detectors; and

(b) “smoke” means to smoke, hold or otherwise have control over a vaporizer pen, an ignited tobacco product, weed or plant, fake cigarette or any illegal or prohibited substance.

Operation without a medical certificate or a certificate of approval

135.(1) Where in order to operate an aircraft a person is required

(a) to obtain a medical certificate; or

(b) to obtain a certificate of approval from the Director General, in a case where the medical certificate is issued overseas,

and that person operates an aircraft without obtaining a medical certificate or a certificate of approval from the Director General, that person is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 5 years or to both.

(2) Where a person holds a medical certificate, whether issued in Barbados or overseas, which imposes conditions, restrictions or endorsements, and that person operates an aircraft without complying with such conditions, restrictions or endorsements, that person is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 5 years or to both.

False and fraudulent documents and statements

136. A person who

(a) knowingly makes or causes to be made a fraudulent, misleading or false statement for the purpose of obtaining

(i) a medical certificate for the purposes of this Act; or

(ii) a certificate of approval from the Director General of a medical certificate which is issued overseas;

(b) fraudulently reproduces or alters a medical certificate, whether issued locally or overseas, or a certificate of approval from the Director General;

(c) knowingly holds or uses a fraudulent medical certificate, whether issued locally or overseas, or a certificate of approval from the Director General;

(d) knowingly makes or causes to be made a fraudulent, misleading or false entry in any logbook, record, form or report that is required to show compliance with any condition, restriction or endorsement on a validly issued medical certificate or a certificate of approval from the Director General; or

(e) knowingly makes or causes to be made a fraudulent, misleading or false statement during an investigation conducted for the purposes of this section,

is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 5 years or to both.

Failure to disclose information on medical conditions

137. A person who, without reasonable excuse, fails to disclose information required by the Director General for the purposes of investigating or determining the changes in a medical condition of an aviation document holder under this Act is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 5 years or to both.

General and Additional Penalties

General penalty

138. A person who contravenes any provision of this Act for which no penalty is expressly provided is liable on summary conviction

(a) in the case of an individual, to a fine of $10,000 or to imprisonment for a term of 2 years; and

(b) in the case of a body corporate, to a fine of $25,000.

Additional penalty for offences

139.(1) In addition to any penalty imposed by a court on a person convicted of an offence under this Act, the court may

(a) where applicable, disqualify the person from holding or obtaining an aviation document for such period not exceeding 12 months;

(b) impose such restrictions or conditions, or both on any aviation document issued to the person prior to his conviction for such period not exceeding 12 months; or

(c) if the court is satisfied that the offence was committed in the course of producing a commercial gain, order the person to pay to the court an amount not exceeding 3 times the value of any commercial gain resulting from the commission of the offence.

(2) Where a court

(a) makes an order pursuant to paragraph *(a)* or *(b)* of subsection (1); or

(b) removes any disqualification as may be specified in an order made pursuant to paragraph *(a)* or *(b)* of subsection (1),

the court shall cause particulars of the order to be forwarded to the Authority.

Retention and custody of aviation documents

140.(1) Where a court makes an order in accordance with paragraph *(a)* or *(b)* of section 139(1), the person to whom the order applies shall immediately surrender any aviation document to the Director General.

(2) Where a person surrenders an aviation document pursuant to subsection (1), the Director General shall

(a) endorse the terms of the disqualification, restriction or condition which relate to the aviation document; or

(b) retain the aviation document until the disqualification, restriction or condition has expired or has been sooner removed and the person entitled to the document has made a request in writing for its return.

(3) Where a person entitled to an aviation document is a person to whom subsection (4) applies, the Director General shall not return the document to the person until that person has passed the tests and fulfilled the requirements referred to in that subsection.

(4) Where a person holding an aviation document is disqualified from holding or obtaining such document, and the disqualification expires before the expiration of the term of the aviation document, that aviation document, on the expiration of the disqualification, continues to be of no effect until the holder

(a) undergoes and passes such tests; and

(b) fulfils such requirements,

as the Director General may specify for applicants.

PART XVI

MISCELLANEOUS

Barbadian registered aircraft over high seas

141. All aircraft registered in Barbados, while being operated over the high seas, shall operate in accordance with the Rules of the Air prescribed by regulations made under section 152(1)*(c)*, in accordance with the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention.

Interception of Aircraft

142.(1) The pilot-in-command of a Barbados registered civil aircraft or any other civil aircraft that is being operated by a Barbados operator that is in flight over the territory of another State shall comply with any marshalling signal,

interception order or manoeuvre issued by an appropriate authority of the other State in compliance with Annex 2 of the Chicago Convention.

(2) The pilot-in-command of any aircraft, when in flight over Barbados, shall comply with any marshalling signal, interception order or manoeuvre issued by an appropriate authority of Barbados in compliance with the Rules of the Air Regulations made under the provisions of this Act, and in accordance with the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention.

(3) A person who fails to comply with subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of $250 000 or to imprisonment for a term of 7 years or to both.

(4) In any proceedings for a offence committed under subsection (1) or (2) it is a defence if it is established that the person believed on reasonable grounds that compliance with the marshalling signal, interception order, or manoeuvre would be more likely to endanger the safety of the aircraft or of persons on board the aircraft than would a failure to comply with the marshalling signal, interception order, or manoeuvre.

(5) In this section "Barbados Operator" means an air operator whose principle place of business or whose place of permanent residence is in Barbados.

Jurisdiction of the court

143.(1) The jurisdiction of the court shall extend to any offence under this Act if the act constituting the offence takes place on board

(a) an aircraft registered in Barbados;

(b) a leased aircraft whose principal place of business is in Barbados;

(c) an aircraft which is in Barbados or flying over Barbados; and

(d) any aircraft in flight outside Barbados if

(i) the next landing of the aircraft is Barbados;

(ii) the pilot-in-command of the aircraft has delivered a person suspected of committing the offence to relevant authorities for prosecution of the offence; and

(iii) the pilot-in-command or an air operator does not request another contracting state to prosecute the suspected person for such offence in accordance with the laws of that contracting state.

(2) For the purposes of this section, reference to the term "Barbados" includes territorial waters.

Detention of aircraft

144.(1) Where an air operator defaults in his payment of charges incurred for an aircraft at an aerodrome, an aerodrome operator of the aerodrome may,

(a) pending payment of the charges by the air operator, detain

(i) the aircraft in respect of which the charges were incurred; or

(ii) any other aircraft which the air operator owns which is at the aerodrome; and

(b) where the charges are not paid within 30 days after the date when the detention begins, sell the aircraft in order to satisfy the charges.

(2) An aerodrome operator shall not detain or continue to detain an aircraft under this section by reason of any alleged default in the payment of airport charges where

(a) the air operator or any other person claiming an interest therein disputes that charges are due or incurred; and

(b) pending the determination of the dispute, the air operator gives the aerodrome operator sufficient security for the payment of the charges which are alleged to be due.

(3) An aerodrome operator shall not sell an aircraft under this section without the leave of the High Court, irrespective of the charges which are alleged to be due.

(4) Subject to subsection (3), the High Court shall not grant leave to sell an aircraft except on proof that

(a) a sum is due to the aerodrome operator for airport charges;

(b) default has been made in the payment thereof; and

(c) the aircraft which the air operator seeks leave to sell is liable to sale under this section by reason of the default.

(5) An aerodrome operator who proposes to apply for leave to sell an aircraft under this section shall take such steps as may be prescribed for

(a) bringing the proposed application to the notice of persons whose interest may be affected by the determination of the High Court thereon; and

(b) affording to any person an opportunity of becoming a party to the proceedings on the application.

(6) Where the High Court grants leave to sell an aircraft, the aerodrome operator shall ensure that the aircraft is sold for the best price that can be reasonably obtained.

(7) Failure to comply with subsection (5) in respect of any sale, while actionable as against the aerodrome operator concerned at the suit of any person suffering loss in consequence thereof, shall not after the sale has taken place be a ground for impugning its validity.

(8) The proceeds of a sale under this section shall be applied in the following order:

(a) in payment of any customs duty which is due as a result of the aircraft having been brought to Barbados;

(b) in payment of the expenses incurred by the aerodrome operator in detaining, keeping and selling the aircraft, including the expenses relating to the application to the High Court;

(c) in payment of the airport charges which the High Court has found to be due; and

(d) where there is a surplus, the surplus shall be paid to the aircraft owner or air operator as appropriate.

(9) The power of detention conferred by subsection (1) may be exercised by the aerodrome operator

(a) where the charges have been incurred by the air operator; or

(b) on any subsequent occasion where the aircraft is at any aerodrome managed by the aerodrome operator.

(10) This section applies to any aerodrome owned by the State.

(11) For the purposes of this section, reference to the term "aircraft" includes any equipment or stores which are used in connection with the operation of the aircraft and carried in the aircraft, whether or not the equipment or stores belong to the air operator.

Exemptions

145.(1) The Authority may, by order, exempt any person from any requirement in regulations made pursuant to this Act where the Authority is satisfied that

(a) it is just and equitable to do so;

(b) the granting of such exemption shall not compromise the safety of

(i) an aircraft, whether manned or unmanned;

(ii) an aerodrome;

(iii) a person on an aircraft;

(iv) a person in the vicinity of an aircraft, whether manned or unmanned;

(v) a person utilizing an aerodrome; and

(c) the exemption will not contravene the Chicago Convention or the State's compliance with relevant requirements of the ICAO.

(2) Where the Authority grants an exemption pursuant to this section, the Authority may set out terms and conditions with respect to the exemption.

(3) Subject to subsection (2), where a person contravenes any terms and conditions stated within the exemption, the exemption is deemed to be revoked.

(4) A person who desires an exemption under this section shall apply in writing to the Authority.

Sharing of information

146.(1) The Authority may disclose information which it receives to

(a) an authorized official of the State; or

(b) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other law of Barbados.

(2) The Authority shall not disclose information to a person referred to in paragraph *(b)* of subsection (1) unless

(a) there is a memorandum of understanding in respect of the use of the information; and

(b) the Authority is satisfied that the person has given an appropriate undertaking to protect the confidentiality of the information and for the control of the use of the information.

Confidentiality

147.(1) No employee or agent of the Authority shall

(a) use, either directly or indirectly, any confidential information obtained as a result of his relationship with the Authority for his own benefit or advantage; or

(b) disclose confidential information obtained as a result of his relationship with the Authority to any person other than to

(i) an authorized official of the State; or

(ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other law of Barbados.

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

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $50,000 or to imprisonment for 5 years or to both.

Publication of information

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

Protection of officers and agents

149. No action or other proceedings for damages shall be instituted against a member of the Authority or an employee or agent of the Authority in the discharge or purported discharge of his respective functions under this Act unless it is shown that the act or omission was done in bad faith.

Guidelines, operational manuals and operational regulations

150.(1) The Authority may issue guidelines for the purpose of

(a) establishing codes of conduct to govern the civil aviation sector;

(b) modernizing the civil aviation sector; and

(c) promoting international standards and practices in respect of the civil aviation sector.

(2) Guidelines issued in accordance with subsection (1) shall be published in the *Official Gazette*.

(3) The Authority may issue such operational manuals and operational regulations as it thinks fit in respect of the civil aviation sector.

General regulations

151.(1) The Minister may make regulations

(a) for the issuance and administration of air service licences and permits that may be subject to conditions, limitations and restrictions, to national and foreign operators where such national and foreign operators use aircraft for commercial purposes;

(b) granting exemptions and deviations from Regulations made under the Act;

(c) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any aviation document or the undergoing of any examination or test required by, or in pursuance of the Regulations, or in respect of any other matter for which it appears to the Minister to be expedient to charge fees;

(d) for general aviation operations within the territory and airspace of Barbados that may be subject to conditions, limitations and restrictions to ensure safety and security of civil aviation;

(e) for all aircraft of Maximum Takeoff Weight (MTOW) less than 750kgs engaged in recreational and sporting operations in the airspace above the territory of Barbados;

(f) ensuring that foreign operators operating in Barbados comply with the safety and security requirements of regulations made under the Act;

(g) for designation by the Director General of inspectors and appropriately qualified persons to perform any of the functions under the Act or Regulations made thereunder where such functions do not include self-regulation;

(h) conferring on such persons as may be specified, powers relating to the enforcement of any condition or prohibition; including powers to examine, take samples of, seize and detain any goods, to require a passenger carrying any baggage or packages containing goods to open such baggage or packages for inspection and to produce any document;

(i) making provision for emergencies;

(j) respecting any documents or information that must be supplied with any application under this Act;

(k) relating to the hearing of matters under this Act in relation to aggrieved persons or to appeals to the Tribunal;

(l) prescribing any matter or thing required by this Act to be prescribed;

(m) respecting any matter required to carry out the purposes of this Act; and

(n) generally, for the proper administration of this Act.

(2) Regulations made under subsection (1) are subject to negative resolution.

Technical regulations

152.(1) The Minister may, after consultation with the Director General, make regulations in respect of

(a) carrying out and giving effect to the provisions of the Chicago Convention and Protocols which are ratified by Barbados;

(b) licensing and surveillance of personnel and for the certification and surveillance of aviation training organizations in accordance with the applicable Standards and Recommended Practices of Annex 1 of the Chicago Convention;

(c) rules of the air in accordance with the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention;

(d) meteorology and for the certification and surveillance of aviation meteorological service providers in accordance with the applicable Standards and Recommended Practices of Annex 3 of the Chicago Convention;

(e) aeronautical charts and for the certification and surveillance aviation aeronautical charts service providers in accordance with the applicable Standards and Recommended Practices of Annex 4 of the Chicago Convention;

(f) the units of measurements to be used in the air and ground operations in accordance with the applicable Standards and Recommended Practices of Annex 5 of the Chicago Convention;

(g) the operation of aircraft, namely

(i) international commercial air transport operations for aeroplanes and helicopters;

(ii) international general aviation operations for aeroplanes and helicopters;

(iii) the certification and surveillance of aircraft operators;

(iv) the conditions under which passengers, goods and cargo may be carried by air; and

(v) the certification and surveillance of approved maintenance organizations, in accordance with the applicable Standards and Recommended Practices of Annex 6 of the Chicago Convention;

(h) the registration of civil aircraft in Barbados in accordance with the applicable Standards and Recommended Practices of Annex 7 of the Chicago Convention;

(i) certifying the airworthiness of civil aircraft and for adopting international airworthiness stands for aeronautical products in accordance with the applicable Standards and Recommended Practices of Annex 8 of the Chicago Convention;

(j) securing the efficiency and regularity of the operations of air navigation and the safety and security of aircraft and of persons and property carried thereon and of persons and property on the ground in accordance with the applicable Standards and Recommended Practices of Annex 9 of the Chicago Convention;

(k) aeronautical telecommunication and for adopting international standards for aeronautical telecommunication products in accordance with the applicable Standards and Recommended Practices of Annex 10 of the Chicago Convention;

(l) air traffic control, the certification and surveillance of air traffic control service providers and control of the airspace above the territory of Barbados in accordance with the applicable Standards and Recommended Practices of Annex 11 of the Chicago Convention;

(m) search and rescue operations and for search and rescue service providers in accordance with the applicable Standards and Recommended Practices of Annex 12 of the Chicago Convention;

(n) conducting aircraft accidents and incidents investigations in accordance with the applicable Standards and Recommended Practices of Annex 13 of the Chicago Convention;

(o) safety and security of aerodromes and other aviation facilities, aerodrome certification, licensing, permits, approvals and surveillance of aerodromes and heliports in accordance with the applicable Standards and Recommended Practices of Annex 14 of the Chicago Convention;

(p) aeronautical information services and the certification and surveillance of aeronautical information service providers in accordance with the applicable Standards and Recommended Practices of Annex 15 of the Chicago Convention;

(q) aircraft noise and aircraft engine emissions in accordance with the applicable Standards and Recommended Practices of Annex 16 of the Chicago Convention;

(r) aviation security, the certification and surveillance of aviation service providers in accordance with the applicable Standards and Recommended Practices of Annex 17 of the Chicago Convention;

(s) the safe transport of dangerous goods by air, prohibiting the carriage by air, of such goods as may be specified by the Regulations and the certification and surveillance of organizations that undertake to transport dangerous goods by air in accordance with the applicable Standards and Recommended Practices of Annex 18 of the Chicago Convention; and

(t) certification and surveillance of Safety Management Systems for aviation organizations in accordance with the applicable Standards and Recommended Practices of Annex 19 of the Chicago Convention.

(2) Regulations made under subsection (1) are subject to negative resolution.

Special Administration Orders

153.(1) If, on an application made to the Minister by the Authority, the Minister is satisfied in relation to any company that is an airport licensee that any one or more of the grounds specified in subsection (2) is satisfied in relation to that company, the Minister may make any one or more of the following orders:

(a) a special administration order in relation to that company;

(b) an order requiring the company to take any action immediately or to immediately do or not to do any act or thing in relation to its business as the Minister may consider necessary; and

(c) an order appointing a person to advise the company in the proper conduct of its business.

(2) The grounds mentioned in subsection (1) are, in relation to any company that is an airport licensee for an airport

(a) that there has been, is or is likely to be such a contravention by the company of the conditions of its airport licence or this Act, which is serious enough to make it inappropriate for the company to continue to hold the airport licence for that airport;

(b) that the company is or is likely to be unable to pay its debts;

(c) that the Minister considers it in the interest of the security and reliability of the provision of airport services and facilities relating to that airport; or

(d) that the Minister otherwise considers it in the public interest.

(3) Notice of any application under subsection (1) must be given immediately by the Authority to such persons and in such manner as may be prescribed.

(4) Any decision of the Minister under subsection (1) is final.

(5) For the purposes of this section, a company is unable to pay its debts if it is a company which is deemed to be so unable under the *Bankruptcy and Insolvency Act*, Cap. 303.

(6) A special administration order is an order of the Minister made in accordance with subsection (1) in relation to an airport licensee and directing that, during the period for which the order is in force, the affairs, business and property of the airport licensee must be managed by a person appointed by the Minister

(a) for the achievement of all or any of the purposes of such an order; and

(b) in a manner which protects the respective interests of the members, creditors and customers of the company.

(7) The purposes of a special administration order made in relation to any company are for

(a) the security and reliability of the supply of airport services and facilities relating to the airport;

(b) the survival of the company, or the whole or part of its undertaking as a going concern; and

(c) the transfer to another person or entity, of so much of the company's undertaking as is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its airport licence may be properly carried out.

Forms

154. All forms required for the purposes of this Act shall, with the approval of the Minister, be provided by the Authority.

Amendment of Schedules

155. The Minister may by order amend the *First*, *Third*, *Fourth* and *Fifth Schedules* to this Act.

CASSOS Agreement and force of law

156.(1) Articles V, VII, X, XII, XIII, XV and XVIII of the CASSOS Agreement shall continue to have the force of law.

(2) All sums approved by the Parliament under the former Act to be paid in accordance with Article XV of the CASSOS Agreement shall continue to be a charge on the Consolidated Fund.

(3) All sums required to be paid under Article XV of the CASSOS Agreement shall be a charge on the Consolidated Fund and shall be approved by Parliament.

Transfer and vesting of assets in the Authority

157. After the commencement of this Act,

(a) all assets and liabilities incurred by the Authority established by the former Act are deemed to be transferred to the Authority;

(b) any right, privilege, duty or obligation conferred on or imposed upon the Authority established by the former Act are deemed to be transferred to the Authority; and

(c) any contract entered into by or on behalf of the Authority established under the former Act or any other action commenced by the Authority established under the former Act is deemed to have been entered into by or behalf of the Authority.

Transitional re Civil Aviation Department

158. Any reference to the “Civil Aviation Department” in any enactment or any other document shall be, unless the context otherwise requires, construed as a reference to the Authority.

Savings re authorizations issued under former Act and grace period re new authorizations

159. Any licence, permit, certificate, accreditation or other authorization issued under the *Civil Aviation Act, Cap. 288B,* and the former Act shall continue in force for a period of 12 months or until it is revoked or whichever is the longer period.

Savings re appeals

160. Where at the commencement of this Act a Tribunal or a panel of a Tribunal constituted under the former Act is in the process of hearing an appeal made pursuant to the former Act, that Tribunal or panel shall continue to hear and determine the appeal under the former Act.

Savings re civil proceedings

161. All civil proceedings commenced before the commencement of this Act in any court of competent jurisdiction by or against the Authority established by the former Act may be continued by or against that Authority under the former Act.

Saving of statutory instruments under former Act

162. All statutory instruments made under the *Civil Aviation Act*, Cap. 288B, and the former Act shall continue in force until amended or revoked and shall have effect to the extent that they are not inconsistent with this Act.

Act binds the State

163. This Act binds the State.

Repeal

164. The *Civil Aviation Act 2022* (Act 2022-19) is repealed.

Commencement

165. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 8(2))

Civil Aviation Authority Board

Appointment of members

1.(1) The Board shall consist of 10 members as follows:

(a) the Director General, *ex officio;*

(b) the Permanent Secretary in the Ministry responsible for International Transport, *ex officio*;

(c) five persons appointed by the Minister by instrument in writing with experience in the following disciplines:

(i) civil aviation;

(ii) financial management or economics;

(iii) forensic accounting; or

(iv) human resource management;

(d) one person from civil society appointed by the Minister by instrument in writing; and

(e) an attorney-at-law of at least 10 years standing appointed by the Minister.

(2) A member shall

(a) hold office for a term not exceeding 3 years; and

(b) is eligible for reappointment for a further 3 years.

Appointment of Chairman, Deputy Chairman and Secretary

2.(1) Subject to subparagraph (2), the Minister shall appoint a member to be the Chairman of the Board and another member to be Deputy Chairman of the Board.

(2) The Director General and the Director of Air Navigation Services shall not be eligible to be appointed as Chairman or Deputy Chairman of the Board.

(3) A staff member of the Authority shall be assigned to perform the duties of secretary to the Board.

Remuneration

3. A member of the Board is entitled to such remuneration and allowances as the Minister determines.

Resignation

4.(1) A member may resign his office by letter addressed to the Chairman who shall forthwith forward the letter to the Minister.

(2) The Chairman may resign his office by letter addressed to the Minister.

(3) A resignation takes effect from the date on which the Minister receives the letter of resignation.

Temporary leave of absence

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

Temporary appointment

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

Revocation of appointment

7. If the Minister is satisfied that a member

(a) has been incapacitated by physical or mental illness; or

(b) is otherwise unable or unfit to discharge the functions of a member,

the Authority may, by notice published in the *Official Gazette*, declare the office of the member to be vacant and, thereupon, the office shall become vacant.

Vacancies

8.(1) A vacancy in the membership of the Board arises on

(a) the death or resignation of a member;

(b) the revocation of the appointment of a member; or

(c) the absence of a member from 4 consecutive meetings of the Board without the approval of the Minister.

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

Disqualification of a member

9. A person is not eligible to be a member of the Board if that person is a member of Parliament.

Gazetting of appointments

10. The appointment, resignation, death or removal from office of a member shall be published in the *Official Gazette*.

Seal and execution of documents

11.(1) The seal of the Authority shall be

(a) kept in the custody of the Chairman or the person performing the duties or functions of secretary to the Board and may be affixed to documents or instruments pursuant to a resolution of the Board; and

(b) authenticated by the signature of the Chairman or the person performing the functions of secretary to the Board.

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

Committees

12.(1) The Board may appoint committees of its members or other persons to assist it with the proper discharge of its functions under this Act.

(2) Where a person who is not a member of the Board is appointed to a committee, the Board may, with the approval of the Minister, determine the remuneration and allowances to be paid to the person.

Meetings

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

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Board; and in the case of the absence of both the Chairman and the Deputy Chairman, the members present and constituting a quorum may elect a temporary Chairman from among their members, and such temporary Chairman shall preside at that meeting.

(3) Five members shall constitute a quorum.

(4) The decisions of the Board shall be by a majority of votes and, in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.

(5) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Board or by such other officer as the Board appoints for the purpose and shall be confirmed by the Board and signed by the Chairman at the next meeting of the Board.

(6) The performance of the functions or the exercise of the powers of the Board shall not be invalidated by reason only of a vacancy in the membership of the Board.

Attendance of non-members at meetings

14. The Board may invite any person to attend any of its meetings to assist or advise it with respect to any matter under its consideration, but a person so invited does not have a right to vote.

Board may regulate proceedings

15. Subject to the provisions of this *Schedule*, the Board may regulate its own proceedings.

SECOND SCHEDULE

(Section 40)

List of Persons Who Require Licences, Permits or Certificates

PART A

CERTIFICATES

	Person	Certificate	Period of Certificate
1.	Air Operator	Air Operator Certificate	1 year
2.	Aviation Training Organization	Aviation Training Certificate	1 year
3.	Aircraft Maintenance Organization	Aircraft Maintenance Certificate	1 year
4.	Student Pilot	Student Pilot Certificate	5 years
5.	Aerodrome Operator	Aerodrome Certificate	5 years
6.	International Airport Operator	International Airport Operator Certificate	5 years
7.	Aerial Work Operator	Aerial Work Certificate	1 year
8.	Medical Examiner	Medical Examiner Certificate	3 years
9.	Foreign Air Operator	Foreign Air Operator Certificate	2 years

Second Schedule - (Concl'd)

PART B

LICENCES

	Person	Licence	Period of Licence
1.	Air Operator	Air Transport Licence	1 year
2.	Air Traffic Controller	Air Traffic Controller Licence	2 years
3.	Aircraft Mantenance Engineer	Aviation Maintenance Engineer Licence	2 years
4.	Private Pilot	Private Pilot Licence	2 years
5.	Commercial Pilot	Commercial Pilot Licence	1 year
6.	Air Transport Pilot	Air Transport Pilot Licence	1 year
7.	Air Transport Pilot (for Single Crew)	Air Transport Pilot Licence	6 months
8.	Commercial Pilot (for Single Crew)	Commercial Pilot Licence	6 months
9.	Flight Engineer (Rating)	Flight Engineer Rating	4 years
10.	Pilot (Instrument Rating)	Pilot Instrument Rating	1 year
11.	Ground Instructor	Ground Instructor Licence	2 years
12.	Flight Instructor (Rating)	Flight Instructor Rating Licence	2 years
13.	Flight Operations Officer	Flight Operations Officer Licence	1 year
14.	Parachute Rigger	Parachute Rigger Licence	2 years
15.	Free Balloon Pilot	Free Balloon Pilot Licence	2 years
16.	Glider Pilot	Glider Pilot Licence	2 years
17.	Student Pilot	Student Pilot Licence	5 years

THIRD SCHEDULE

(Section 88(2))

National Civil Aviation Security Committee

Members of the National Civil Aviation Security Committee

1.(1) The National Civil Aviation Security Committee shall be constituted in accordance with subparagraphs (2) and (3).

(2) The Minister shall appoint an attorney-at-law of at least 10 years standing to the Committee and that member

(a) shall be Chairman of the Committee;

(b) shall hold office for a term not exceeding 3 years; and

(c) shall be eligible for reappointment for a further term of 3 years.

(3) The following functionaries shall be *ex officio* members:

(a) the Director General, *ex officio* or his nominee;

(b) the Director of Air Navigation Services, *ex officio* or his nominee;

(c) the Permanent Secretary in the Ministry responsible for International Transport, *ex officio* or his nominee;

(d) the Permanent Secretary in the Ministry responsible for Defence and Security, *ex officio* or his nominee;

(e) the Permanent Secretary, Ministry responsible for Foreign Affairs, *ex officio* or his nominee;

(f) the Commissioner of Police, *ex officio* or his nominee;

(g) the Chief of Staff, Barbados Defence Force, *ex officio* or his nominee;

(h) the Comptroller of Customs, *ex officio* or his nominee;

(i) the Chief Immigration Officer, *ex officio* or his nominee;

(j) the Chief Executive Officer, Grantley Adams International Airport Inc., *ex officio* or his nominee;

(k) the Chief Fire Officer, *ex officio* or his nominee; and

(l) the Post Master General, *ex officio* or his nominee.

Appointment of Chairman, Deputy Chairman and Secretary

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

(2) A staff member of the Authority shall be assigned to perform the duties of secretary to the Committee.

Remuneration

3. A member of the Committee is entitled to such remuneration and allowances as the Minister determines.

Resignation

4.(1) A member, other than the Chairman, may resign his office by letter addressed to the Chairman who shall forthwith forward the letter to the Minister.

(2) The Chairman may resign by letter addressed to the Minister.

(3) A resignation takes effect from the date on which the Minister receives the letter.

Temporary leave of absence

5.(1) A member mentioned in paragraph (1) who is unable to attend shall notify the Chairman at least 24 hours before the meeting commences in writing of an alternate who shall attend the meeting of the National Civil Security Committee.

(2) An alternate may cast one vote for the member that is attending the meeting of the Committee.

Gazetting of appointments

6. The appointment of a member shall be published in the *Official Gazette*.

Meetings

7.(1) The Committee shall meet at least once every 6 months and as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Committee; and in the case of the absence of both the Chairman and the Deputy Chairman the members present and constituting a quorum may elect a temporary Chairman from among their members, and such temporary Chairman shall preside at that meeting.

(3) No less than seven members or their representatives, including not less than six of the members referred to subparagraphs *(a), (c), (d), (f), (g)* and *(j)* of in paragraph 1, shall constitute a quorum.

(4) The decisions of the Committee shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.

(5) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Committee or by such other officer as the Committee appoints for the purpose and shall be confirmed by the Committee and signed by the Chairman at the next meeting of the Committee.

(6) The performance of the functions or the exercise of the powers of the Committee is not invalidated by reason only of a vacancy in the membership of the Committee.

Attendance of non-members at meetings

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

Committee may regulate proceedings

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

FOURTH SCHEDULE

(Section 101(2))

National Air Transport Facilitation Committee

Appointment of members

1.(1) The National Air Transport Facilitation Committee shall be constituted in accordance with subparagraphs (2) and (3).

(2) The Minister shall appoint an attorney-at-law of at least 10 years standing to the Committee and that member

(a) shall be Chairman of the Committee;

(b) shall hold office for a term not exceeding 3 years; and

(c) shall be eligible for reappointment for a further term of 3 years.

(3) The following functionaries shall be *ex officio* members:

(a) the Director General, *ex officio* or his nominee;

(b) the Director of Air Navigation Services, *ex officio* or his nominee;

(c) the Permanent Secretary in the Ministry with responsibility for International Transport, *ex officio* or his nominee;

(d) the Permanent Secretary Ministry of Defence and Security, *ex officio* or his nominee;

(e) the Permanent Secretary Ministry of Health and Wellness, *ex officio* or his nominee;

(f) the Permanent Secretary Ministry of Agriculture, *ex officio* or his nominee;

(g) the Comptroller of Customs, *ex officio* or his nominee;

(h) the Chief Immigration Officer, *ex officio* or his nominee;

(i) the Commissioner, *ex officio* or his nominee;

(j) the Chief Executive Officer, Grantley Adams International Airport Inc., *ex officio* or his nominee; and

(k) the Chief of Security, Grantley Adams International Airport Inc., *ex officio* or his nominee.

Appointment of Chairman, Deputy Chairman and Secretary

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

(2) A staff member of the Authority shall be assigned to perform the duties of secretary to the Committee.

Remuneration

3. A member of the Committee is entitled to such remuneration and allowances as the Minister determines.

Resignation

4.(1) A member, other than the Chairman, may resign his office by letter addressed to the Chairman who shall forthwith forward the letter to the Minister.

(2) The Chairman may resign by letter addressed to the Minister.

(3) A resignation takes effect from the date on which the Minister receives the letter.

Gazetting of appointments

5. The appointment of a member of the Committee shall be published in the *Official Gazette*.

Meetings

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

(2) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Committee; and in the case of the absence of both the Chairman and the Deputy Chairman the members present and constituting a quorum may elect a temporary Chairman from among their members, and such temporary Chairman shall preside at that meeting.

(3) Seven members shall constitute a quorum.

(4) The decisions of the Committee shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.

(5) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Committee or by such other officer as the Committee appoints for the purpose and shall be confirmed by the Committee and signed by the Chairman at the next meeting of the Committee.

(6) The performance of the functions or the exercise of the powers of the Committee is not invalidated by reason only of a vacancy in the membership of the Committee.

Attendance of non-members at meetings

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

Committee may regulate proceedings

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

FIFTH SCHEDULE

(Section 104(2))

Constitution of Civil Aviation Tribunal

Appointment of members of Tribunal

1.(1) The Tribunal shall consist of

(a) a Chairman who shall be an attorney-at-law with not less than 10 years' standing; and

(b) 6 other members,

who shall be appointed in writing by the Authority.

(2) A member of the Tribunal

(a) shall hold office for a term not exceeding 3 years; and

(b) shall be eligible for reappointment.

Disqualification

2. A person is not eligible to be a member of the Tribunal if that person

(a) is a member of Parliament; or

(b) is a public officer.

Resignation of members of Tribunal

3. A member of the Tribunal may at any time resign his membership by notice in writing addressed to the Authority and transmitted through the Chairman; and upon receipt of the notice by the Authority, he ceases to be a member of the Tribunal.

Resignation of the Chairman

4. The Chairman of the Tribunal may at any time resign his office by notice in writing addressed to the Authority and, upon receipt of the notice by the Authority, he ceases to be a member of the Tribunal.

Temporary leave of absence

5. The Authority may, where the Authority considers it necessary, grant leave of absence to any member of the Tribunal.

Temporary appointment

6. Where a member of the Tribunal is likely to be unable to perform the functions of his office, whether as a result of absence from Barbados, illness or any other cause, the Authority may appoint a person to act in the place of the member.

Remuneration

7. The members of the Tribunal are entitled to such remuneration and allowances as the Authority, with the approval of the Minister, determines.

Revocation of appointment

8. If the Authority is satisfied that a member

(a) has been incapacitated by physical or mental illness; or

(b) is otherwise unable or unfit to discharge the functions of a member,

the Authority may, by notice published in the *Official Gazette*, declare the office of the member to be vacant and, thereupon, the office shall become vacant.

Vacancies

9. In the case of the temporary absence or inability of a member to act, the Authority may, by notice published in the *Official Gazette*, appoint a suitable person to act in that member's place.

Gazetting of appointments

10. The Authority shall publish in the *Official Gazette* notice of the appointment or cessation of appointment of a member of the Tribunal.

Sittings of the Tribunal

11.(1) The Tribunal shall sit at such times and at such places in Barbados as the Chairman considers necessary for the proper performance of its functions.

(2) The Tribunal may, at the discretion of the Chairman, sit in private where it appears expedient that the Tribunal should do so.

Validity of proceedings

12. The validity of any proceedings of the Tribunal shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Appeals

13.(1) In determining an appeal, the Tribunal may review the whole case in respect of law and fact and shall determine the case in accordance with its own judgment.

(2) In the case of a difference of opinion among members sitting together, the opinion of the majority shall prevail, and in the case of an equality of numbers, the opinion of the Chairman shall prevail.

(3) Notwithstanding subparagraph (2), where the question to be determined is one of law, account shall not be taken of the opinion of a member who is not an attorney-at-law.

(4) The decision of the Tribunal shall be in writing and shall include reasons for the decision, a statement of its findings on material questions of fact and a reference to the evidence or other material on which the findings are based.

(5) The Tribunal shall ensure that the decision is served on each party to the proceedings.

Procedure on appeal

14.(1) In the hearing and determination of any matter before it, the Tribunal may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the *Evidence Act,* Cap. 121; but the Tribunal may inform itself on any matter in such manner as it thinks just and may take into account opinion evidence and such facts as it considers relevant and material, but in any such case, the parties to the proceedings shall be given the opportunity, if they so desire, of adducing evidence.

(2) The parties to the proceedings shall be entitled to appear in person or may be assisted in the preparation of their respective cases by counsel or by a duly authorized representative.

(3) Notwithstanding subparagraph (2), for the purposes of reviewing a decision, the Tribunal may proceed in the absence of a party who has been given reasonable notice in writing to attend.

Cost

15. The parties to the proceedings shall be entitled to appear in person or may be assisted in the preparation of their respective cases by counsel or by a duly authorized representative, but the Tribunal shall not award costs to any party

to a proceeding before the Tribunal other than sums in respect of the reasonable costs incurred in anyone or more of the following:

(a) the filing of documents;

(b) the obtaining of any expert report; or

(c) the enforcement of an award of the Tribunal,

and any such award of costs shall be in the discretion of the Tribunal.

Powers of Tribunal

16.(1) The Tribunal may issue subpoenas, make orders and give directions to such persons and in such manner as it thinks fit for the purpose of summoning witnesses, requiring the disclosure of documents or other evidence, requiring parties or witnesses to answer questions, and for the purpose of conducting its proceedings in a proper and orderly manner.

(2) Without prejudice to the generality of paragraph 14, the Tribunal, as respecting the attendance and examination of witnesses, the production and inspection of documents and all other matters necessary for the exercise of its jurisdiction, shall have all such powers as are vested in a magistrate's court in an action in that court.

Regulation of procedure

17. Subject to this Act, the Tribunal shall regulate its own procedure and may make rules for that purpose.

SIXTH SCHEDULE

(Section 150)

CONSEQUENTIAL AMENDMENT

Column 1	Column 2
Enactment	*Amendment*
Airports Act, Cap. 285A	Section 2 of the *Airports Act,* Cap. 285A is amended by *(a)* inserting in the appropriate alphabetical order the following definition: " "aerodrome" means any area of land or water, designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft, whether on the ground, on the roof of a building or elsewhere which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;"; and *(b)* deleting the definition "airport" and substituting the following: " "airport" means an aerodrome which meets the requirements of this Act and at which there are facilities for customs and immigration services;".

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