



S.I. 2024 No. 61

**SHIPPING (DOMESTIC VESSELS)
(SMALL COMMERCIAL VESSELS)
REGULATIONS, 2024**

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SCHEDULE

Operating and Safety Instructions To Be Given By Water Sports Craft Operators

Shipping (Domestic Vessels) Act, 2024
(Act 2024–22)

**SHIPPING (DOMESTIC VESSELS)
(SMALL COMMERCIAL VESSELS)
REGULATIONS, 2024**

The Minister, in exercise of the powers conferred on him by section 305(1) (p) of the *Shipping (Domestic Vessels) Act, 2024*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Shipping (Domestic Vessels) (Small Commercial Vessels) Regulations, 2024*.

Definitions

2. In these Regulations,
“daily water sports installation” means a water sports installation that is removed from the water on a daily basis;
“monthly water sports installation” means a water sports installation that is in place for not less than 72 hours but not more than 30 days;
“permanent water sports installation” means a water sports installation that is in place for not less than 72 hours but not more than 6 months;
“short-term water sports installation” means a water sports installation that is in place for not more than 72 hours;
“water sports floating device”
(a) means a floating device used for the purposes of water sports; and

(b) includes

- (i) an inflatable water device;
- (ii) a raft;
- (iii) a trampoline; or
- (iv) any similar floating device;

“water sports installation” means an object or device of any material filled with a gas to produce bouyancy, anchored to the sea floor and used for the purpose of recreation or water sports.

Life saving and safety equipment

3.(1) A vessel owner or operator shall ensure that a small commercial vessel has the following on board:

(a) life saving equipment including

- (i) life jackets suitable for the size of persons on board;
- (ii) life rafts;
- (iii) life buoys of sufficient capacity to accommodate the number of persons on board;
- (iv) first aid kit; and
- (v) flares and distress signalling equipment and apparatus; and

(b) fire protection equipment including

- (i) fire extinguishers;
- (ii) fire buckets; and

(c) an emergency plan, in digital format or print copy.

(2) The items referred to in paragraph (1) shall be

(a) safely stored on board the vessel;

- (b) annually inspected, serviced or tested, as the case may be; and
 - (c) be consistent with the length, type and operational circumstances of the vessel.
- (3) A vessel owner or operator shall
 - (a) ensure that all vessels are equipped with appropriate fire detection systems and effective fire-fighting systems;
 - (b) regularly service and maintain fire-fighting systems in accordance with manufacturer's recommendations;
 - (c) regularly check smoke and heat detectors; and
 - (d) immediately contact the Coast Guard and shore-based emergency personnel in event of a fire on board.
- (4) A person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of \$20 000 and liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Life jackets and life vests

- 4.(1) A vessel owner or operator shall provide a life jacket or life vest to a hirer, a passenger and any person who, not being the vessel owner or operator, intends to operate the vessel which was hired.
- (2) A hirer, passenger and any person who, not being the vessel owner or operator, who operates the vessel which was hired, shall wear a life jacket or life vest while the vessel is being operated.
- (3) A person who contravenes paragraph (1) is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (4) A person who contravenes paragraph (2) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

Navigation equipment

5.(1) A vessel owner or operator shall ensure that a small commercial vessel is equipped with the following:

- (a) GPS or any other tracking device or system;
- (b) one pair of binoculars;
- (c) navigational lights;
- (d) a table of life saving signals;
- (e) a signalling lamp suitable for Morse Code;
- (f) a radar;
- (g) a radar reflector;
- (h) a flag of Barbados; and
- (i) any other equipment as may be necessary for the safe navigation of the vessel.

(2) The equipment on board shall be consistent with the length, type and operational circumstances of the vessel.

(3) Small open water crafts and submersible vessels are exempted from the requirement at paragraph (1)(a).

(4) A vessel owner or operator shall make available any GPS or equivalent tracking device, system or information where it is requested by an authorised person.

(5) A vessel owner or operator shall

- (a) ensure that all crew are trained to manage the navigation and communication equipment;

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- (b) ensure alternative power sources, including batteries for navigational and communication equipment, where such equipment is linked to a single power source;
 - (c) ensure there is an adequate supply of battery operated equipment; and
 - (d) accurately and effectively communicate the location of the vessel to Coast Guard and other rescue and support services to enable safe and swift vessel assistance.
- (6) Where a vessel is to operate in the night or any period of darkness, a vessel owner or operator shall
- (a) install navigation lights on the vessel;
 - (b) ensure that the vessel's navigation lights are used; and
 - (c) regularly check that the lights are functioning.
- (7) Where practicable, all jet skis and water sports craft shall be equipped with a mirror on the left and right sides.
- (8) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Radio communication equipment

- 6.(1) A vessel owner or operator shall ensure that a small commercial vessel is equipped, where practicable, with radio communication equipment including a high frequency radio.
- (2) The radio equipment on board shall be consistent with the type and operational circumstances of the vessel.
- (3) A vessel owner or operator shall ensure that the vessel's radio communication equipment is regularly checked and functioning.

(4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Radar reflector

7.(1) A vessel owner or operator shall ensure that

(a) a small commercial vessel is equipped, where practicable, with a radar reflector or an equivalent device to enable detection by other vessels; and

(b) the radar reflector is installed in accordance with the manufacturer's instructions and as high as is necessary for maximum detection range

(2) Notwithstanding paragraph (1), a small commercial vessel operating between sunrise and sunset shall be exempted from the requirement at paragraph (1).

(3) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(4) For the purposes of this regulation, "radar reflector" means a device which enables detection by vessels navigating by radar.

Vessel monitoring system

8.(1) A vessel owner or operator shall ensure that a small commercial vessel is equipped, where practicable, with a vessel monitoring system.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

(3) For the purpose of this regulation, "vessel monitoring system" means a system used to monitor the movement of a vessel.

Table of life saving signals

9.(1) A vessel owner or operator shall ensure that a small commercial vessel is equipped with a table of life saving signals.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

General safety procedures

10.(1) No person other than

- (a) the master or a crew member assigned to the deck of a small commercial vessel shall take charge of watch on the deck of that vessel; or
- (b) a crew member of a small commercial vessel who is an engineer shall take charge of watch in the engine room of that vessel.

(2) Prior to the commencement of any voyage, the master of small commercial vessel shall advise the passengers on board of the following:

- (a) the emergency procedures in the event of
 - (i) a collision of the vessel at sea;
 - (ii) any other accident at sea;
- (b) the location and availability of the life-saving equipment;
- (c) the instructions for utilizing the life-saving equipment;
- (d) the location of muster stations; and
- (e) any other relevant information.

(3) An operator of a small commercial vessel shall comply with the emergency procedures for safety of life at sea.

(4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Vessel kill switch

11.(1) A vessel owner or operator shall ensure a water sports craft not exceeding 4 metres in length is

- (a) fitted with a switch hereinafter referred to as a "kill switch"
 - (i) designed to disable or turn off the engine where the driver has lost control of the water sports craft; and
 - (ii) designed with lead to be attached to the wrist or ankle of the operator of the craft; and
- (b) fitted with a device designed to return the water sports craft's throttle to idle where the kill switch malfunctions.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

First aid station

12.(1) An operator shall establish and maintain a first aid station or a joint first aid station, as the case may be,

- (a) along the route where he normally operates the vessel; or
- (b) at such other place approved by the Administration.

(2) A person may apply to the Administration in the form and manner specified.

(3) Where a person has satisfied the requirements of an application, the Administration shall approve, in writing, the establishment of a first aid station or a joint first aid station, as the case may be.

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- (4) The approval referred to in paragraph (3) may be subject to terms, conditions and restrictions.
- (5) A first aid station or joint first aid station shall be clearly identified as such.
- (6) A joint first aid station shall be jointly maintained and operated by such persons specified in the approval.
- (7) A first aid station or joint first aid station shall
- (a) be equipped with life saving equipment including
 - (i) life jackets and life buoys;
 - (ii) first aid kit, oxygen tanks and suitable masks; and
 - (iii) any other equipment or medical supplies that the Administration may specify; and
 - (b) be operated by a person suitably qualified in first aid procedures, including cardiopulmonary resuscitation.
- (8) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (9) For the purpose of this regulation, “first aid station” means the area or location that provides emergency care or treatment before regular medical aid can be obtained.

Operating a vessel at a safe speed

- 13.(1) All persons shall operate a small commercial vessel at a safe speed.
- (2) In establishing a safe speed, an operator shall take into account
- (a) visibility;
 - (b) maritime traffic density;
 - (c) manoeuvrability of the vessel;

- (d) background light at night;
 - (e) proximity of navigational hazards;
 - (f) draught of the vessel;
 - (g) limitations of radar equipment; and
 - (h) weather conditions.
- (3) All persons operating a vessel shall reduce speed when approaching or passing the following:
 - (a) a vessel under way, lying to, at anchor or made fast to the shore;
 - (b) a sea user;
 - (c) a person engaged in a water sports activity; or
 - (d) boat ramps, boat houses, piers, docks, swimming areas, near-shore fishing areas, designated marine areas and the shoreline.
- (4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (5) For the purpose of this regulation, “safe speed” means the speed at which a vessel is operated by an operator who can
 - (a) take proper and effective action to avoid a collision; and
 - (b) stop the vessel within a distance appropriate to the prevailing circumstances and conditions.

Operating a vessel in no-wake zones

- 14.(1)** No person shall operate a small commercial vessel in excess of the maximum speed in a no-wake zone.
- (2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Operating a vessel in prohibited areas

15.(1) No person shall operate a small commercial vessel or conduct water sports activities in a prohibited area.

(2) Where it is necessary for a small commercial vessel to enter a prohibited area for the purpose of anchoring, refuelling or beaching, such vessel shall be driven at a speed not exceeding 5 knots.

(3) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Routes for entry and exit

16.(1) An operator of a small commercial vessel shall use the route for entry to and exit from the area designated for water sports activities.

(2) The route referred to in paragraph (1) shall be demarcated by buoys.

(3) Notwithstanding paragraph (1), a vessel may be permitted to use a route other than the route for entry to and exit from the area designated for water sports activities in the following circumstances:

- (a) a medical emergency;
- (b) an environmental emergency;
- (c) adverse weather; or
- (d) a navigational hazard.

(4) Where a vessel uses a route other than the route for entry to and exit from the area designated for water sports activities, an operator shall not operate the vessel

- (a) in an unsafe speed or in an unsafe manner; or
- (b) in close proximity to any other sea users including swimmers, divers, sea bathers or other water craft users.

(5) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Prohibition of activities in routes for entry and exit

17.(1) No person shall swim, bathe or conduct any other activity in an entry or exit route designated for water sports activities.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Diving

18.(1) Subject to this regulation, a person who dives with or without a snorkel shall have a ballasted orange float which shall be fitted with

- (a) a mast so as to be in an upright position when afloat; and
- (b) a dive flag.

(2) The float referred to in paragraph (1) shall be anchored in the area in which the diving is taking place.

(3) A diver shall dive not more than a radius of 25 metres away from the float.

(4) No person shall operate a water sports craft within 50 metres to a float.

(5) A dive flag shall

- (a) be attached to the float accompanying the diver;
- (b) have a length to width ratio of 2:3; and
- (c) a width not less than 18 inches.

(6) Where a diver wishes to dive outside the radius mentioned in paragraph (3), he shall change the position of the float and flag accordingly.

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- (7) Where there are several divers in a group, one float and one flag may be used.
- (8) Where drift diving is taking place in a group
- (a) one diver in the group shall have a clearly visible surface marker attached to him; and
 - (b) the other divers in the group shall at all times during the dive be within 30 metres of that diver.
- (9) Any person in charge of a vessel that is not accompanying a diver shall keep that vessel at a distance of
- (a) not less than 60 metres from the dive flag; and
 - (b) in the case of drift diving, 60 metres from the dive vessel and the diver.
- (10) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (11) For the purposes of this regulation,
- “dive flag” means
- (a) a rectangular flag with a white diagonal stripe running from the upper left corner to the lower right corner against a red background;
 - (b) an alpha flag being a flag with a swallow tail shape, which is white vertically to the hoist and blue to the fly; and
 - (c) any other flag which is internationally recognized;
- “drift diving” means dives from a vessel where the divers drift for the majority of the dive and where the vessel does not remain moored during the dive.

Area for bathing and diving

19.(1) A person may apply, in writing, to the Administration for permission to enclose, by means of buoys, any area in a harbour for the purpose of bathing or diving.

(2) The Administration may, with the approval of the Minister, grant permission to enclose by means of buoys any area in a harbour to be used exclusively for the purpose of sea-bathing or diving.

(3) All buoys placed in a harbour for the purpose mentioned in paragraph (1) shall be placed within 60 metres from the shore and shall be

- (a) orange in colour; and
- (b) not less than 30 centimetres in diameter.

(4) The Director shall cause to be erected on the land immediately adjoining the foreshore of any area where buoys are placed by virtue of paragraph (1) not fewer than 3 copies of a notice

- (a) printed in red letters and figures on a white background, not less than 60 centimetres long by 45 centimetres wide;
- (b) affixed to an upright pole not less than 1.8 metres high; and
- (c) bearing the words

"CAUTION

PERSONS ARE ENGAGED IN WATER SPORTS ACTIVITIES
SUCH AS JET-SKIING, WATERSKIING AND SURFING
OUTSIDE THE AREA MARKED WITH ORANGE COLOURED
BUOYS. DIVERS AND SWIMMERS SHOULD PROCEED
WITH CAUTION".

Operating a vessel in designated bathing and diving areas

20.(1) No person shall operate a vessel or engage in water sports activities in an area designated for bathing or diving.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Route to water sports activities

21.(1) An operator of a small commercial vessel used for water sports activities shall proceed seaward for at least 200 metres from the shore before any water sports activity is undertaken by the use of that vessel.

(2) Notwithstanding paragraph (1), an operator of a small commercial vessel used for water-skiing only shall proceed seaward for at least 75 metres from the shore before any water-skiing is undertaken by the use of that vessel.

(3) Paragraph (2) shall not apply for the purpose of taking a child water-skiing.

(4) Where water-skiing commences close to the shore, the water sports craft shall not be operated

(a) in an unsafe speed or in an unsafe manner; or

(b) in close proximity to any other sea users including swimmers, divers, sea bathers or other water craft users.

(5) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Night water taxi services

22.(1) A vessel owner or operator of a small commercial vessel, except a jet ski, may engage in night water taxi services where

(a) there is a valid certificate of seaworthiness in respect of the vessel;

- (b) there is a valid insurance policy or an equivalent form of security in respect of the vessel;
 - (c) the vessel is equipped with appropriate navigational lights; and
 - (d) the vessel complies with the requirements of the Act and its statutory instruments.
- (2) A person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (3) For the purpose of this regulation, “night” refers to the period from sunset to sunrise.

Time to remove water sports craft

- 23.(1)** Subject to these Regulations, no person shall operate a water sports craft for commercial purposes or water sports activities after sunset.
- (2) An operator shall be permitted a 30 minute period after sunset to operate a water sports craft for the purpose of removing the water sports craft from the water.
 - (3) No person shall operate a water sports craft for commercial purposes or water sports activities within the 30 minute period referred to in paragraph (2).
 - (4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Towing requirements

- 24.(1)** No person who operates a water sports craft shall tow a vessel or a person in an unsafe manner or without an observer on board.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Operating a vessel under the influence

25.(1) No person shall

- (a) operate a vessel while he is under the influence of alcohol or a controlled drug; or
- (b) allow a person to operate a vessel who is under the influence of alcohol or a controlled drug.

(2) A maritime law enforcement officer may detain or impound a vessel where he has reason to believe that a vessel is operated by a person who is under the influence of alcohol or a drug.

(3) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Prohibition of dangerous activities

26.(1) No person may operate a vessel within a 15 metres of another vessel unless

- (a) such vessel is
 - (i) owned by the State or a statutory board; or
 - (ii) involved in an organized and approved racing competition or display; or
- (b) for the purpose of rendering assistance, transferring passengers or cargo or connecting a tow.

(2) A vessel shall be stationary when transferring passengers or cargo or connecting a tow.

(3) No person on board a vessel shall cling to or board another vessel, whether at anchor or underway, without the prior permission of the owner or operator of the other vessel.

(4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Misconduct of operators

27.(1) An operator shall conduct himself in an appropriate manner while engaging in activities at sea.

(2) No operator shall

- (a) use abusive language towards a customer, potential customer, sea user or operator;
- (b) harass a person with a view of engaging that person as a potential customer;
- (c) bully another operators lawfully conducting business in the marine environment; or
- (d) assault any person including sea users, potential customers, operators lawfully conducting business in the marine environment.

(3) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Misconduct of persons

28.(1) No person shall assault, harass, bully or use abusive language to a person in the marine environment.

(2) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000.

Age requirements

- 29.(1)** No person shall hire or operate a water sports craft unless he is 16 years of age or older.
- (2) A person who wishes to hire or operate a water sports craft shall present a valid form of identification evidencing he is 16 years of age or older.
- (3) No vessel owner or operator shall hire a water sports craft to a hirer unless that person presents a valid form of identification evidencing he is 16 years of age or older.
- (4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$10 000.

Operating instructions

- 30.(1)** No operator shall hire or allow a water sports craft to be operated by another person unless
- (a) he notifies that person orally and in writing of the operating instructions set out in the *Schedule*; and
 - (b) the hirer or the person who is to operate the water sports craft has signed a copy of the operating instructions indicating that he has been instructed as indicated.
- (2) An operator shall not hire a water sports craft unless he has received a signed copy of the operating instructions by the hirer or the person who is to operate the water sports craft.
- (3) A hirer or a person who is permitted to operate a water sports craft shall sign a copy of the operating instructions indicating that the operator has instructed him as indicated.
- (4) Where practicable, a hirer shall ensure that the operating instructions are kept on board a water sports craft during the period of hire.

- (5) A hirer or person who is to operate a water sports craft shall
- (a) comply with the operating instructions; and
 - (b) operate the water sports craft in accordance with the operating instructions.
- (6) A person who contravenes paragraph (1), (2) or (3) is guilty of an offence and liable on summary conviction to a fine of \$20 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.
- (7) A person who contravenes paragraph (5) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Waiver forms

- 31.(1)** No operator shall hire a water sports craft or water sports device to a hirer unless he
- (a) provides a waiver form to a hirer;
 - (b) receives a completed and signed waiver form from the hirer; and
 - (c) provides operating and safety instructions to the hirer.
- (2) All hirers shall sign and return the completed waiver form referred to in paragraph (1) to the operator.
- (3) A waiver form shall contain the following information:
- (a) the full name of each hirer;
 - (b) the address of the hirer in Barbados;
 - (c) the address of the hirer abroad, where applicable;
 - (d) a declaration by each hirer or person who will operate the small commercial vessel, that the water sports craft or water sports device is being used at his own risk;

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- (e) a declaration by each hirer or person who will operate the small commercial vessel, as to his medical fitness to operate a water sports craft or water sports device;
 - (f) a declaration by each hirer or person who will operate the small commercial vessel that the operator of the water sports craft or water sports device has provided him with operational and safety instructions including the following:
 - (i) prohibited areas;
 - (ii) designated marine areas;
 - (iii) no-wake zones;
 - (iv) operational and maritime safety information to sea users and vessels; and
 - (g) any other information as may be specified by the Administration.
- (4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Notice of water sports activities

- 32.(1) The Administration shall give notice of an area where water sports activities are being conducted.
- (2) All divers, swimmers and other sea users are to proceed with caution where
- (a) an area is demarcated by buoys for the purpose of sea bathing or diving; and
 - (b) water sports activities are conducted in close proximity to the demarcated area.

Water sports installation

33.(1) A person who wishes to install a water sports installation shall obtain a water sports installation permit.

(2) All water sports installations shall

- (a) comply with general requirements for safety of life at sea;
- (b) not endanger the marine environment; and
- (c) not obstruct other sea users.

(3) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$ 20 000.

Application

34.(1) A person may apply to the Administration for a water sports installation permit.

(2) An application shall be

- (a) in writing;
- (b) accompanied by the relevant fees; and
- (c) made no less than 30 days before the intended installation date.

Issuance

35.(1) Where an applicant has met the requirements and paid the prescribed fees, the Administration shall issue a water sports installation permit.

(2) A water sports installation permit may be subject to such terms, conditions and restrictions as may be specified by the Administration.

Renewal

36.(1) A water sports installation permit may be renewed.

- (2) A person may apply to renew a water sports installation permit in the prescribed manner and upon paying the prescribed fee.
- (3) The Administration shall renew a water sports installation permit where the applicant has met the requirements for renewal.

Water sports floating devices

37.(1) No person shall install or offer for hire in Barbados waters any water sports floating device unless he obtains written permission from the Administration.

- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of 10 000.

Emergency procedures

- 38.(1)** A vessel owner or operator of a small commercial vessel shall
- (a) establish a general emergency plan taking into account the length, type and operational circumstances of the vessel; and
 - (b) ensure compliance with the emergency procedures.
- (2) Where practicable, all small commercial vessels shall conspicuously display the emergency procedures for the vessel.
- (3) A vessel owner or operator shall
- (a) upon embarkation,
 - (i) inform passengers of the vessel's emergency procedures; and
 - (ii) ensure passengers undergo the relevant emergency drills, including notice of muster stations, use of safety equipment;
 - (b) conduct vessel emergency drills with crew frequently;
 - (c) annually review and update the vessel's emergency procedures; and
 - (d) undertake any other necessary measures on emergency procedures.

- (4) An emergency procedure shall take into account the following:
- (a) a person overboard
 - (b) safety equipment;
 - (c) emergency steering;
 - (d) water ingress;
 - (e) fire detection and fire-fighting;
 - (f) safe navigation and communication; and
 - (g) any other emergency considerations.
- (5) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Person overboard

- 39.(1)** Before a vessel departs, a vessel owner or operator shall
- (a) identify the likely vessel operations and areas on board vessel which may result in a person falling overboard;
 - (b) consider whether certain areas of a vessel should be deemed out of bounds;
 - (c) ensure the wearing of a harness or tether; and
 - (d) plan a watch system in the event of a reduced number of crew on deck.
- (2) Where a person is overboard, a vessel owner or operator shall
- (a) establish whether the person overboard is physically connected to or physically disconnected from the vessel;
 - (b) mark the position of the person overboard using a danbuoy or similar equipment to stop the vessel as safely and as quickly as possible;

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- (c) safely and quickly stop the vessel in order to minimize the risk of drowning where the person overboard is connected or tethered to the vessel;
 - (d) give specific attention to the location of the person overboard to ensure that person is clear of any risk of the vessel propeller;
 - (e) use an appropriate method of marking the person overboard where that person is disconnected from the vessel including
 - (i) electronic means such as GPS plotter or other similar device; and
 - (ii) visual means such as a danbuoy deployed in the water;
 - (f) alert the crew that an incident has occurred;
 - (g) remain in safe and close contact with the person overboard, where possible;
 - (h) ensure all recovery procedures are effected as soon incident occurs;
 - (i) take all reasonable measures to recover the person who has fallen into the water including throwing a life ring or launching a rescue boat, if available; and
 - (j) contact the Coast Guard and shore-based emergency personnel as soon as the incident occurs.
- (3) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Emergency steering operation

40.(1) Where practicable, all small commercial vessels shall conspicuously display the procedure and diagram for an emergency steering operation.

- (2) All operators shall conduct
- (a) a routine check for proper working of manual emergency system and steering gear system; and
 - (b) an emergency steering drill every 3 months to facilitate the training of crew so that in emergency situation vessels control can be regained as soon as possible, avoiding collision or grounding.
- (3) The following procedure shall be observed for an emergency steering operation:
- (a) application method of controlling the direction of thrust;
 - (b) use of an emergency tiller to fit the head of a rudder stock;
 - (c) use of a steering oar on the transom;
 - (d) manipulation of power distribution between the drives;
 - (e) water sports installation permit of a means to lock drives in mid-ship positions;
 - (f) any other appropriate emergency steering system; or
 - (g) contact the Coast Guard and emergency shore-based personnel immediately, where incident not brought under control.
- (4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Water ingress

- 41.(1)** An operator shall investigate water ingress on a voyage.

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- (2) The following procedure shall be observed for water ingress:
- (a) determine the source of water ingress where water is found within interior of vessel at any time prior to, during and after any voyage of any length or duration;
 - (b) routinely inspect bilges at least once per day;
 - (c) conduct inspections of water ingress in the case of heavy weather or rough seas;
 - (d) ensure strum boxes are kept clean and free of debris;
 - (e) ensure bilges are kept as clear as practical to avoid blocking the bilge pump filters; and
 - (f) where salt water found while operating at sea, slow down or stop vessel until source has been identified.
- (3) In the case of water ingress, an operator or boat master shall inspect the following areas:
- (a) any skin fitting or seacock such as a toilet discharge pipe or an echo sounder log;
 - (b) propeller shaft or sail drive interface;
 - (c) steering gear, rudder bearings and rudder stock;
 - (d) kneel bolts and surrounding structure;
 - (e) windows, hatches and port-lights;
 - (f) standing rigging attachment points on deck; and
 - (g) hull and deck joint.
- (4) Where there is water ingress an operator shall take the following actions:
- (a) take reasonable care for the safety of persons;
 - (b) consider any crew below decks and the stowage of any safety equipment;

- (c) consider the Emergency Position Indicating Radio Beacons (EPIRB) or emergency grab bag and potential notification of a shore contact;
 - (d) thoroughly inspect all internal structural members, focusing on high areas of load or stress, such as the inner hull matrix around the keel attachments and bulkheads supporting this area;
 - (e) investigate lockers, such as anchor locker for structural and watertight integrity;
 - (f) identify rate of ingress against method of egress, and ensure vessel remains a safe platform to operate from;
 - (g) protect cargo and other items;
 - (h) check electrical security to ensure the continued safety of vessel;
 - (i) check the stability of the vessel;
 - (j) set an emergency sail plan including changing vessel to a more favourable direction with respect to sea conditions, a reduction in speed or alteration to original sail plan;
 - (k) where water ingress is manageable, determine the nearest safe haven and detail an appropriate passage plan in order to reach that destination; and
 - (l) maintain close communication with Coast Guard and shore-based emergency personnel.
- (5) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both and is liable to have the relevant licence, certificate or permit, as the case may be, suspended or revoked.

Transitional

42.(1) Where immediately before the commencement of these Regulations

- (a) a vessel is licensed under the *Barbados Harbours Regulations, 1961* (LN 1961 No. 11) to carry passengers or goods; or
- (b) an operator of a water sports craft holds a permit issued under the *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164),

the licence or permit, as the case may be, unless previously revoked or cancelled under those Regulations remains valid until the date fixed for its expiry.

(2) All licences or permits to drive water sports craft issued pursuant to the *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164) unless previously revoked under those Regulations, remain valid until the date fixed for their expiry.

(3) Any record or register of licences to drive a water sports craft and any other record or register kept pursuant to the *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164) shall continue to have effect as though kept pursuant to these Regulations.

(4) All certificates of registration, certificates of seaworthiness and any other certificates issued under the *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164) remain valid until the date fixed for their expiry.

(5) Where a vessel is being operated for the carriage of passengers for hire or reward immediately before the commencement of these Regulations and the operator does not possess a licence under the *Barbados Harbours Regulations, 1961* (LN 1961 No. 11), the operator shall, where he intends to continue to operate the vessel as a passenger ferry, apply to the Director in writing, for a licence to operate the passenger ferry within 3 months of the commencement of these Regulations.

Revocation

43. The *Shipping (Watersports) Regulations, 2004* (S.I. 2004 No. 164) are hereby revoked.

SCHEDULE*(Regulation 30)**Operating and Safety Instructions To Be Given By Water Sports Craft Operators*

A licensed water sports craft operator shall give the following instructions when hiring out a vessel to any person:

- (a) how to start, stop, steer, restart, board and re-board the water sports craft;
- (b) how to attach the kill-switch to his ankle;
- (c) how to turn a water sports craft upright and how to re-board it from the rear;
- (d) how to reinsert the kill-switch and reattach the kill-switch to his ankle;
- (e) to stay well clear of other water sports craft and vessels;
- (f) to avoid engaging in racing or performing stunts;
- (g) to avoid sudden and sharp turns;
- (h) to always ensure that the area is clear before turning;
- (i) to avoid driving at excessive speeds;
- (j) to look out for and not to operate within 50 metres of dive flags and sail boats;
- (k) to enter and exit the beach at slow speeds through the designated routes;
- (l) not to interchange riders whilst at sea;
- (m) that where 2 water sports craft are likely to collide with each other head-on, the driver is to alter his course to the starboard (right) side of the oncoming water sports craft and pass the other water sports craft on the port (left) side;
- (n) that a vessel under power should always give way to a sailing vessel;
- (o) that a vessel should always give way to another vessel on its starboard side (right side);
- (p) that any vessel overtaking another shall stay clear of the vessel being overtaken;
- (q) distance permitted offshore;
- (r) speed in allowable area;
- (s) location, time and date of vessel return;

- (*t*) areas where the water sports craft may be used;
- (*u*) designated marine areas;
- (*v*) no-wake zone restrictions;
- (*w*) operational courtesies to sea users and vessels; and
- (*x*) any other related matters.

Made by the Minister this 21st day of October, 2024.

G. P. I. GOODING-EDGHILL
Minister responsible for Shipping